

FORA ESCA REMEDIATION PROGRAM

FINAL

Group 3

Land Use Controls Implementation Plan/
Operation and Maintenance Plan
Del Rey Oaks / Monterey, Laguna Seca Parking,
and Military Operations in Urban Terrain Site
Munitions Response Areas

Former Fort Ord
Monterey County, California

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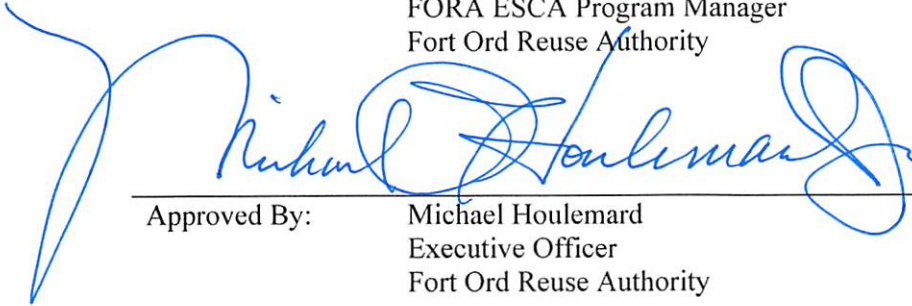
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**Group 3
Land Use Controls Implementation Plan/Operation and Maintenance Plan
Former Fort Ord
Monterey County, California**



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ACRONYMS AND ABBREVIATIONS

AOC	Administrative Order on Consent
ARARs	applicable or relevant and appropriate requirements
Army	United States Department of the Army
bgs	below ground surface
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
County	County of Monterey
CRUP	Covenant to Restrict Use of Property
cy	cubic yards
DMM	discarded military munitions
DoD	Department of Defense
DRO	Del Rey Oaks
DTSC	Department of Toxic Substances Control
EOD	explosive ordnance disposal
EPA	United States Environmental Protection Agency
EPP	Environmental Protection Provisions
ESCA	Environmental Services Cooperative Agreement
ESD	Explanation of Significant Differences
FFA	Federal Facility Agreement
FORA	Fort Ord Reuse Authority
ft	foot
HE	high explosive
HMP	Habitat Management Plan
LE	low explosive
LTO	Long-Term Obligation
LTMM	Long-Term Management Measure
LUC	Land Use Control
LUCIP	Land Use Controls Implementation Plan
MD	munitions debris
MDAS	material documented as safe
MEC	munitions and explosives of concern
mm	millimeter
MOA	Memorandum of Agreement
MOUT	Military Operations in Urban Terrain
MPC	Monterey Peninsula College
MR	Munitions Response
MRA	Munitions Response Area

MRS	Munitions Response Site
OMP	Operation and Maintenance Plan
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
RP	Remediation Program
SS/GS	SiteStat/GridStat
TCRA	Time-Critical Removal Action
USACE	United States Army Corps of Engineers
UXO	unexploded ordnance

GLOSSARY

Anomaly

Any item that is seen as a subsurface irregularity after geophysical investigation. This irregularity should deviate from the expected subsurface ferrous and non-ferrous material at a site (i.e., pipes, power lines, etc.).

Anomaly Avoidance

Techniques employed on property known or suspected to contain unexploded ordnance (UXO), other munitions that may have experienced abnormal environments (e.g., discarded military munition [DMM]), munitions constituents in high enough concentrations to pose an explosive hazard, or chemical agent (CA), regardless of configuration, to avoid contact with potential surface or subsurface explosive or CA hazards, to allow entry to the area for the performance of required operations.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980

CERCLA authorizes federal action to respond to the release or threatened release of hazardous substances into the environment or a release or threatened release of a pollutant or contaminant into the environment that may present an imminent or substantial danger to public health or welfare.

Construction Activity

Development or construction which includes ground-disturbing or intrusive activities such as excavation, digging, development and other ground disturbance that involves displacement of more than ten (10) cubic yards (cy) of soil. Construction activities within the Group 3 MRA are subject to the excavation permitting process under the MPC, Monterey County, and Cities of Del Rey Oaks and Monterey digging and excavation ordinances.

Construction Support

Assistance provided by the United States (US) Department of Defense (DoD) explosive ordnance disposal (EOD) or Unexploded Ordnance (UXO)-qualified personnel and/or by personnel trained and qualified for operations involving chemical agents (CA), regardless of configuration, during ground-disturbing or intrusive activities on property known or suspected to contain UXO, other munitions that may have experienced abnormal environments (e.g., discarded military munitions [DMM]), munitions constituents in high enough concentrations to pose an explosive hazard, or CA, regardless of configuration, to ensure the safety of personnel or resources from any potential explosive or CA hazards. For the Fort Ord Military Munitions Response Program (MMRP) being conducted and this document, construction support addresses Munitions and Explosives of Concern (MEC), specifically unexploded ordnance (UXO) and discarded military munitions (DMM) that potentially remains in the Group 3 Munitions Response Area (MRA).

Covenant Deferral Request (CDR)

A letter along with a supporting information package known as a CDR assembled by the Federal landholding to formally request deferral of the CERCLA covenant until all remediation has been accomplished prior to transfer. The United States Environmental Protection Agency (EPA) requires that the information is: 1) of sufficient quality and quantity to support the request for deferral of the CERCLA Covenant; and 2) that it provides a basis for EPA to make its determination. This information is submitted to EPA in the form of a CDR.

Deferral Period

The period of time that the CERCLA covenant, warranting that all remedial action is complete before transfer, is deferred through the Early Transfer Authority.

Depth of Detection

The maximum depth below the ground surface at which an object can be reliably detected at a site with a specific geophysical survey instrument. Depth of detection is typically measured from the center of mass of an object.

Discarded Military Munitions (DMM)

Generally, military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include UXO, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of consistent with applicable environmental laws and regulations. (10 U.S.C. 2710[e][2])

Early Transfers

The transfer, by deed, of federal property by the DoD to a nonfederal entity before all remedial actions on the property have been taken. Section 120 (h)(3)(C) of the CERCLA allows federal agencies to transfer property before all necessary cleanup actions have been taken. This provision, known as Early Transfer Authority, authorizes the deferral of the CERCLA covenant when the findings required by the statute can be made and the response action assurances required by the statute are given. The Governor of the state where the property is located must concur with the deferral request for property not listed on the National Priorities List (NPL). For NPL property, the deferral must be provided by the EPA with the concurrence of the Governor. Upon approval to defer the covenant, the DoD may proceed with the early transfer.

Environmental Protection Provisions (EPP)

Deed restrictions or specific notifications that require constraints on certain activities to ensure protection of human health and the environment. These restrictions will be in effect until the deed provisions are terminated, removed, or modified as specified in the appropriate CERCLA decision document and protectiveness of human health and the environment can be assured by the modified restrictions or additional restrictions, if necessary (Army 2007).

Environmental Services Cooperative Agreement Remediation Program (ESCA RP) Team
ARCADIS U.S, Inc. (formerly LFR Inc.), Weston Solutions, Inc., and Westcliffe Engineers, Inc.

Explosive

A substance or a mixture of substances that is capable by chemical reaction of producing gas at such temperature, pressure, and speed as to cause damage to the surroundings. The term “explosive” includes all substances variously known as high explosives and propellants, together with igniters, primers, initiators, and pyrotechnics (e.g., illuminant, smoke, delay, decoy, flare, and incendiary compositions).

Feasibility Study (FS)

A study conducted where the primary objective is “to ensure appropriate remedial alternatives are being developed and evaluated and an appropriate remedy selected” (40 CFR 300.430[e]).

Ground-Disturbing and Intrusive Activities (or Operations)

Soil movement of any kind, regardless of volume, in the areas addressed in this document.

High Explosive (HE)

An explosive substance designed to function by detonation (e.g., main charge, booster, or primary explosive).

Intrusive Activity

An activity that involves or results in the penetration of the ground surface at an area known or suspected to contain MEC. Intrusive activities can be of an investigative or removal action nature.

Material Documented as Safe (MDAS)

Material Potentially Presenting an Explosive Hazard (MPPEH) that has been assessed and documented as not presenting an explosive hazard and for which the chain of custody has been established and maintained. This material is no longer considered to be MPPEH.

Material Potentially Presenting an Explosive Hazard (MPPEH)

Material that, prior to determination of its explosives safety status, potentially contains explosives or munitions (e.g., munitions containers and packaging material; munitions debris remaining after munitions use, demilitarization, or disposal; and range-related debris); or potentially contains a high enough concentration of explosives such that the material presents an explosive hazard (e.g., equipment, drainage systems, holding tanks, piping, or ventilation ducts that were associated with munitions production, demilitarization or disposal operations). Excluded from MPPEH are munitions within the DoD established munitions management system and other hazardous items that may present explosion hazards (e.g., gasoline cans, compressed gas cylinders) that are not munitions and are not intended for use as munitions.

Military Munitions

All ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the DoD, the Coast Guard, the Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives, and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, other than nonnuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed. (10 U.S.C. 101[e][4][A through C])

Military Munitions Response Program (MMRP)

DoD-established program that manages the environmental, health, and safety issues presented by MEC.

Munitions and Explosives of Concern (MEC)

This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks means: (A) UXO, as defined in 10 U.S.C. 101(e)(5)(A) through (C); (B) DMM, as defined in 10 U.S.C. 2710(e)(2); or (C) Munitions constituents (e.g., TNT, cyclotrimethylenetrinitramine [RDX]), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the Fort Ord Military Munitions Response Program (MMRP) being conducted and this document, MEC does not include small arms ammunition (.50 caliber and below).

Munitions Constituents (MC)

Any materials originating from UXO, DMM, or other military munitions, including explosive and non-explosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions. (10 U.S.C. 2710[e][3])

Munitions Debris (MD)

Remnants of munitions (e.g., fragments, penetrators, projectiles, shell casings, links, fins) remaining after munitions use, demilitarization, or disposal.

Munitions Response

Response actions, including investigation, removal actions, and remedial actions to address the explosives safety, human health, or environmental risks presented by UXO, DMM, or MC, or to support a determination that no removal or remedial action is required.

Munitions Response Area (MRA)

Any area on a defense site that is known or suspected to contain UXO, DMM, or MC. Examples include former ranges and munitions burial areas. A munitions response area is comprised of one or more munitions response sites.

Munitions Response Site (MRS)

A discrete location within an MRA that is known to require a munitions response.

Ordnance and Explosives (OE)

OE is an obsolete term replaced by MEC. See MEC in the glossary for further definition.

Property Owner

An owner of real property within the boundaries of the Group 3 Munitions Response Areas (MRAs). Also referred to as “landowner” in the Record of Decision Group 3 Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas (Appendix A) and supporting documents.

Quality Assurance (QA)

The management system implemented by a United States Army Corps of Engineers (USACE) Safety Specialist or a Third Party Safety Specialist to ensure Quality Control (QC) is functioning and that project quality objectives are being met. QC components include planning, implementation, assessment, reporting, and quality improvement.

Quality Control (QC)

The system of inspections, typically performed by the munitions contractor performing the work, of operational activities, work in progress, and work completed to assess the attributes

and performance of a process against defined standards that are used to fulfill requirements for quality.

Remedial Actions

Those actions consistent with a permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health, welfare, or the environment. The term includes but is not limited to such actions at the location of the release as storage; confinement; perimeter protection using dikes, trenches, or ditches; clay cover; neutralization; cleanup of released hazardous substances and associated contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive wastes; dredging or excavations; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies; and any monitoring reasonably required to assure that such actions protect the public health, welfare, and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President of the United States determines that, alone or in combination with other measures, such relocation is more cost-effective and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition off site of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term includes off-site transport and off-site storage, treatment, destruction, or secure disposition of hazardous substances and associated contaminated materials.

Remedial Investigation (RI)

An investigation intended to “adequately characterize the site for the purpose of developing and evaluating an effective remedial alternative” (40 CFR 300.430(d)). In addition, the RI provides information to assess the risks to human health, safety, and the environment that were identified during risk screening in the site investigation.

Response Action

Action taken instead of or in addition to a removal action to prevent or minimize the release of MEC so that it does not cause substantial danger to present or future public health or welfare or the environment.

Small Arms Ammunition (SAA)

Ammunition, without projectiles that contain explosives (other than tracers), that is .50 caliber or smaller, or for shotguns.

Title 10 United States Code (10 U.S.C.)

Title 10 of the United States Code outlines the role of armed forces in the United States Code. It provides the legal basis for the roles, missions and organization of each of the services as well as the United States Department of Defense.

Unexploded Ordnance (UXO)

Military munitions that (A) have been primed, fuzed, armed, or otherwise prepared for action; (B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material; and (C) remain unexploded either by malfunction, design, or any other cause. (10 U.S.C. 101[e][5][A] through [C])

UXO Support Contractor

A firm providing construction support services that has appropriate knowledge and expertise of UXO-related operations, and UXO-qualified personnel that have met qualification standards for personnel performing UXO-related operations.

UXO-Qualified Personnel

Personnel who have performed successfully in military EOD positions, or are qualified to perform in the following Department of Labor, Service Contract Act, Directory of Occupations, contractor positions: UXO Technician II, UXO Technician III, UXO Safety Officer, UXO Quality Control Specialist, or Senior UXO Supervisor.

UXO Technicians

Personnel who are qualified for and filling Department of Labor, Service Contract Act, Directory of Occupations, contractor positions of UXO Technician I, UXO Technician II, and UXO Technician III.

1.0 INTRODUCTION

This Land Use Controls Implementation Plan, and Operation and Maintenance Plan (LUCIP/OMP) was prepared by the Fort Ord Reuse Authority (FORA) Environmental Services Cooperative Agreement (ESCA) Remediation Program (RP) Team (the ESCA RP Team) for the Group 3 Munitions Response Areas (MRAs) within the former Fort Ord in Monterey County, California (Figure 1). Group 3 consists of Del Rey Oaks (DRO)/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain (MOUT) Site MRAs. Originally, Group 3 included the Interim Action Ranges MRA. The Interim Action Ranges MRA was removed from Group 3 for further evaluation as agreed upon by FORA, United States Environmental Protection Agency (EPA), Department of Toxic Substances Control (DTSC) and the United States Department of the Army (Army).

The purpose of this LUCIP/OMP is to provide remedy implementation and maintenance information for the Group 3 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision (ROD; “Group 3 ROD”) dated October 27, 2014, and finalized on November 25, 2014 (Appendix A).

Although munitions responses (MEC removals) have been completed at the Group 3 MRAs, the selected remedy addresses risks to human health and the environment from munitions and explosives of concern (MEC) that potentially remains in the Group 3 MRAs. The selected remedy for the Group 3 MRAs includes Land Use Controls (LUCs) because detection technologies may not detect all MEC present. The LUCs include requirements for: (1) munitions recognition and safety training (referred to as “MEC recognition and safety training” in the Group 3 ROD [Appendix A]) for those people that conduct ground-disturbing or intrusive activities on the property; (2) construction support by unexploded ordnance (UXO)-qualified personnel for ground-disturbing or intrusive activities; and (3) restrictions prohibiting residential use. These LUCs are intended to limit MEC risk that may remain at the Group 3 MRAs.

The selected remedy will be implemented by FORA under the ESCA and in accordance with the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord, Docket No. R9-2007-003. This LUCIP/OMP was developed to: (1) outline the processes for implementing land use restrictions; and (2) identify procedures for responding to MEC discoveries, including coordinating additional investigation and/or follow-up response actions in the Group 3 MRAs, if determined to be necessary. The selected LUCs may be modified in the future. In addition, Long-Term Management Measures (LTMM) comprised of a deed restriction, annual monitoring and reporting and five-year review reporting will be implemented for the reuse areas within the Group 3 MRAs.

1.1 Regulatory Background

The former Fort Ord was placed on the National Priorities List in 1990. To oversee the cleanup of the base, the Army, DTSC, Central Coast Regional Water Quality Control Board, and EPA entered into a Federal Facility Agreement (FFA). One of the purposes of the FFA is to ensure that the environmental impacts associated with past and present activities at the

former Fort Ord are thoroughly investigated and appropriate remedial action taken as necessary to protect the public health and the environment. In November 1998, the Army agreed to evaluate MEC at the former Fort Ord and perform a base-wide Munitions Response (MR) Remedial Investigation/Feasibility Study (RI/FS) consistent with CERCLA. The base-wide MR RI/FS program addressed MEC hazards on the former Fort Ord and evaluated past removal actions as well as recommended future remedial actions deemed necessary to protect human health and the environment under future uses. In April 2000, an agreement was signed between the Army, EPA, and DTSC to evaluate MEC at the former Fort Ord subject to the provisions of the FFA. The signatories agreed that the FFA provided the appropriate framework and process to address the Army's MEC activities.

In March 2007, the Army and FORA entered into an ESCA to provide MEC remediation services funding. In accordance with the ESCA and an AOC, FORA is responsible for completion of CERCLA response actions, except for those responsibilities retained by the Army, on approximately 3,300 acres of the former Fort Ord. The AOC was entered into by FORA, EPA, DTSC, and the United States Department of Justice Environment and Natural Resources Division in December 2006 (EPA Region 9 CERCLA Docket No. R9-2007-03). The underlying property was transferred to FORA in May 2009. The Group 3 MRAs are included in the ESCA. The Army is the responsible party and lead agency for investigating, reporting, making cleanup decisions, and taking cleanup actions at the former Fort Ord. Under the ESCA, FORA is investigating, reporting, and implementing cleanup actions within the ESCA areas on behalf of the Army.

The Group 3 MRAs include sites where MEC were found and munitions response (MEC removals) actions were conducted. The Group 3 MRAs contain portions, or all, of seven Munitions Response Sites (MRSs) that were suspected of having been used for military training with military munitions. These MRSs were investigated, with all identified MEC removed. These munitions response actions also included Quality Control and Quality Assurance requirements that evaluated the adequacy of the munitions response actions.

Although MEC is not expected to be encountered within these MRSs, it is possible that some MEC may not have been detected and remains present. Because a future land user (e.g., maintenance worker, construction worker, or recreational user) may encounter MEC at the Group 3 MRAs, a Final Group 3 Remedial Investigation/Feasibility Study, Former Fort Ord, Monterey County, California ("Group 3 RI/FS") was conducted to evaluate remedial alternatives to address this potential risk to future land users (ESCA RP Team 2012). The Group 3 RI/FS was developed by FORA under the ESCA and in accordance with the AOC. The RI/FS evaluated the risks related to potentially remaining MEC within the Group 3 MRAs based upon the intended future uses. On November 25, 2014, the Army and EPA, in consultation with DTSC, recorded the final decision in the ROD documenting the selected remedial alternative of LUCs for managing the risk to future land users from MEC that potentially remain in the Group 3 MRAs. This LUCIP/OMP was prepared as a result of the selection of LUCs as a component of the remedy in accordance with the ROD for Group 3 MRAs.

1.2 FORA ESCA Regulatory Framework and Responsibilities

In connection with the early transfer of a portion of the former Fort Ord, FORA is performing a portion of the Army's cleanup obligations under an ESCA grant. Pursuant to the associated AOC, entered into in December 2006 and effective July 25, 2008, and the ESCA, dated March 27, 2007, FORA agreed to implement the selected remedy for the Group 3 MRA sites.

Under the ESCA, FORA or its successor entity, is responsible for all actions necessary to achieve Site Closeout, including implementation of the selected remedy and any Long-Term Obligations. FORA may not assign ESCA responsibilities from FORA, or its successor entity, to a third party without the prior approval by the Army. FORA assumes responsibility for completion of necessary response actions, except Army Obligations, which include implementing, maintaining, reporting, and enforcing the land use controls. The Army remains ultimately responsible for remedy integrity, including requirements for the implementation, enforcement, and reporting of the remedy. The Group 3 ROD does not provide for or prevent any transfer of remedy implementation responsibilities from FORA, or its successor, to another party.

This LUCIP/OMP fulfills the AOC requirements identified under Group 3 MRAs Appendix B, Statement of Work, Tasks 7 and 8. FORA requested EPA's approval to waive Appendix B, Statement of Work, Task 6 (Remedial Design/Remedial Action) requirements of the AOC, as the selected remedy for the Group 3 MRAs consists solely of institutional controls implementation. EPA approved this request in a letter to FORA dated January 5, 2015.

1.2.1 FORA Successor in Interest

In 2012, Assembly Bill 1614, which amended Section 67700 of, and repealed Sections 67679.5 and 67686 of, the Government Code, was passed to extend FORA's statutory authorities to June 30, 2020. The ESCA and AOC contemplated the eventual sunset of FORA and made provisions for a successor in interest to perform FORA's Long-Term Obligations (LTOs). For purposes of this LUCIP/OMP, the terminology of "FORA" refers to the entity responsible for obligations or requirements that are currently assigned to FORA, but will eventually be transferred to FORA's successor in interest.

1.3 Area of Remedy Implementation

The area addressed by this LUCIP/OMP consists of those areas included in the Army's ROD, Group 3, DRO/Monterey, Laguna Seca Parking, and MOUT Site Munitions Response Areas, Former Fort Ord, California (Appendix A). The Group 3 MRAs are described below. Federal deeds, including survey plats for each MRA parcel, are provided in Appendix B.

1.3.1 DRO/Monterey MRA

The DRO/Monterey MRA is located in the southwestern portion of the former Fort Ord and encompasses approximately 30 acres of undeveloped land and approximately 5.3 acres of the existing South Boundary Road and associated right-of-way (Figure 1). The DRO/Monterey

MRA is comprised of two non-contiguous portions of a MRS, specifically MRS-43 and a portion of the South Boundary Road, which is not located within the boundaries of an MRS (Figure 2). The DRO/Monterey MRA is contained within the jurisdictional boundaries of the City of Del Rey Oaks and the City of Monterey, referred to throughout this LUCIP/OMP as “the Cities.”

The DRO/Monterey MRA includes three proposed planned reuses: habitat management; business park/light industrial and office/research and development; and South Boundary Road and associated right-of-way.

1.3.2 Laguna Seca Parking MRA

The Laguna Seca Parking MRA is located in the south-central portion of the former Fort Ord adjacent to the Laguna Seca Raceway and is approximately 276 acres (Figure 1). The Laguna Seca Parking MRA includes MRS-14A, MRS-29, MRS-30, and MRS-47 (Figure 3). The Laguna Seca Parking MRA is wholly contained within the jurisdictional boundaries of Monterey County, referred to throughout this LUCIP/OMP as “the County.”

The Laguna Seca Parking MRA includes two proposed planned reuses: open space/recreation, as continued use of the area for overflow parking along Barloy Canyon Road and South Boundary Road during Laguna Seca Raceway events; and development (with reserve areas/restrictions) subject to the proposed Highway 68 bypass.

1.3.3 MOUT Site MRA

The MOUT Site MRA is located in the central portion of the former Fort Ord within the northeastern portion of the historical impact area and is approximately 58 acres (Figure 1). The MRA consists of MRS-28 (the MOUT training area), which includes a mock city training area currently used for tactical training of military, federal, and local law enforcement and emergency services providers, and a portion of Barloy Canyon Road located along the eastern boundary of the historical impact area (Figure 4). The northern segment of the Barloy Canyon Road portion of the MOUT Site MRA passes through a former training site identified as MRS-270. The southern portion of Barloy Canyon Road is bordered by MRS-14D to the east. The MRA also includes a portion of Barloy Canyon Road located outside of an MRS boundary. The MOUT Site MRA is wholly contained within the jurisdictional boundaries of the County.

The proposed MRA uses are consistent with current site usage, which includes: the MOUT Training Area for tactical/law enforcement and, upon conveyance, emergency service provider training by Monterey Peninsula College (MPC); and Barloy Canyon Road and associated right of way.

1.4 Description of Selected Remedy

The selected remedy addresses risks to human health and the environment from MEC that potentially remains in the Group 3 MRAs. Munitions responses (MEC removals) have been completed at the Group 3 MRAs, significantly reducing the risks to human health and the

environment. The selected remedy for the Group 3 MRAs includes LUCs because detection technologies may not detect all MEC present. The LUCs include requirements for:

- (1) Munitions recognition and safety training (referred to as “MEC recognition and safety training” in the Group 3 ROD [Appendix A]) for those people that conduct ground-disturbing or intrusive activities on the property;
- (2) Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities; and
- (3) Restrictions prohibiting residential use.

For the purpose of this remedy, residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007). Residential use is prohibited. Per the FORA Fort Ord Reuse Plan (Base Reuse Plan; FORA 1997), no residential reuse is planned for the Group 3 MRAs.

The selected remedy will be implemented by FORA in its capacity as Grantee under the ESCA and as a party to the AOC and not in its capacity as real property owner of the real estate or as a government entity.

As part of the LUC implementation strategy, LTMM comprised of a deed notice and restrictions, annual monitoring and reporting, and five-year review reporting will be included for the land use areas within the Group 3 MRAs. The Army will evaluate these areas as part of the installation-wide CERCLA five-year reviews. The selected LUCs may be modified or discontinued by the Army, with the approval of the EPA and DTSC, in the future based on the five-year review process (Section 4.7.3).

As part of the early transfer of the subject property, the Army has entered into State Covenants to Restrict Use of Property (CRUPs) with DTSC that document land use restrictions and that have already been recorded against the deed. The existing deeds to FORA for the Group 3 MRA parcels include the following land use restrictions: 1) prohibition on residential use; and 2) prohibition on excavation (unless construction support and munitions recognition and safety training, referred to as “MEC recognition and safety training” in the State CRUPs, are provided). The existing Federal deeds for the Group 3 properties are provided in Appendix B. The Army will modify the existing land use restrictions in the Federal deeds, as necessary, to reflect the selected remedy. FORA will prepare and submit annual letter reports to EPA and DTSC summarizing the reporting year's land use controls implementation efforts, problems encountered, corrective actions taken, any MEC found and changes in site conditions that could increase the possibility of encountering MEC. Copies of this annual LUC status report will also be provided to the Army for inclusion in the five-year reviews.

While the Army does not consider California laws and regulations concerning State CRUPs to be applicable or relevant and appropriate requirements (ARARs), the Army entered into State CRUPs with DTSC at the time the property was transferred to FORA. DTSC will modify the existing State CRUPs, if appropriate, to reflect the land use restrictions included

in the selected remedy. Although DTSC and EPA Region 9 disagree with the Army's determination that California laws and regulations concerning State CRUPs are not potential ARARs, they will agree-to-disagree on this issue since the Army executed the State CRUPs and the DTSC agreed to modify the State CRUPs, as appropriate, to be consistent with the identified remedy.

1.4.1 Munitions Recognition and Safety Training

For the Group 3 MRAs, ground-disturbing or intrusive activities are expected to occur. Those people involved in ground-disturbing or intrusive operations at these areas will be required to attend munitions recognition and safety training, referred to as "MEC recognition and safety training" in the Group 3 ROD, to increase awareness of and ability to identify suspect munitions items. Prior to conducting ground-disturbing or intrusive activities, property owners will be required to contact FORA for munitions recognition and safety training for those people performing ground-disturbing or intrusive activities.

Munitions recognition and safety training will be evaluated by the Army as part of the five-year review process to determine if the training program should continue. If further evaluation indicates that this LUC is no longer necessary, the program may be discontinued with Army, EPA, and DTSC approval (Section 4.7.3).

1.4.2 Construction Support

Construction support by UXO-qualified personnel is required during any ground-disturbing or intrusive activities at the Group 3 MRAs in order to address potential MEC risks to construction and maintenance personnel. Construction support will be arranged during the construction and maintenance planning stages of the project prior to the start of any ground-disturbing or intrusive activities. The level of construction support is determined by the probability of encountering MEC.

If evidence of MEC (i.e., suspect munitions item) is found during construction support activities, the ground-disturbing or intrusive activities in the vicinity of the suspect munitions item will immediately cease (i.e., stop work). The construction support plan will identify the size of the stop-work area. For projects that do not require a construction support plan, ground-disturbing or intrusive activities will stop as indicated on the munitions recognition and safety training materials. No attempt will be made by workers to disturb, remove, or destroy the suspect munitions item. Depending on the level of construction support required, either 1) the local law enforcement agency having jurisdiction on the property will be immediately notified so that appropriate military explosive ordnance disposal (EOD) personnel, or local bomb squad with equivalent training, can be dispatched to address the suspect munitions item, as required under applicable laws and regulations; or 2) the suspect munitions item will be addressed by UXO-qualified personnel (Section 4.3.4).

Construction support will be evaluated by the Army as part of the five-year review process to determine if the LUC should continue. If the MEC-related data collected during the development of the disturbed areas indicate that this LUC is no longer necessary, construction support may be discontinued after Army, EPA, and DTSC approval.

1.4.3 Restrictions Prohibiting Residential Use

Residential use restrictions placed on the Group 3 property at the time the property was transferred to FORA will be maintained. For the purposes of this document, residential reuse includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007). The restriction may be discontinued with Army, EPA, and DTSC approval (Section 4.7.3).

1.4.4 Long-Term Management Measures

In addition to the LUCs described above, the LUCIP/OMP also describes the following LTMM for the Group 3 MRAs:

- **Existing land use restrictions:** The Federal deeds to FORA for the Group 3 MRA parcels (Appendix B) restrict residential use. Residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12. It should be noted that the State CRUPs for the Group 3 MRA parcels restrict residential use. The DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the State CRUPs.
- **Annual monitoring and reporting:** FORA will perform annual monitoring and reporting. FORA will notify the Army, EPA, and DTSC, as soon as practicable, of any MEC-related data identified during use of the property, and report the results of monitoring activities annually.
- **Five-year review reporting:** Five-year reviews will be conducted by the Army in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected LUCs may be modified or discontinued, with Army, EPA, and DTSC approval (Section 4.7.3).

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2.0 SITE DESCRIPTION

The Group 3 MRAs are located in the central and southern portions of the former Fort Ord and include the DRO/Monterey MRA, the Laguna Seca Parking MRA, and the MOUT Site MRA. Total acreage for the Group 3 MRAs is approximately 370 acres.

This section provides background information on the Group 3 MRAs, including a summary of results of the site-specific remedial investigation and site evaluations presented in the Group 3 RI/FS. Additional background information is provided in the Group 3 ROD (Appendix A).

2.1 Site History

Since 1917, portions of the former Fort Ord were used by cavalry, field artillery, and infantry units for maneuvers, target ranges, and other purposes. From 1947 to 1974, Fort Ord was a basic training center. After 1975, the 7th Infantry Division occupied Fort Ord. Fort Ord was selected for closure in 1991. The majority of the soldiers were reassigned to other Army posts in 1993 and the base was not officially closed until September 1994. The Army has retained a portion of former Fort Ord property as the Ord Military Community and U.S. Army Reserve Center. The remainder of Fort Ord was identified for transfer to federal, state, and local government agencies and other organizations for reuse.

Munitions-related activities (e.g., live-fire training, demilitarization) involving different types of conventional military munitions (e.g., artillery and mortar projectiles, rockets and guided missiles, rifle and hand grenades, practice land mines, pyrotechnics, bombs, and demolition materials) were conducted at Fort Ord. Because of these activities, MEC, specifically UXO and discarded military munitions, have been encountered and are known or suspected to remain present at sites throughout the former Fort Ord.

2.2 Regulatory History

The AOC was entered into voluntarily by FORA, EPA, DTSC, and the United States Department of Justice Environment and Natural Resources Division in December 2006 (EPA Region 9 CERCLA Docket No. R9-2007-03). In March 2007, the Army and FORA entered into an ESCA to provide Army funding for MEC remediation services. In accordance with the ESCA, the AOC, and the FFA Amendment No. 1, FORA is responsible for completion of the Army's CERCLA response actions, except for those responsibilities specifically retained by the Army, on approximately 3,300 acres of the former Fort Ord. The underlying property was transferred to FORA in May 2009. The Army is the responsible party and lead agency for investigating, reporting, making cleanup decisions, and taking cleanup actions at the former Fort Ord under CERCLA. Under the ESCA, FORA is investigating, reporting, and implementing cleanup actions within the ESCA areas on behalf of the Army.

As part of the agreements for early transfer of the subject property, the Army has entered into State CRUPs with DTSC that document land use restrictions. The applicability of and

requirements for State CRUPs are described in California Code of Regulations Section 67391.1 and California Civil Code Section 1471.

As described in Final Summary of Existing Data Report, Former Fort Ord, Monterey, California (ESCA RP Team 2008), the ESCA areas were combined into nine MRAs, and they were further consolidated into four groups according to similar pathway-to-closure characteristics. Group 1 consists of the Parker Flats and Seaside MRAs. Group 2 consists of the California State University Monterey Bay Off-Campus and County North MRAs. Group 3 consists of DRO/Monterey, Laguna Seca Parking, and MOUT Site MRAs. Originally, Group 3 included the Interim Action Ranges MRA. The Interim Action Ranges MRA was removed from Group 3 for further evaluation as agreed upon by FORA, EPA, DTSC and the Army. Group 4 consists of the Future East Garrison MRA.

2.3 Group 3 MRA Summaries

Group 3 includes the DRO/Monterey MRA, the Laguna Seca Parking MRA, and the MOUT Site MRA. The Group 3 RI/FS summarized the available data and evaluated MEC-related risks for the MRAs (Volume 1; ESCA RP Team 2012). This section summarizes the MEC investigations and removal actions conducted for the MRSs identified in the Group 3 RI/FS. MEC encountered during these actions were destroyed by detonation and recovered MD was disposed of or recycled after being inspected and determined not to pose an explosive hazard.

2.3.1. Del Rey Oaks/Monterey MRA

The DRO/Monterey MRA is located in the southwestern portion of the former Fort Ord and encompasses approximately 30 acres of undeveloped land and approximately 5.245 acres of the existing South Boundary Road and associated right-of-way (Figure 1). The DRO/Monterey MRA is comprised of two non-contiguous portions of MRS-43 and a portion of the South Boundary Road, which is not located within the boundaries of an MRS (Figure 2). Historical records and recovered MEC and munitions debris (MD) indicate that MRS-43 was previously used for artillery training with 37 millimeter (mm) projectiles.

The majority of the DRO/Monterey MRA has undergone previous MEC removal actions and investigations using dual technologies (analog and digital). Removal actions were conducted in two phases across the entire MRA with the exception of a narrow strip of land approximately 50 feet (ft) wide and 900 ft long on the northwestern boundary of the MRA (in the Habitat Management Reuse Area) and a narrow strip of land on the southern side of South Boundary Road parallel to the road, which are both located outside of the MRS-43 boundary. The initial phase of the investigation was conducted using analog instruments up to depths of 4 ft below ground surface (bgs). The subsequent phase of the investigation was conducted using digital geophysical equipment to the depth of detection. The types of MEC and MD removed from the DRO/Monterey MRA included: smoke hand grenades, a smoke pot, smoke rifle grenades, a flare, projectiles, and a hand grenade fuze. These munitions items were consistent with the historical use of the DRO/Monterey MRA. While two small portions of the MRA have not been subjected to MEC removal actions, SiteStat/GridStat (SS/GS) investigation grids were either located partially within or immediately adjacent to the two areas. No MEC or MD items were recovered from the SS/GS investigation grids located

within or immediately adjacent to these two areas. Therefore, it is expected that finding MEC in either of these two areas would not be likely.

2.3.2. Laguna Seca Parking MRA

The Laguna Seca Parking MRA is located in the south-central portion of the former Fort Ord adjacent to the Laguna Seca Raceway and encompasses approximately 276 acres (Figure 1). The Laguna Seca Parking MRA includes four MRSs: MRS-14A, MRS-29, MRS-30, and MRS-47 (Figure 3). Historical records and recovered MEC and MD indicate that these MRSs were previously used for artillery training, mortar training, troop training, and basic maneuvers.

Removal actions were conducted across the entire MRA up to a depth of 4 ft bgs with the following exceptions: the western and eastern slopes of MRS-14A, where the removal action was conducted to a depth of 1 ft bgs; six 100-ft by 100-ft grids (two complete grids and portions of four grids) in MRS-14A, where the removal action could not be completed due to terrain-related inaccessibility (densely vegetated steep grades and deep ravines); and a paved ditch along Lookout Ridge Road. The types of MEC and MD removed from the Laguna Seca Parking MRA included: smoke pots, smoke hand grenades, smoke rifle grenades, simulators, flares, signals, hand grenades, and blasting caps related to troop training and basic maneuvers; and projectiles (high explosive [HE], low explosive [LE] and inert 37mm; HE, inert and training 57mm; and LE and HE 75mm) related to artillery training; and mortar projectiles (training 3-inch; training 60mm; HE, training, and inert 81mm; and HE 4.2-inch) related to weapons (artillery and mortars) training. These munitions items were consistent with the historical use of the Laguna Seca Parking MRA. Based upon the results of the MEC removal action conducted immediately surrounding the grids where removal actions were not completed, it is not anticipated that MEC items posing a significant risk would remain in the six grids. Items found in the MRA may have the potential to penetrate deeper than the depth of detection of the analog instruments used during the MEC removal actions. The majority of MEC and MD encountered were consistent with the documented historical use of the MRA. Some items encountered along the western boundary of the MRA were likely the result of being adjacent to the historical impact area.

2.3.3. MOUT Site MRA

The MOUT Site MRA is located in the central portion of the former Fort Ord within the northeastern portion of the historical impact area and encompasses approximately 58 acres (Figure 1). The MRA consists of MRS-28 (the MOUT training area), which includes a mock city training area currently used for tactical training of military, federal, and local law enforcement and emergency services providers, and a portion of Barloy Canyon Road located along the eastern boundary of the historical impact area (Figure 4). The northern segment of the Barloy Canyon Road portion of the MOUT Site MRA passes through a former training site identified as MRS-27O. The southern portion of Barloy Canyon Road is bordered by MRS-14D to the east. The MRA also includes a portion of Barloy Canyon Road located outside of an MRS boundary. Historical records and recovered MEC and MD indicate that the MOUT training area (MRS-28) was used for infantry training in an urban setting in addition to hand grenade training, firing point for rocket launcher training, hand-to-hand

combat, combat pistol training, assault course, squad tactics, and night defense training. The Barloy Canyon Road portion of the MRA was maintained as a road and the overlapping MRS-270 was used for bivouac, troop maneuvers, and sub-caliber artillery training.

The majority of the MOUT Site MRA has undergone previous MEC investigations and removal actions. In MRS-28, a grid sampling investigation up to a depth of 4 ft bgs was conducted in sixteen 100-ft by 100-ft grids using analog instruments and a SS/GS sampling investigation was conducted in fourteen 100-ft by 200-ft grids using analog instruments. A visual surface time-critical removal action (TCRA) was also conducted in the MOUT Site MRA (following an accidental fire in the area). The TCRA did not include a small area consisting of approximately 10 whole and partial 100-ft by 100-ft grids along the southwestern border of the MOUT training facility (MRS-28) and approximately 600 ft of the southern third of Barloy Canyon Road along the eastern side of the roadway, which is not located within an MRS. An instrument-aided field verification survey of the ground surface was conducted in twenty-four 100-ft by 100-ft whole and partial grids in MRS-28 along the southwestern border of the MOUT training facility area which included the 10 whole and partial grids not previously investigated in the TCRA. The types of MEC and MD removed from the MOUT Site MRA included: simulators, signals, and flares related to basic maneuvers; rockets (2.36-inch and 3.5-inch) related to weapons training; and hand grenades (practice, smoke, and fragmentation) and hand grenade fuzes related to hand grenade training. The majority of MEC and MD encountered during the MEC investigations and removal actions were consistent with the documented historical use of the MRA. Some items encountered in the MRA were likely the result of the area being located within and along the edge of the historical impact area.

2.4 Potential Future Land and Resource Uses

The future land uses for the Group 3 MRAs, summarized below, are based upon the Fort Ord Base Reuse Plan (FORA 1997). Future land use information is also included in the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (HMP; USACE 1997) and modifications to the HMP provided in Assessment, East Garrison – Parker Flats Land Use Modifications, Fort Ord, California (Zander 2002), and Memorandum of Understanding Concerning the Proposed East Garrison/Parker Flats Land-Use Modification (Army 2004).

2.4.1 DRO/Monterey MRA

The DRO/Monterey MRA is proposed for habitat management and business park/light industrial and office/research and development reuse in the Base Reuse Plan. The reasonably foreseeable reuses being considered for the DRO/Monterey MRA are shown in Figure 2 and include:

- Habitat Management Reuse, Parcel L6.2, approximately 7 acres – the westernmost portion of the MRA is designated for habitat reserve as a development buffer. The area is predominantly maritime chaparral and expected to be used for public recreation. Vegetated areas and hiking trails may require biological monitoring and

maintenance, such as planting, weeding, and trail repair. Recreational hiking, bicycling, and horseback riding on dirt paths are also expected.

- Business Park/Light Industrial and Office/Research and Development Reuse, Parcel E29.1, approximately 23 acres – the easternmost portion of the MRA is designated for development. The area is predominantly maritime chaparral. Development encompassing commercial/retail activities is expected.
- South Boundary Road and Associated Right of Way Reuse, Parcels L20.13.3.1 and L20.13.1.2, area totals approximately 5.3 acres – the northern boundary of the MRA is designated for development. The area is a paved roadway. Development encompassing infrastructure activities, such as roadway and utility construction, is expected. Roadway expansion and utility construction will constitute the major development along South Boundary Road.

2.4.2 Laguna Seca Parking MRA

The Laguna Seca Parking MRA is proposed for open space/recreation reuse in the Base Reuse Plan and development with reserve areas or development with restrictions in the HMP. The reasonably foreseeable reuses being considered for the Laguna Seca Parking MRA are shown in Figure 3 and include:

- Open Space/Recreation Reuse, Parcels L20.3.2, L20.5.1, L20.5.3, and L20.5.4, area totals approximately 177 acres – the northernmost and southernmost portions of the MRA will continue to be used for overflow parking during Laguna Seca Raceway events and includes parking, staging, and event-related roadway access along Barloy Canyon Road and South Boundary Road. Roadway maintenance is also expected. The area is predominantly grassland and maritime chaparral.
- Open Space/Recreation Reuse/Highway 68 Bypass Right of Way, Parcels L20.3.1 and L20.5.2, area totals approximately 99 acres – the central portion of the MRA is designated for development with restrictions. The area is predominantly grassland and maritime chaparral. The area is currently used for overflow parking during Laguna Seca Raceway events and includes parking, staging, and event-related roadway access along Barloy Canyon Road and South Boundary Road. Roadway maintenance is also expected. A roadway easement for a future bypass of Highway 68 is also a possible future use.

2.4.3 MOUT Site MRA

The MOUT Site MRA is proposed for school/university reuse in the Base Reuse Plan. The reasonably foreseeable uses being considered for the MOUT Site MRA are shown in Figure 4 and include:

- MOUT Training Area Reuse, Parcel F1.7.2, approximately 51 acres – the western portion of the MRA is designated as a training facility for tactical/law enforcement training and, upon conveyance, emergency service provider training by MPC. The MOUT trainees may participate in minor ground-disturbing or intrusive activities

during training activities. It is anticipated that old buildings may be destroyed, new buildings and related improvements may be constructed, or underground utilities may be installed in the area.

- Barloy Canyon Road Reuse, Parcel L20.8, approximately 7 acres – the roadway parcel will continue to be used as a roadway for recreation and transportation during raceway events, and will require maintenance and possibly utilities. The Barloy Canyon portion of the MOUT Site MRA is likely to be improved and opened as a transportation corridor. To facilitate reuse, infrastructure improvements, such as utilities and roadways, may be required.

3.0 LAND USE CONTROL IMPLEMENTATION STRATEGIES

In this section, performance objectives for the LUC remedy to be implemented at Group 3 MRAs are presented along with the implementation strategy for achieving each objective. Responsibilities and specific actions to be taken to implement each objective, including monitoring and reporting requirements, are presented in Section 4.0. Responsibilities and specific actions to be taken for operation and maintenance of the LUC remedy to facilitate long-term compliance with the LUC remedy objectives are presented in Section 5.0.

LUCs will be maintained until Army, EPA, and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs or a component thereof for all or portions of the MRA. This concurrence may be based on: 1) new information (e.g., limited geophysical mapping, site development); or 2) where the depth of soil disturbance related to ground-disturbing or intrusive activities is sufficient to address the uncertainty of MEC remaining in the subsurface and any MEC encountered during such activities is removed. Details regarding remedy modification, including discontinuing portions of the LUC remedy components, are presented in Section 4.7 for LUC implementation.

3.1 Munitions Recognition and Safety Training

Performance Objectives: Ensure that land users involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and ensure that land users involved in ground-disturbing or intrusive activities stop the activity when a suspect munitions item is encountered and report the encounter to the appropriate authority.

Implementation Strategy: People conducting ground-disturbing or intrusive activities within the Group 3 MRAs are required to obtain munitions recognition and safety training. This requirement is being implemented through two channels:

- Annual notification to property owners, which includes a reminder of the munitions recognition and safety training requirement, information on how to obtain the training, and a copy of the Military Munitions 3Rs Explosives Safety Guide (referred to herein as “MEC Safety Guide” [see Appendix C]) (Section 4.2.2); and
- As a condition for excavation permits under the Monterey County (County) and the Cities of Del Rey Oaks and Monterey (Cities) digging and excavation ordinances (Monterey County Code Chapter 16.10, City of Del Rey Oaks Chapter 15.48, and City of Monterey Chapter 9 Article 8; for reference, copies of the current digging and excavation ordinances are provided in Appendix D) (Section 4.2.3).

The MEC Safety Guide provides property owners the required education about the possibility of encountering MEC and the correct response in the unlikely event that a suspect munitions item is encountered during ground-disturbing or intrusive activities involving less than ten (10) cubic yards (cy) of soil disturbance. The annual notification to property owners of the requirements of munitions recognition and safety training and the requirement to provide the MEC Safety Guide are requirements under this LUCIP/OMP. The annual notification to

property owners of the requirements of munitions recognition and safety training and providing the Army Safety Alert pamphlet are requirements under the County and Cities digging and excavation ordinances (Monterey County Code Chapter 16.10.120, City of Del Rey Oaks Chapter 15.48, and City of Monterey Chapter 9 Article 8 Section 9-84). MPC has agreed to comply with the County and City digging and excavation ordinance requirements for munitions recognition and safety training under the memorandum of agreement (MOA) in place with FORA, MPC, the County, the Cities, and DTSC (Appendix E). MPC concurred with the excavation permitting requirements described in this LUCIP/OMP in a Confirmation of Agreement between MPC and FORA (Appendix D). Additional information on the MEC Safety Guide is provided in Section 4.2.1.1.

To facilitate long-term implementation of training, an option for delivery of training via a web-based training platform is being provided by FORA. The web-based training program includes tools for registration of trainees, access to the training materials, and documenting and monitoring training activities. Training activities are monitored throughout the year by MPC, the County, and the Cities and reported to FORA in the annual LUC monitoring report. FORA will compile annual LUC monitoring reports received from MPC, the County, and the Cities, and submit them to the Army, EPA, and DTSC in annual LUC status reports. Responsibilities and specific actions to be taken to implement the munitions recognition and safety training requirement, including monitoring and reporting requirements, are presented in Section 4.2.

The State CRUPs recommend reasonable and prudent precautions be taken when conducting ground-disturbing or intrusive activities, including providing the Army's munitions recognition and safety training, or equivalent, to any persons conducting such activities. The State CRUPs for the Group 3 MRA properties are provided in Appendix F. The current Federal deeds and State CRUPs also prohibit activities in violation of the local excavation ordinances (Appendices B and D, respectively). Training is required under the deed restrictions and State CRUPs providing for redundancy in this LUC requirement.

3.2 Construction Support

Performance Objectives: Ensure ground-disturbing or intrusive activities are coordinated with UXO-qualified personnel so encounters with suspect munitions items are handled appropriately. Mechanisms for implementing the requirement for construction support are provided in local digging and excavation ordinances and this LUCIP/OMP, which are required to be followed.

Implementation Strategy: Construction support is required for ground-disturbing or intrusive activities within the Group 3 MRAs. For projects involving disturbance of ten (10) cy of soil or more, construction support is being implemented through a digging and excavation permitting process under the Monterey County ("the County") and the Cities of Del Rey Oaks and Monterey ("the Cities") digging and excavation ordinances (Monterey County Code Chapter 16.10, City of Del Rey Oaks Chapter 15.48, and City of Monterey Chapter 9 Article 8). Projects involving less than ten (10) cy soil disturbance do not require a digging and excavation permit; however, FORA is available to assist the property owner with the determination of construction support levels to ensure compliance with MEC safety

requirements (i.e., construction support, including anomaly avoidance, munitions recognition and safety training; Section 4.3).

During the digging and excavation permitting process, the level of construction support required is determined on a case-by-case basis. Construction support requirements are determined using the explosives safety criteria and considerations provided in Department of Defense (DoD) and Army explosives safety standards and guidelines, and site-specific conditions, including the probability of encountering MEC. When the probability of encountering MEC is determined to be low (for example, the likelihood of encountering MEC is considered possible, but not probable) for projects involving disturbance of ten (10) cy of soil or more, “on-call” construction support is required, on an as-needed basis (Section 4.3.2). When the probability of encountering MEC is moderate to high, “on-site” construction support or anomaly avoidance is required regardless of the level of soil disturbance or excavation permitting requirements. For anomaly avoidance, UXO-qualified personnel must employ techniques to avoid contact with potential subsurface explosive hazards during any ground-disturbing or intrusive activities (Section 4.3.3).

The probability of encountering MEC in the entire DRO/Monterey MRA is considered to be low (Section 4.3.1.1). The Laguna Seca Parking MRA and MOUT Site MRA contain areas where the probability of encountering MEC is considered to be low and areas where the probability of encountering MEC is considered to be moderate to high (Section 4.3.1.1). The probability of encountering MEC is presented as general guidance; each project must be assessed for the probability of encountering MEC based on site- and project-specific information.

The on-site construction support requirement is applicable when the probability of encountering MEC is moderate to high, regardless of the level of soil disturbance or excavation permitting requirements. Ground-disturbing or intrusive activities involving less than ten (10) cy of soil disturbance do not require a digging and excavation permit. However, ground-disturbing or intrusive activities involving less than ten (10) cy of soil disturbance in areas with a moderate to high probability of encountering MEC are required to follow procedures consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines for on-site construction support or anomaly avoidance. Ground-disturbing or intrusive activities involving less than ten (10) cy of soil disturbance in areas with a low probability of encountering MEC require distribution of the MEC Safety Guide to construction personnel prior to start of ground-disturbing or intrusive activity work (Section 4.3). Web-based munitions recognition and safety training is not required for activities involving disturbance of less than ten (10) cy of soil in areas with a low probability of encountering MEC; however, the training is recommended.

To facilitate implementation of construction support, several construction support implementation resources are provided in this LUCIP/OMP, including a decision tree for determining appropriate levels of construction support, decision tree for the on-site construction support process, procedures for response to suspect munitions finds during on-call construction support, template for On-call Construction Support Plans and forms for notification of MEC finds and after action reporting. The procedures include specific actions to be taken if a suspect munitions item is encountered during ground-disturbing activities,

regardless of the volume of soil displacement, including requirements for property owners or workers to stop work in the vicinity of the suspect munitions item, requirements for response to suspect munitions finds, and notification to FORA, Army, EPA, and DTSC. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. Major elements of implementing construction support include construction support planning, response to suspect munitions items during construction support activities, assessment of MEC finds during construction support, construction support documentation and reporting, and determination of when construction support is no longer necessary. Details regarding remedy modification are provided in Section 4.7.

Construction support for projects disturbing ten (10) cy or more of soil is a requirement of the County and Cities digging and excavation ordinances. Under the MOA with DTSC, MPC has agreed to comply with the County digging and excavation ordinance requirements for construction support. MPC concurred with the excavation permitting requirements described in this LUCIP/OMP in a Confirmation of Agreement between MPC and FORA (Appendix D). The current Federal deeds and State CRUPs prohibit activities in violation of the local excavation ordinance providing for redundancy in this LUC requirement (Appendices B and F, respectively).

3.3 Restrictions Prohibiting Residential Use

Performance Objectives: Prohibit residential development unless modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.

Implementation Strategy: Residential use is currently prohibited within the Group 3 MRAs by deed restrictions and State CRUPs. To ensure the residential use restriction is maintained, annual inspections of the Group 3 MRAs will be conducted, including review of property transfers and deed amendments, development activities, and changes in land use. A MOA is in place with FORA, MPC, the County, the Cities and DTSC outlining their obligation to maintain the LUCs, including the residential use restriction (Appendix E). The residential use restriction is a provision of the Federal deeds and State CRUPs providing for redundancy in this LUC requirement (Appendices B and D, respectively). Section 4.4 provides details on the implementation of this LUC.

3.4 Long-term Management Measures

As part of the LUCIP/OMP, the following LTMM will also be implemented in the Group 3 MRAs:

Maintain existing land use restrictions: The Federal deeds to FORA for the Group 3 MRA parcels (Appendix B) prohibit residential use. Residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12. In addition, State CRUPs for the Group 3 MRA parcels prohibit residential use (Appendix F). The DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the State CRUPs.

Conduct annual monitoring and reporting: Annual monitoring (including inspections and required reviews) and reporting will be conducted for the Group 3 MRAs. Notification will be provided to the Army, EPA, and DTSC of any MEC-related data identified during use of the property, and FORA will report the results of monitoring activities annually. Section 4.5.2 provides details on the implementation of this LTMM.

Conduct five-year review reporting: Five-year reviews will be conducted in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected land use controls for the Group 3 MRAs may be modified or discontinued, with Army, EPA, and DTSC approval. Section 4.5.3 provides details on the implementation of this LTMM.

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4.0 LAND USE CONTROLS IMPLEMENTATION

This section presents the implementation actions to facilitate LUC remedy objectives. Implementation actions include:

- LUC instruments and agreements (Section 4.1);
- munitions recognition and safety training (Section 4.2);
- construction support for ground-disturbing or intrusive activities (Section 4.3);
- restriction prohibiting residential use (Section 4.4);
- long-term management measures (Section 4.5);
- notification should action(s) interfere with LUCIP/OMP effectiveness (Section 4.6); and
- additional response or remedy modification (Section 4.7).

The roles and responsibilities of the federal, state, and local government agencies and other interested parties during implementation of the LUC remedy and reuse of the transferred properties are described in the bullets below. Table 1 presents a summary of enforcement roles and the associated authority for the agencies and interested parties.

- **Army** – Ensure protectiveness of the LUC remedy
- **EPA** – Lead regulatory agency
- **DTSC** – Regulatory concurrence with EPA and enforcement of State CRUPs
- **FORA** – Implementation of the LUC remedy, including ensuring jurisdictions and property owners follow requirements, and compilation of annual LUC monitoring reports and submittal to Army, EPA, and DTSC in annual LUC status reports
- **County and Cities** – Enforcement of digging and excavation ordinances, maintenance and enforcement of deed restrictions, and annual LUC monitoring and reporting to FORA
- **MPC** – Compliance with the County digging and excavation ordinance, maintenance and enforcement of deed restrictions, and annual LUC monitoring and reporting to FORA
- **Property owner** – Compliance with LUCs, deed restrictions, and State CRUPs

A description of the tasks to be performed during implementation of the LUC remedy is presented in this section. Long-term operation and maintenance of the LUC remedy, including specific responsibilities of each organization, are presented in Section 5.0.

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4.1 Land Use Control Instruments and Agreements

The Army, DTSC, FORA, MPC, the County, and the Cities have executed legal instruments and agreements, which contain obligations to conduct specific actions to implement and maintain the LUCs selected for the Group 3 MRAs. Instruments and agreements include adoption of local digging and excavation ordinances; execution of an MOA with DTSC; Army entering into State CRUPs with DTSC; and placement of notices and use restrictions in the Federal deeds. A summary of these instruments and agreements is provided below.

4.1.1 Local Digging and Excavation Ordinances

Applicable local building codes and permits apply to the Group 3 MRA properties. In addition, the County and Cities have each adopted digging and excavation ordinances that specify requirements for ground-disturbing and intrusive activities on the former Fort Ord (“digging and excavation ordinances”; Monterey County Code Chapter 16.10, City of Del Rey Oaks Chapter 15.48, and City of Monterey Chapter 9 Article 8). The intent of these ordinances is to ensure that site purchasers, developers or workers are aware of the potential that MEC may exist on these properties, and are aware of the requirements for MEC precautions to be implemented prior to any ground disturbance. Section 4.3.1.2 provides the details on requirements related to the digging and excavation ordinances.

The digging and excavation ordinances apply to all Group 3 MRA properties and include excavation permitting requirements applicable to excavation, digging, development and ground disturbance that involve displacement of more than ten (10) cy. For purposes of the LUCIP/OMP, these ground-disturbing or intrusive actions will be referred to as “construction activities.” Elements of these digging and excavation ordinances include directives for: documentation of previous MEC excavation or removal; detailed project description and mapping; procurement of excavation permits; acknowledgments and permit fees; and procedures and requirements for munitions recognition and safety training, construction support, and after action reporting. As stated in the ordinances, DTSC shall be continually involved in the establishment of controls for these properties which shall be coordinated by the County and the Cities. Section 4.3.1.2 provides the details on requirements related to the digging and excavation ordinances.

4.1.2 Memorandum of Agreement with DTSC

FORA, the County, the Cities and MPC have entered into an MOA with DTSC to implement compliance monitoring and reporting on environmental restrictions for portions of the former Fort Ord, including the Group 3 MRAs. For reference, the MOA with DTSC is provided in Appendix E.

The MOA with DTSC requires the County, the Cities and MPC to monitor compliance with all LUCs on the Group 3 MRAs and to report to FORA, or the County when FORA ceases to exist, concerning compliance with all recorded LUCs within their jurisdiction on an annual basis. The MOA with DTSC requires FORA to compile data provided in the annual LUC monitoring reports received from the County, the Cities, and MPC and transmit a compiled report, referred to in this LUCIP/OMP as the “annual LUC status report”, to DTSC until

FORA ceases to exist. When FORA ceases to exist, per the MOA with DTSC, the County will become responsible for compiling the data provided in the annual LUC monitoring reports received from the County, the Cities and MPC and transmittal of the compiled annual LUC status report to the Army, EPA, and DTSC. LUC implementation details on compliance monitoring and reporting are provided in Sections 4.5.1 and 4.5.2.

4.1.3 Covenants to Restrict Use of Property

The Army and DTSC entered into State CRUPs on the Group 3 MRAs prior to transfer of the properties to FORA. For reference, the State CRUPs are provided in Appendix F.

The purpose of the State CRUPs is to ensure the property is suitable for the intended uses, place use restrictions to ensure the protection of human health and the environment, and ensure that transfer of the property will not disrupt remedial activities. Specifically, the State CRUPs: 1) prohibit use of the property for any purpose other than activities associated with the investigation and remediation of MEC, installation of utilities and roadways, and other approved uses prior to completion of remedial actions; 2) prohibit residential use; 3) prohibit activities in violation of the digging and excavation ordinances; 4) require written notification of presence of MEC; and 5) provide DTSC right-of-entry and access to inspect and monitor the restrictions. The provisions set forth in the State CRUPs run with the land and are binding upon all future property owners and occupants of the property.

The State CRUPs also require the property owners to submit an annual report detailing compliance with the State CRUPs, including an annual inspection and check of County, City, and/or MPC records. The submission of an annual report containing this information, as outlined in the MOA with DTSC (Section 4.1.2), will satisfy this reporting requirement.

4.1.4 Deed Restrictions

The existing Federal deeds to FORA for the Group 3 MRA parcels include the following land use restrictions: 1) prohibit residential use; and 2) prohibit excavation (unless construction support and munitions recognition and safety training are provided). For reference, the deeds are provided in Appendix B. The Federal deeds also include requirements for providing notice of the potential for the presence of MEC to future property owners and requirements to immediately stop any ground-disturbing or intrusive activities in the area or in any adjacent areas in the event a MEC item is encountered, and not to attempt to disturb, remove or destroy the MEC, but to notify the local law enforcement agency having jurisdiction on the property so that appropriate military EOD personnel can be dispatched to address such MEC.

The land use restrictions and notices set forth in the Federal deeds run with the land and are binding upon all future property owners and occupants of the property.

4.2 Munitions Recognition and Safety Training

People involved in ground-disturbing or intrusive activities within the Group 3 MRAs are required to have a munitions recognition and safety training to increase their awareness of and ability to recognize suspect munitions items. The objective of munitions recognition and safety training is to ensure that people involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and ensure that the ground-disturbing or intrusive activity stops in the vicinity of the suspect munitions item when a suspect munitions item is encountered and report the encounter to the appropriate authority. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. For projects that do not require a construction support plan, ground-disturbing or intrusive activities will stop as indicated on the munitions recognition and safety training materials.

FORA currently offers munitions recognition and safety training to anyone conducting ground-disturbing or intrusive activities on the Group 3 MRAs. Munitions recognition and safety training is being provided through a publicly accessible web-based eLearning platform at www.FortOrdSafety.com.

The munitions recognition and safety training requirement is being implemented in the Group 3 MRAs through: 1) annual distribution of the MEC Safety Guide to property owners and other land users (related to utilities serving the property) of the availability of munitions recognition and safety training; 2) excavation permitting and construction support requirements for training; and 3) annual training compliance monitoring and reporting. The current deeds and State CRUPs prohibit activities in violation of the County and Cities digging and excavation ordinances.

The digging and excavation ordinances require the County and the Cities to annually notify property owners of the requirements of the digging and excavation ordinance, including distribution of the Army Safety Alert pamphlet, the requirements for munitions recognition and safety training, and excavation permits. Excavation permitting requirements include requirements that all personnel conducting ground-disturbing or intrusive activities obtain munitions recognition and safety training as part of construction support. The MOA with DTSC requires MPC, the County, and the Cities to monitor compliance with all land use controls, including munitions recognition and safety training, and to report compliance annually to FORA, or the County when FORA ceases to exist.

Details on the implementation of munitions recognition and safety training, including descriptions of the training materials, annual notification of training requirements, excavation permit training requirements, and compliance monitoring and reporting are discussed in Section 4.2.1. The long-term operation and maintenance requirements of munitions recognition and safety training are discussed further in Section 5.0.

MPC, the County, and Cities will coordinate proposals to remove the requirements for munitions recognition and safety training, in consultation with Army, EPA, and DTSC. Additional details regarding the process for review and approval of a property owner or

developer request to remove a requirement for munitions recognition and safety training are provided in Section 4.2.5.

Munitions recognition and safety training will be evaluated by the Army as part of the five-year review (Section 4.5) process to determine if the training program should continue. If further evaluation indicates that this LUC is no longer necessary for the Group 3 MRAs, the program may be discontinued upon Army, EPA, and DTSC approval. See Section 4.6 for details regarding remedy modification.

4.2.1 Munitions Recognition and Safety Training Materials

Training materials are available for use in fulfilling the requirements of munitions recognition and safety training for people involved in ground-disturbing or intrusive activities in the Group 3 MRAs. The munitions recognition and safety training materials include a MEC safety guide and web-based training resources as described in Sections 4.2.1.1 and 4.2.1.2, respectively.

4.2.1.1 MEC Safety Guide

The MEC Safety Guide provides education about the possibility of encountering MEC, images of MEC that could be encountered, and safety and notification procedures to follow if a suspect munitions item is found. The MEC Safety Guide emphasizes the 3Rs – Recognize, Retreat and Report. In addition, the MEC Safety Guide includes information on obtaining web-based munitions recognition and safety training and locating the digging and excavation ordinances. The MEC Safety Guide is provided in Appendix C.

In addition, the County and Cities digging and excavation ordinances include a requirement that workers receive the “Safety Alert” pamphlet (Appendix G), as prepared by the Army and explain to each such person the information set forth in that pamphlet. The Army widely distributes a “Safety Alert” pamphlet to the community. The Army Safety Alert warns of the dangers of unexploded ordnance, and includes images of the ordnance and explosives that may be present, and the safety and notification procedures to follow if objects resembling ordnance and explosives are discovered.

The MEC Safety Guide will be distributed to Group 3 MRA property owners by the County and the Cities during the annual notification to property owners as required by the digging and excavation ordinances. The annual notification to property owners will also specify that property owners and/or land users are required to deliver a copy of the MEC Safety Guide, along with the County and Cities digging and excavation ordinance required Army Safety Alert pamphlet, to all personnel conducting ground-disturbing or intrusive activities.

Ground-disturbing or intrusive activities involving disturbance of less than ten (10) cy of soil do not require an excavation permit. However, for projects involving less than ten (10) cy of soil disturbance in areas with a low probability of encountering MEC, the property owner is required to provide the MEC Safety Guide and Army Safety Alert pamphlet to construction personnel prior to start of ground-disturbing or intrusive activities. Projects involving less than ten (10) cy of soil disturbance in areas with a moderate to high probability of

encountering MEC require construction support and must be consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines for on-site construction support, including anomaly avoidance. Section 4.3 provides details on determining construction support levels and probability of encountering MEC, implementation of construction support, and annual monitoring and reporting.

4.2.1.2 Web-based Munitions Recognition and Safety Training Resources

Munitions recognition and safety training is being provided through a publicly accessible web-based eLearning platform. FORA is responsible for implementing and maintaining the eLearning platform. The eLearning platform provides open public access and full availability to the training materials. Munitions recognition and safety training using the eLearning platform is required for workers involved in ground-disturbing or intrusive activities requiring an excavation permit.

Availability of the training and access to the eLearning site will be promoted through annual notifications of MEC training requirements, messaging in the MEC Safety Guide, and a link to the web-site www.FortOrdSafety.com.

The munitions recognition and safety training eLearning promotes the Army's 3Rs of explosives safety when working in areas with past military use: Recognize, Retreat and Report. The training emphasizes recognition of potential MEC hazards and avoidance. MEC have many shapes and sizes and may resemble pieces of pipe, old soda cans, car mufflers, or even baseballs. All suspect munitions items, whether complete or in pieces, should be considered dangerous and should not be touched, moved, or disturbed in any way by site workers. Training objectives include awareness of the potential hazards of MEC, ability to recognize potential MEC hazards if encountered, and knowledge to avoid interacting with suspect munitions items and to report the discovery to an appropriate authority.

The eLearning training program is an interactive multi-media course. The eLearning platform includes tools for registration of trainees, access to the training materials, and documenting and monitoring of training activities. The eLearning course includes student interaction and self-assessment tools. Trainees who successfully complete the training program are issued an eLearning certificate documenting completion of the course. The eLearning platform also allows trainees to register and electronically maintain records of their training. Through the duration of the construction support project, training records must be maintained on-site, or readily accessible, and made available for inspection upon request to confirm compliance with training requirements. Training records are also reported by the permittee in the Construction Support After Action Report (Section 4.3.2.5 and 4.3.3.5).

4.2.2 Annual Notification of MEC Training Requirements

The digging and excavation ordinances require the County and the Cities to annually notify property owners of the requirements of the digging and excavation ordinance, including the requirement for distribution of the Army Safety Alert pamphlet, the requirements for munitions recognition and safety training, and requirements for excavation permits. The MEC Safety Guide will be distributed by the County and Cities to property owners and other land

users (related to utilities serving the property) during the annual notification. Property owners and/or land users are required to deliver a copy of the MEC Safety Guide to all personnel conducting ground-disturbing or intrusive activities. The MEC Safety Guide includes information on how property owners and workers can obtain munitions recognition and safety training.

Property owners, including MPC, are responsible for knowing and following the requirements of the digging and excavation ordinances, including the requirement to ensure personnel conducting ground-disturbing or intrusive activities are trained prior to conducting ground-disturbing or intrusive activities.

LUC requirements compliance will be monitored by MPC, the County and the Cities through annual LUC inspections and monitoring (Section 4.5).

4.2.3 Construction Support Site-Specific Worker Training

People conducting ground-disturbing or intrusive activities, under a construction support plan, are required to receive job site-specific MEC training. The job site-specific MEC training will be administered by project safety personnel upon project start and upon arrival of any new personnel potentially working in the project area prior to working on the site. The job site-specific MEC training includes: review of procedures for site-specific implementation of the 3Rs and emphasizes the site-specific actions to be followed to ensure the employees have a safe working environment.

Project personnel are required to maintain documentation of compliance with munitions recognition and safety training requirements through the duration of the construction support project. Documentation including eLearning certificates and site-specific training logs must be maintained on-site, or be readily accessible, and made available for inspection upon request to confirm compliance with training requirements. Training records are also reported by the permittee in the Construction Support After Action Report.

4.2.4 Monitoring and Reporting of Munitions Recognition and Safety Training

Munitions recognition and safety training activities within the Group 3 MRAs will be monitored by MPC, the County, and the Cities and reported in annual LUC monitoring reports (Section 4.5.1).

The monitoring and reporting of LUCs, including munitions recognition and safety training requirements, are implemented through the MOA between the DTSC, MPC, the County, and the Cities. The MOA with DTSC requires MPC, the County, and the Cities to monitor compliance with all land use controls, report annually to FORA, or the County when FORA ceases to exist, concerning compliance with all recorded LUCs within their jurisdiction, and FORA to compile data in the jurisdiction reports and transmit those data in an annual status report to the DTSC. While the MOA is with DTSC, the LUC data and annual monitoring reports will be submitted by FORA to the Army, EPA, and DTSC.

MPC, the County, and Cities will submit munitions recognition and safety training statistics and compliance monitoring results annually to FORA in the annual LUC monitoring report utilizing the Former Fort Ord LUC Report Outline (Sections 4.5.1 and 4.5.2). Annual LUC monitoring and reporting requirements include verification of annual property owner notification from MPC, County, and Cities and transmittal of the MEC Safety Guide and Army Safety Alert pamphlet, verification of the continued availability of web-based training resources by FORA and compilation of munitions recognition and safety training data in accordance with the MOA with DTSC.

On-site construction support projects involving less than ten (10) cy of soil disturbance do not require an excavation permit but must be coordinated with FORA (Section 4.3.1). MPC, County, and Cities will compile results of on-site construction support monitoring for projects involving less than ten (10) cy of soil disturbance, including munitions recognition and safety training statistics, utilizing the appropriate sections of the LUC Report Outline and report in the annual LUC monitoring reports.

FORA will compile annual LUC monitoring reports received from MPC, the County, and the Cities, and submit them to the Army, EPA, and DTSC in annual LUC status reports, to ensure compliance with LUC monitoring and reporting requirements (Sections 4.5.1 and 4.5.2).

4.2.5 Process for Review of Proposals to Remove Requirement for Munitions Recognition and Safety Training

The MOA, State CRUPs, ROD, and deeds ensure any future proposals to remove requirement for munitions recognition and safety training within the Group 3 MRAs require review and approval by Army, EPA, and DTSC. The requirement for munitions recognition and safety training is a component of the CERCLA remedy for the Group 3 MRAs; therefore, the restriction cannot be removed from the deeds and State CRUPs until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under the CERCLA remedy is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and State CRUPs.

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4.3 Construction Support for Ground-disturbing or Intrusive Activities

Construction support is required for any ground-disturbing or intrusive activities in order to address potential MEC risks to personnel. The construction support requirement is being implemented through the County and Cities digging and excavation ordinances. The County and Cities digging and excavation ordinances include requirements for: 1) annual notifications to property owners and other land users, such as utility services; 2) excavation and digging restrictions; and 3) excavation permitting including construction support by UXO-qualified personnel.

To ensure awareness, the ordinances require annual notification to property owners and other land users, such as utility services and habitat managers, of the requirements of the County and Cities digging and excavation ordinances and requirements for distribution of the Army Safety Alert pamphlet and MEC Safety Guide (Section 4.2.1.1). Further, the ordinances require property owners to notify any subsequent property owners, lessees or users of the ordinance requirements. Per the digging and excavation ordinances, the safety materials must be delivered and explained, at least annually, to everyone whose work at the site includes disturbing soil.

This section provides details on the implementation of construction support requirements including:

- Determining construction support levels and requirements (Section 4.3.1)
- On-call construction support process and requirements (Section 4.3.2)
- On-site construction support process and requirements (Section 4.3.3)
- Response to suspect munitions items during ground-disturbing activities (Section 4.3.4)
- FORA MEC find assessments (Section 4.3.5)
- Construction support annual monitoring and reporting (Section 4.3.6)

The long-term operation and maintenance of construction support requirements are discussed in Section 5.0.

FORA will ensure the deeds transferring Group 3 MRA properties to MPC, the County, and Cities include land use restrictions in the Environmental Protection Provisions (EPPs), including excavation restrictions, placed on the property by the Army remain in place. In addition, the County and Cities review the deeds, property transfer documents, deed amendments and other property filings associated with the Group 3 MRA properties to ensure land use restrictions in the EPPs, including excavation restrictions, placed on the property by the Army remain in place.

MPC, the County, and Cities will coordinate proposals to remove the requirements for construction support during ground-disturbing or intrusive activities, in consultation with Army, EPA, and DTSC. Additional details regarding the process for review and approval of a

property owner or developer request to remove a requirement for construction support during ground-disturbing or intrusive activities are provided in Section 4.3.7.

Construction support requirements apply in the short term during initial development of the reuse area, and/or in the long-term during reuse and redevelopment activities. Construction support effectiveness will be evaluated by the Army as part of the five-year review process to determine if the LUC should continue. If the MEC-related data collected during the development of the reuse areas indicate that this LUC is no longer necessary, construction support requirements may be discontinued with Army, EPA, and DTSC approval. See Section 4.7 for details regarding remedy modification.

4.3.1 Determining Construction Support Levels and Requirements

This section outlines the procedure for determining which construction support levels are required and the associated administrative requirements. Details regarding implementation of the required construction support levels are provided in Sections 4.3.2 and 4.3.3.

Administrative requirements for implementation of construction support, including consultation requirements and excavation permitting requirements, are based on the level of soil disturbance.

- **Larger projects**, involving disturbance of ten (10) cy or more of soil, require an excavation permit and are implemented through excavation permit requirements consistent with the local digging and excavation ordinances. FORA will assist property owners in coordinating with the County or City on excavation permit application procedures. FORA will coordinate with property owners, Army, EPA, and DTSC to determine appropriate construction support requirements, including the use of anomaly avoidance techniques.
- **Minimal soil-disturbing activities**, involving disturbance of less than ten (10) cy of soil, do not require an excavation permit; FORA is available to assist the property owner with the determination of construction support levels and requirements.

The required level of construction support is determined based on safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines and the probability of encountering MEC at the project site. Details regarding determining the probability of encountering MEC are provided in Section 4.3.1.1.

- **Low probability of encountering MEC** – For larger projects, involving disturbance of ten (10) cy or more of soil, in areas where the probability of encountering MEC is low, on-call construction support, to include a construction support plan, is required (Section 4.3.2). Minimal soil disturbance activities, involving disturbance of less than ten (10) cy of soil, in areas with a low probability of encountering MEC do not require construction support or a construction support plan, but the property owner is required to provide the Army Safety Alert pamphlet (Appendix G) and MEC Safety Guide (Appendix C) to construction personnel prior to start of ground-disturbing or intrusive activities. Web-based munitions recognition and safety training is not

required for activities involving disturbance of less than ten (10) cy of soil in areas with a low probability of encountering MEC; however, the training is recommended.

- **Moderate to high probability of encountering MEC** – When the probability of encountering MEC is moderate to high, “on-site” construction support or use of anomaly avoidance techniques is required (Section 4.3.3). This requirement is applicable regardless of the level of soil disturbance or excavation permitting requirements.

The required levels of construction support are illustrated in the below inset box.

		Probability of Encountering MEC	
		Low	Moderate to High
Amount of soil disturbance	Less than 10 cubic yards (minimal soil disturbance)	<ul style="list-style-type: none"> • Web-based Munitions Recognition and Safety Training (recommended) • MEC Safety Guide and Army Safety Alert Review *No Excavation Permit or Construction Support Plan required. 	<p><u>On-site Construction Support</u></p> <ul style="list-style-type: none"> • Web-based Munitions Recognition and Safety Training • MEC Safety Guide and Army Safety Alert Review • Anomaly Avoidance or On-site Construction Support Plan (no template) *No Excavation Permit required.
	10 cubic yards or more	<p><u>On-call Construction Support</u></p> <ul style="list-style-type: none"> • Web-based Munitions Recognition and Safety Training • MEC Safety Guide and Army Safety Alert Review • On-Call Construction Support Plan (template) • Excavation Permit • Site-Specific MEC Training per construction support plan 	<p><u>On-site Construction Support</u></p> <ul style="list-style-type: none"> • Web-based Munitions Recognition and Safety Training • MEC Safety Guide and Army Safety Alert Review • Anomaly Avoidance or On-site Construction Support Plan (no template) • Excavation Permit • Site-Specific MEC Training per construction support plan

Details regarding determining appropriate construction support levels and administrative requirements are provided below.

4.3.1.1 Determining Probability of Encountering MEC

The probability of encountering MEC for specific parcels within the Group 3 MRAs are presented below and summarized in Table 2 and Figures 5, 6, and 7 for DRO/Monterey, Laguna Seca Parking, and MOUT Site MRAs, respectively. The probability of encountering

MEC is presented as general guidance; each project must be assessed for the probability of encountering MEC based on site- and project-specific information.

- DRO / Monterey MRA - The probability of encountering MEC in the entire DRO/Monterey MRA is considered to be low (Figure 5).
- Laguna Seca Parking MRA - The probability of encountering MEC in portions of Laguna Seca Parking MRA that did not receive full clearance to depth is considered moderate to high (Figure 6). The probability of encountering MEC in the remaining areas of the Laguna Seca Parking MRA is considered to be low (Figure 6).
- MOUT Site MRA - The probability of encountering MEC in portions of the MOUT Site MRA that did not receive full clearance to depth is considered moderate to high (Figure 7). The probability of encountering MEC in the remaining areas of the MOUT Site MRA is considered to be low (Figure 7).

As reuse projects are successfully implemented over the years, cumulative information from soil disturbance projects, including Construction Support After Action Reports, should be reviewed by the property owner to determine the probability of encountering MEC at the time of the planning stages of the future project. The assessment of the level of risk, if any, and the need for support, on-site or on-call, is ultimately the responsibility of the property owner after giving careful consideration to explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines, and site-specific conditions, including (1) the nature and scope of the ground-disturbing activity; (2) the historical uses of the property; (3) information available concerning discovery of MEC after the completion of FORA's environmental work; and (4) the professional judgement of the property owner's contractors and engineers.

4.3.1.2 Determining Construction Support Permit and Administrative Requirements

This section provides guidance on administrative requirements for implementation of construction support requirements for the Group 3 MRAs. Contact the County or City for specific excavation permit requirements and permitting process.

Construction support administrative requirements are based on the level of soil disturbance during the project or activity. Larger projects, involving disturbance of ten (10) cy or more of soil, require an excavation permit issued by the County or City, regardless of the probability of encountering MEC at the site. Excavation permitting requirements include a final construction support plan (Sections 4.3.2.1 and 4.3.3.1). Minimal soil-disturbing activities do not require an excavation permit, but in areas with a moderate to high probability of encountering MEC, regardless of the level of soil disturbance, require use of anomaly avoidance techniques or on-site construction support. Anomaly avoidance and on-site construction support activities require a final construction support plan (Section 4.3.3.1).

FORA Coordination

FORA will coordinate with and/or assist property owners, as necessary, to ensure compliance with construction support requirements. As needed, FORA will assist property owners in

determining appropriate construction support levels and administrative requirements, including site and project specific construction support requirements, excavation permit requirements under the digging and excavation ordinances, and requirements for Army, EPA and DTSC notification, coordination, and review of construction support plans (Sections 4.3.2.1 and 4.3.3.1).

For larger projects, involving disturbance of ten (10) cy or more of soil, FORA will assist property owners in coordinating with the County or City on excavation permit application procedures. FORA will coordinate and participate in reviews and finalization of construction support plans.

Minimal soil-disturbing activities, involving less than ten (10) cy of soil, in areas with low probability of encountering MEC (Figures 5, 6, and 7) do not require construction support, FORA coordination, excavation permits, or construction support plans; however, FORA is available to assist the property owner with the determination of construction support levels and requirements. Minimal soil-disturbing activities in areas with moderate to high probability of encountering MEC require use of anomaly avoidance techniques or on-site construction support. An excavation permit is not required and FORA will coordinate with property owners, Army, EPA and DTSC to determine appropriate construction support requirements, including the use of anomaly avoidance techniques.

FORA assistance in coordination of construction support may be obtained by contacting FORA. Information regarding FORA contacts is available on the FORA web page, www.fora.org. FORA will make their best efforts to expedite administrative requirements and to coordinate the required regulatory review process with the Army, EPA, and DTSC. Upon request, FORA will provide guidance or reasonable assistance in obtaining guidance relevant to implementation of construction support requirements.

Minimal Soil-Disturbing Activities

Projects involving less than ten (10) cy of soil-disturbing activities in areas with low probability of encountering MEC do not require construction support, FORA coordination, excavation permits, or construction support plans; however, FORA is available to assist the property owner with the determination of construction support levels and requirements.

Minimal soil-disturbing activities in areas with moderate to high probability of encountering MEC do not require excavation permits, though do require coordination with FORA, construction support plans, and use of anomaly avoidance techniques or on-site construction support. Areas within the Group 3 MRA with moderate to high probability of encountering MEC are limited to portions of the Laguna Seca Parking MRA and MOUT Site MRA (Figures 6 and 7; Section 4.3.1.1). The probability of encountering MEC is presented as general guidance; each project must be assessed for the probability of encountering MEC based on site- and project-specific information. Minimal soil-disturbing activities in the remaining portions of the Group 3 MRAs do not require construction support, FORA coordination, excavation permits, or construction support plans.

Continued like uses at the Laguna Seca Parking MRA and MOUT Site MRA do not trigger construction support requirements. Construction activities, site modification and other changes in use must be evaluated to determine appropriate construction support requirements, including use of anomaly avoidance techniques. Areas with moderate to high probability of encountering MEC require on-site construction support or use of anomaly avoidance techniques. FORA will coordinate with property owners, Army, EPA and DTSC to determine appropriate construction support requirements (Section 4.3.1.3), including the use of anomaly avoidance techniques.

MPC Parcel Coordination and Compliance

MPC is not bound by local building regulations when they act in their higher education capacity/role and is not subject to project review or permitting by the County or Cities. However, MPC has agreed to comply with the local digging and excavation ordinances, specifically the requirements for munitions recognition and safety training, construction support, notifications, and monitoring and reporting, under the MOA in place with FORA, MPC, the County, the Cities and DTSC (Appendix E). MPC concurred with the excavation permitting requirements described in this LUCIP/OMP in a Confirmation of Agreement between MPC and FORA (Appendix D). In addition, MPC, as property owner, is prohibited from activities in violation of the digging and excavation ordinance under the State CRUPs and Federal deed; therefore, excavation permits are required. The requirement for excavation permits, as described in this LUCIP/OMP, were coordinated with FORA, MPC, the County, and Cities.

MPC will coordinate with FORA, as necessary, to ensure compliance with construction support requirements and for assistance in determining appropriate construction support levels and administrative requirements, including site and project specific construction support requirements and requirements for Army, EPA and DTSC notification, coordination and review of construction support plans (See Construction Support Plan Consultation and Review Process). As a permittee, MPC is responsible for construction support after action reporting (Section 4.3.2.5 and Section 4.3.3.5) and construction support annual monitoring and reporting (Section 4.3.6) for projects on MPC property.

Local Digging and Excavation Ordinance Permitting

Larger projects, involving disturbance of ten (10) cy or more of soil, require an excavation permit and are implemented through excavation permit requirements consistent with the local digging and excavation ordinances. The property owner or project proponent must apply to the local Building Official (permitting agency) for a permit using the application format and permitting process of that agency.

Excavation permit procedures require a final construction support plan before movement or disturbance of soil on the property. The construction support plan shall be attached to and become part of any permit issued (See Construction Support Plan Consultation and Review Process).

For projects involving disturbance of ten (10) cy or more of soil, FORA will coordinate with property owners, Army, EPA and DTSC to determine appropriate construction support requirements, including the use of anomaly avoidance techniques. For projects involving disturbance of less than ten (10) cy of soil, a permit is not required and coordination with FORA is not required; however, FORA is available to assist the property owner with the determination of construction support levels and requirement (see FORA Coordination and Minimal Soil Disturbing Activities). The local Building Official reviews permit applications and issues excavation permits. All excavation and grading shall be performed solely in accordance with the permit issued by the County or City.

Construction Support Plan Consultation and Review Process

A construction support plan is required to implement on-call construction support, on-site construction support and anomaly avoidance activities. FORA will coordinate with property owners, as necessary, to ensure compliance with construction support requirements. As needed, FORA will assist property owners in determining appropriate construction support levels and administrative requirements (See FORA Coordination).

Final construction support plans are required for excavation permits, and minimal soil-disturbing projects involving less than ten (10) cy of soil disturbance in areas with moderate to high probability of encountering MEC (Section 4.3.1). FORA will coordinate and participate in the review of construction support plans (See FORA Coordination).

A construction support plan will be prepared by a UXO support contractor for each ground-disturbing or intrusive project involving the disturbance of ten (10) cy or more of soil and/or the probability of encountering MEC in the area is determined to be moderate to high (Sections 4.3.2.1 and 4.3.3.1).

For on-call construction support plans, the plan is provided to Army, EPA and DTSC for review and comment. Upon resolution of comments, the final construction support plan will be provided to Army, EPA and DTSC for concurrence that comments have been resolved. The on-call construction support plan will be final upon resolution of Army, EPA, and DTSC comments.

For on-site construction support plans, the plan is provided to the Army for a consistency review regarding explosives safety criteria and considerations. Upon completion of Army review, the plan, along with any Army comments regarding explosives safety criteria and considerations, is provided concurrently to EPA and DTSC for review.

EPA and DTSC will review the on-site construction support plans and any Army comments regarding explosives safety criteria and considerations. Upon resolution of EPA and DTSC comments, the final construction support plan will be provided to Army, EPA and DTSC for concurrence that comments have been resolved. The on-site construction support plan will be final upon resolution of EPA and DTSC comments.

For anomaly avoidance construction support plans, the plan is provided to Army, EPA and DTSC for review and comment. Upon resolution of comments, the final anomaly avoidance

construction support plan will be provided to Army, EPA and DTSC for concurrence that comments have been resolved. The anomaly avoidance construction support plan will be final upon resolution of EPA and DTSC comments.

4.3.1.3 Determining Construction Support Level Requirements

This section provides guidance on determining the required level of construction support during ground-disturbing or intrusive activities in the Group 3 MRAs. General construction support level requirements for each ground-disturbing or intrusive project can be determined by applying the Construction Support Implementation Requirements decision tree provided in Appendix H, which is supported by Table 2.

Guidance on general requirements for on-call and on-site construction support, including anomaly avoidance, are summarized in Tables 3 and 4. Details on the implementation for on-call and on-site construction support projects are provided in Sections 4.3.2 and 4.3.3, respectively. Project specific requirements for construction support and procedures for implementing construction support are determined on a case-by-case and project specific basis during the excavation permitting process and documented in the construction support plan.

Minimal Soil Disturbance Activities

For projects involving less than ten [10] cy soil disturbance, an excavation permit is not required; FORA is available to assist the property owner with the determination of appropriate construction support levels and requirements.

In areas with a low probability of encountering MEC, no FORA, Army, EPA, or DTSC consultation, excavation permit, or construction support plan is required for minimal soil disturbance activities. Activities that are likely to result in minimal soil disturbance include, but are not limited to, landscape maintenance, tree and shrub planting, road maintenance, fence and sign post installation, and soil sampling.

For these projects, site workers are provided the MEC Safety Guide which provides guidance on munitions recognition and procedures for the appropriate response in the unlikely event a suspect munitions item is encountered. The MEC Safety Guide provides workers with information on how to obtain munitions recognition and safety training. Web-based munitions recognition and safety training is not required for activities involving disturbance of less than ten (10) cy of soil in areas with a low probability of encountering MEC; however, the training is recommended.

In the unlikely event a suspect munitions item is encountered, local law enforcement is contacted through 911, responds to secure the site, and requests military EOD personnel, or local bomb squad with equivalent training, response to address the suspect munitions item. The suspect munitions find is documented by the property owner using the Army's Fort Ord MEC Incident Recording Form. Discoveries of MEC on such sites require notification to FORA of the discovery and reassessment of the level of construction support required. The

process for reassessment of a site with low probability of encountering MEC is described in Section 4.3.5.

In areas with a moderate to high probability of encountering MEC, regardless of the level of soil disturbance, on-site construction support or anomaly avoidance is required (Section 4.3.3).

On-call Construction Support

For larger projects which involve disturbance of ten (10) cy or more of soil, in areas where the probability of encountering MEC is low, on-call construction support is required. On-call construction support requirements are summarized in Table 3 and detailed in Section 4.3.2.

FORA will coordinate with property owners, as necessary, to ensure compliance with construction support requirements. As needed, FORA will assist property owners in determining appropriate construction support levels and administrative requirements. Final construction support plans are required prior to soil-disturbing activities (See Section 4.3.1.2 FORA Coordination and Construction Support Plan Coordination and Review Process).

The UXO support contractor will prepare an On-call Construction Support Plan using the template in Appendix I. The UXO support contractor will review available information regarding the area of the proposed construction activities, determine the most likely types of MEC that may be encountered, physically inspect the construction area and identify any site-specific MEC safety considerations. UXO-qualified personnel are then placed on standby to assist if suspected munitions are encountered. The UXO-qualified personnel can respond from offsite when called or be on location and available to provide immediate support. If a suspect munitions item is encountered, UXO-qualified personnel inspect and attempt to identify the item. If the item cannot be verified as safe (i.e., MEC or suspect MEC items), local law enforcement responds to secure the site and requests military EOD personnel, or local bomb squad with equivalent training, response to address the item. Discoveries of MEC on low probability sites require reassessment of the level of construction support.

For permitted on-call construction support projects, a Construction Support After Action Report must be completed and submitted by the permittee to the permitting agency and FORA, Army, EPA and DTSC within 30 days following completion of the soil-disturbing activities documenting that no MEC was encountered or any MEC detected and the extent and depth of soil disturbance at the site.

On-site Construction Support

In areas with a moderate to high probability of encountering MEC, regardless of the level of soil disturbance, on-site construction support or anomaly avoidance is required. On-site construction support requirements are summarized in Table 4 and detailed in Section 4.3.3.

FORA will coordinate with property owners, as necessary, to ensure compliance with construction support requirements. As needed, FORA will assist property owners in determining appropriate construction support levels and administrative requirements. A final construction support plan is required prior to soil-disturbing activities.

During on-site construction support, UXO-qualified personnel must attempt to identify and address explosive hazards within the construction footprint either prior to or during any ground-disturbing or intrusive activities, such that the probability of encountering MEC can be reassessed to be low, or use anomaly avoidance techniques to avoid any subsurface anomalies during ground-disturbing or intrusive activities. During on-site construction support, once explosive hazards, if present, have been removed, and the Army determines in consultation with EPA, and DTSC, that the probability of encountering MEC has been reduced to low, on-call construction support is provided, as appropriate, during construction activities.

For on-site construction support, the UXO support contractor will prepare an On-site Construction Support Plan (Section 4.3.3.1). The UXO support contractor will review historical military munitions use and remediation information regarding the area of the proposed construction activities, determine the types of munitions that may be encountered, identify any site-specific safety considerations and develop a plan for surveying the area to identify and remove potential explosive hazards, if present. UXO-qualified personnel will conduct the planned munitions survey action to identify and, if encountered, remove explosive hazards in the construction footprint prior to ground-disturbing or intrusive activities. The UXO support contractor will address MEC items, if encountered during on-site construction support, with the procedures in the On-site Construction Support Plan (Section 4.3.3.1).

Anomaly avoidance may also be used to fulfill the requirements for on-site construction support, if included in a final construction support plan. Depending on location and activity-specific circumstances, a ground-disturbing activity (such as installation of fence posts), in areas otherwise assessed as having moderate to high probability of encountering MEC, may be supported safely with anomaly avoidance. The purpose of anomaly avoidance during ground-disturbing or intrusive activities is to relocate ground-disturbing or intrusive activities to avoid contact with subsurface anomalies.

4.3.2 On-Call Construction Support

This section presents the detailed approach and requirements for implementing on-call construction support at the Group 3 MRAs. This section is applicable to construction activities which involve disturbance of ten (10) cy or more of soil and the probability of encountering MEC is determined to be low.

The UXO support contractor prepares an On-call Construction Support Plan (Section 4.3.2.1). At the start of the construction activities, UXO-qualified personnel are placed on standby to assist if suspected munitions are encountered. The UXO-qualified personnel can respond from offsite when called or be on location and available to provide immediate support to evaluate the suspect munitions item encountered (Section 4.3.2.3). If the item cannot be verified as safe (i.e., MEC or suspect MEC items), local law enforcement responds to secure the site and requests military EOD personnel, or local bomb squad with equivalent training, response to address the item (Section 4.2.3.4). Discoveries of MEC require a reassessment of the level of construction support (Section 4.3.5). For permitted on-call construction support projects, a Construction Support After Action Report must be completed and submitted by

the permittee to the permitting agency and FORA, Army, EPA and DTSC within 30 days following completion of the ground-disturbing or intrusive activities documenting that no MEC was encountered or any MEC detected, and the extent and depth of soil disturbance (Section 4.2.3.5).

4.3.2.1 On-Call Construction Support Plan

A construction support plan will be prepared by a UXO support contractor for each ground-disturbing or intrusive project involving the disturbance of ten (10) cy or more of soil and the probability of encountering MEC is determined to be low. The UXO support contractor will review available information regarding the area of the proposed construction activities, determine the most likely types of MEC that may be encountered, physically inspect the construction area and identify any site-specific MEC safety considerations. The On-call Construction Support Plan template included in Appendix I may be used to develop the construction support plan.

The following information is required in an On-call Construction Support Plan:

- Background – provide general project identification information along with confirmation the current probability of encountering MEC on the site is low and on-call construction support is appropriate (include a map showing the project footprint and past MEC find locations by MEC type).
- Project Site Description – provide a brief description of the location of the property and a project site map.
- Construction Project Description – provide a brief overview of the construction project that the construction support effort is supporting including identification of the construction footprint, major ground-disturbing or intrusive activities, general construction sequence, construction schedule and any other project specific information pertinent to providing construction support. The plan must include a description of the property where soil is proposed to be excavated, moved or graded, including drawings with dimensions to a scale which sets forth the size and details of the proposed excavation activities, including any cut and fill, trenching, well drilling, mineral excavation, post hole drilling or other activities of any sort.
- Soil Management Plan – required as a component of the construction support plan for projects including grading or soil movement. The Soil Management Plan would be identified as a requirement during the construction support planning process and submitted for review with the construction support plan. Soil management requirements are site-specific, but generally indicate that excavated soils are to remain within the munitions response area and tracking of soil movements within the site.
- Organizational Roles and Responsibilities – identify the organizations involved with construction support activities and their roles and responsibilities. It is critical that roles and responsibilities be clearly identified including coordination within the construction project, implementation of actions to identify and address explosives hazards, and after action reporting.

- Military Munitions Background – provide a summary of relevant military munitions background information considered by the construction support contractor in preparing the support plan. Background information should include a brief summary of the types of military training that historically occurred on the project site, the types of munitions used at the site and munitions most likely to be encountered; a summary of previous munitions response actions conducted at the site which may include the date of the action, objective of the action, MEC detection instruments used and identification of any areas where previous MEC removal actions were not completed (i.e., under roadways, building or other obstacles) or may have limited the effectiveness of the response actions (i.e., tree roots, steep slopes or other potential technical challenges); include a map describing provided information.
- MEC Construction Support Procedures – identify specific activities to be conducted during construction support. MEC construction support activities must, at a minimum, include construction support planning, munitions recognition and safety training, on-call construction support (MEC safety support) resources, response to suspect munitions items, and construction support notification and reporting requirements. MEC construction support procedures must be consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines.
- Response to Suspect Munitions Items – provide concise descriptions of the actions, roles and responsibilities for response to suspect munitions items. The intent of the section is to provide a single point of reference and clearly communicate the actions to be taken in response to suspect munitions items, and MEC and suspect munitions finds. Several of the procedures discussed here are also presented in MEC construction support procedures and are intentionally repeated here for ease of reference during a MEC incident and to clearly communicate the MEC response protocol for the project (use forms in Appendix I).
- Reporting and Notification Requirements – identify all reporting and notification requirements to be completed by the permittee, including status reporting, MEC safety training reporting, MEC incident reporting, and after action reporting (use forms in Appendix I).

As part of developing the construction support plan, UXO-qualified personnel will physically preview the actual construction footprint with the on-site manager of the construction contractor and discuss visual observations and any potential areas of concern prior to the start of the project.

The On-call Construction Support Plan must be reviewed and finalized prior to soil-disturbing activities (See Section 4.3.1.2 FORA Coordination and Construction Support Plan Coordination and Review Process). A final construction support plan must be submitted by the construction activity proponent (i.e., permittee) to the local Building Official (i.e., County or the City) with jurisdiction over the property as part of the digging and excavation ordinance permitting process.

4.3.2.2 Munitions Recognition and Safety Training

Prior to commencing construction activities, all personnel conducting ground-disturbing or intrusive activities must be provided munitions recognition and safety training and a copy of the MEC Safety Guide. The objective of munitions recognition and safety training is to ensure that site workers involved with ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, ensure that they stop ground-disturbing or intrusive activities in the vicinity of the suspect munitions item when a suspect munitions item is encountered and report the encounter to the appropriate law enforcement authority. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. Details regarding implementation and administration of the munitions recognition and safety training program are provided in Section 4.2.

4.3.2.3 UXO Support for Construction Activities

This section presents requirements and processes for implementing on-call construction support on sites where the probability of encountering MEC is low. The level of effort for construction support is site- and task-specific and determined on a case-by-case basis by the UXO support contractor during development of the On-call Construction Support Plan. The level of construction support, and tasks and procedures for conducting construction support will be documented in a construction support plan.

On-call support must be provided by UXO-qualified personnel following procedures consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines. On-call support is generally provided by one or more UXO-qualified personnel (UXO Technician II or UXO Technician III). The number of UXO-qualified personnel required for a construction support project will vary depending upon the total level of effort for the project.

UXO-qualified personnel must be on standby and available to assist if a suspect munitions item is encountered. Support can be from offsite when called or be on location and available to provide immediate support if a suspect munitions item is encountered.

On-site construction supervisor will confirm that construction personnel have completed the munitions recognition and safety training. In addition, procedures for reporting suspect munitions items will be reviewed by all personnel working on-site. All personnel will be advised to follow the 3Rs – Recognize, Retreat and Report. If a suspect munitions item is encountered, it is imperative that the item not be disturbed and be reported immediately to the construction supervisor and UXO-qualified personnel.

If workers unearth or otherwise encounter a suspect munitions item, all excavation activities in the vicinity of the suspect munitions item will cease. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. Workers will mark or otherwise note the location of the suspect munitions item (Recognize), stop work and leave the work area (Retreat) and report the suspect munitions item to their supervisor (Report). The supervisor will immediately report the find to the on-site construction supervisor who will verify all work has ceased, the area is cleared of all workers, the area is

secured from unauthorized entry and then immediately request support by UXO-qualified personnel.

No attempt will be made by workers to disturb, remove, or destroy the suspect munitions item. UXO-qualified personnel will respond to the area, inspect and assess the suspect munitions item. UXO-qualified personnel may visually assess the suspect munitions item during inspection.

If the suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items), all ground-disturbing or intrusive activities on the project site will remain stopped and law enforcement will be notified by the UXO support contractor. The procedures for response to an item that UXO-qualified personnel cannot verify as safe during on-call construction support are detailed in Section 4.3.2.4.

If the suspect munitions item is determined to be MD by UXO-qualified personnel, the item will be removed from the site by a UXO support contractor and securely stored for appropriate off-site disposal in accordance with the final construction support plan. A suspect munitions item determined to be a non-munitions related item will be removed from the site and managed as appropriate. Following removal of non-MEC items (i.e., material documented as safe [MDAS]) from the site, ground-disturbing or intrusive activity may resume at the site.

4.3.2.4 Suspect Munitions Item Response During On-call Construction Support

When UXO-qualified personnel cannot verify a suspect munitions item as safe, they follow the site-specific MEC item response procedures as identified in the construction support plan. The standard procedures for response to suspect munitions items during on-call construction support is determined by applying the Response to Suspect Munitions during On-Call Construction Support decision tree provided in Appendix H, and described below.

The general sequence of work stoppage in response to suspect munitions is: 1) when a suspect munitions item is encountered, work in the vicinity of the suspect munitions item is stopped and the item assessed by UXO-qualified personnel; 2) if the item is confirmed non-MEC (i.e., MDAS), work may resume; 3) if the suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items), work on the entire site or project area is stopped so that law enforcement and military EOD personnel or local bomb squad with equivalent training may respond. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. If the suspect munitions item is determined to be MEC, a MEC find assessment is conducted by FORA in consultation with the Army, EPA, and DTSC to determine if the current level of construction support is appropriate or additional actions are necessary before work may resume.

When a suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items) by UXO-qualified personnel, all work stops on the entire site and local law enforcement is notified by the UXO support contractor. After local law enforcement has been notified, FORA, Army, EPA, and DTSC are immediately notified of the suspect munitions find. Local

law enforcement responds to secure the site and requests military EOD personnel, or local bomb squad with equivalent training, respond to address the suspect munitions item.

After the suspect munitions item has been addressed by military EOD personnel, or local bomb squad with equivalent training, the UXO support contractor completes an Army's Fort Ord MEC Incident Recording Form (Appendix I) and FORA MEC Find Notification Form (Appendix I). The Army's Fort Ord MEC Incident Recording Form must be submitted to FORA within 24 hours of military EOD or bomb squad response. FORA will distribute the completed Fort Ord MEC Incident Recording Form to the Army, EPA, and DTSC within 48 hours, of the incident. The FORA MEC Find Notification Form must be submitted to FORA as soon as practicable to support FORA's assessment of the MEC find (Section 4.3.5). Completed Fort Ord MEC Incident Recording Forms and FORA MEC Find Notification forms are included in the Construction Support After Action Report and annual LUC monitoring report.

If the suspect munitions item is determined to be MEC, the probability of encountering MEC will be reevaluated by FORA and may result in additional actions or construction support requirements. FORA conducts a MEC find assessment to develop a recommendation for the probability of encountering MEC (Section 4.3.5). Site work may not restart until the assessment is completed, the Army, EPA, and DTSC have concurred, and any required additional action has been conducted.

4.3.2.5 On-call Construction Support After Action Reporting

Following completion of a permitted on-call construction support project, the permittee must submit a Construction Support After Action Report. A standardized form for Construction Support After Action Reports is presented in Appendix I. The permittee must complete the Construction Support After Action Report form and submit the requested project information and required attachments to the permitting agency and FORA, Army, EPA and DTSC within 30 days of project completion. Required attachments include a map of the final excavation footprint with plotted MEC finds, table summarizing any MEC, munitions debris or military training related items recovered from the project site, applicable MEC safety training logs and applicable construction support daily reports. MPC, the County, and the Cities will use the information included in Construction Support After Action Reports to compile information required for annual LUC monitoring and reporting (Section 4.5).

4.3.3 On-site Construction Support

This section presents the detailed approach and requirements for implementing on-site construction support at the Group 3 MRAs. In areas with a moderate to high probability of encountering MEC, regardless of the level of soil disturbance, on-site construction support or anomaly avoidance is required (Section 4.3.1.1).

UXO-qualified personnel must either attempt to identify and address explosive hazards within the construction footprint prior to or during any ground-disturbing or intrusive activities, such that the probability of encountering MEC can be reassessed to be low, or use anomaly avoidance techniques to avoid any subsurface anomalies during ground-disturbing

or intrusive activities. During on-site construction support, once explosive hazards, if present, have been removed and the Army determines in consultation with EPA, and DTSC, that the probability of encountering MEC has been reduced to low, on-call construction support is provided, as appropriate, during construction activities.

The UXO support contractor will prepare an On-site Construction Support Plan (Section 4.3.3.1) consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines. The UXO support contractor will review available information regarding the area of the proposed construction activities, determine the types of MEC that may be encountered, identify any site-specific safety considerations and develop procedures for identifying and removing MEC hazards that may be present. UXO-qualified personnel will search the area to identify and address explosive hazards within the construction footprint prior to or during ground-disturbing or intrusive activities such that the probability of encountering MEC can be reassessed to be low (Section 4.3.3.3). The UXO support contractor will address MEC items encountered during on-site construction support following procedures in the On-site Construction Support Plan (Section 4.3.3.1).

A Construction Support After Action Report must be completed and submitted by the permittee to the permitting agency and FORA, Army, EPA and DTSC within 30 days following completion of on-site construction support activities documenting the MEC removal activities and location on a site map, any MEC removed and the extent and depth of soil disturbance at the site (Section 4.3.3.5).

4.3.3.1 On-site Construction Support Plan

A construction support plan will be prepared by a UXO support contractor for each on-site ground-disturbing or intrusive project located in an area with a moderate to high probability of encountering MEC. Construction support plans for projects requiring on-site construction support shall include all procedures for identifying and removing MEC hazards that may be present, consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines.

The following information is required in an On-site Construction Support Plan:

- Background – provide general project identification information along with confirmation the current probability of encountering MEC on the site is high and on-site construction support is appropriate (include a map showing the project footprint and past MEC find locations by MEC type).
- Project Site Description – provide a brief description of the location of the property and a project site map.
- Construction Project Description – provide a brief overview of the construction project that the construction support effort is supporting including identification of the construction footprint, major ground-disturbing or intrusive activities, general construction sequence, construction schedule and any other project specific information pertinent to providing construction support. The plan must include a description of the property where soil is proposed to be excavated, moved or graded, including drawings with dimensions to a scale which sets forth the size and details of

the proposed excavation activities, including any cut and fill, trenching, well drilling, mineral excavation, post hole drilling or other activities of any sort.

- Soil Management Plan – required as a component of the construction support plan for projects including grading or soil movement. The Soil Management Plan would be identified as a requirement during the construction support planning process and submitted for review with the construction support plan. Soil management requirements are site-specific, but generally indicate that excavated soils are to remain within the munitions response area and tracking soil movements within the site.
- Organizational Roles and Responsibilities – identify the organizations involved with construction support activities and their roles and responsibilities. It is critical that roles and responsibilities be clearly identified including coordination within the construction project, implementation of actions to identify and address explosives hazards, transitioning to on-call construction support and after action reporting.
- Military Munitions Background – provide a summary of relevant military munitions background information considered by the construction support contractor in preparing the support plan. Background information should include a brief summary of the types of military training that historically occurred on the project site, the types of munitions used at the site and munitions most likely to be encountered; a summary of previous munitions response actions conducted at the site which may include the date of the action, objective of the action, MEC detection instruments used and identification of any areas where previous MEC removal actions were not completed (i.e., under roadways, building or other obstacles) or may have limited the effectiveness of the response actions (i.e., tree roots, steep slopes or other potential technical challenges); include a map describing provided information.
- MEC Explosive Hazard Removal Procedures – identify site-specific action to be conducted to identify and address explosive hazards within the construction footprint either prior to or during construction such that the probability of encountering MEC can be reassessed to be low. As an alternative, anomaly avoidance techniques may be used to avoid subsurface anomalies during ground-disturbing or intrusive activities. Actions that may be included in an on-site construction support plan include vegetation removal, geophysical mapping and analysis, anomaly excavation and addressing MEC if encountered. MEC related activities including MEC destruction must be detailed in the construction support plan. MEC construction support procedures must be consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines.
- MEC Construction Support Procedures – identify activities to be conducted to provide on-call construction support during construction activities, after on-site construction support is successfully conducted, the probability of encountering MEC has been reduced to low and on-call construction support determined to be appropriate. The plan must, at a minimum, include construction support planning, munitions recognition and safety training, on-call construction support (UXO safety support) resources, response to suspect munitions items, and construction support notification and reporting requirements identified in Section 4.3.2. MEC construction support procedures must be consistent with explosives safety criteria and

considerations provided in DoD and Army explosives safety standards and guidelines (use forms in Appendix I).

- Response to MEC Items – include contingency for response to MEC items during MEC explosive hazard removal activities, anomaly avoidance and construction activities.
 - MEC items encountered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the On-site Construction Support Plan. Locations for MEC storage and performing MEC demolition shots are required to be included in the On-site Construction Support Plan. FORA, Army, EPA, and DTSC are notified of the MEC find. On-site construction support may resume after the MEC item has been destroyed.
 - The objective of anomaly avoidance is to avoid encountering MEC. In the unlikely event MEC items are encountered during anomaly avoidance operations, the items will not be moved or destroyed by the UXO support contractor. Discoveries of MEC during anomaly avoidance operations requires a reassessment of the construction support approach before anomaly avoidance operations or other site work may resume.
 - If a suspect munitions item is encountered during construction activities, procedures for response to suspect munitions finds during on-call construction support are followed (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during construction activities after on-site construction support has been completed require a reassessment of the construction support approach before construction activities or other work may resume.
- Destruction of MEC Items – The plan must provide concise descriptions of the actions, roles and responsibilities for response to suspect munitions finds during MEC explosive hazard removal, including locations for MEC storage and performing MEC demolition shots and procedures for destruction of MEC items. The intent of the section is to provide a single point of reference and clearly communicate the actions to be taken in response to a MEC item during on-site construction support (Section 4.3.3.3).
- Reporting and Notification Requirements – The plan must identify all reporting and notification requirements including status reporting, MEC safety training reporting, MEC incident reporting and after action reporting (use forms in Appendix I).

As part of developing the construction support plan, UXO-qualified personnel will physically preview the actual construction footprint with the on-site manager of the construction contractor and discuss visual observations and any potential areas of concern prior to the start of the project.

The On-site Construction Support Plan must be reviewed and finalized prior to soil-disturbing activities (See Section 4.3.1.2 FORA Coordination and Construction Support Plan Coordination and Review Process). A final construction support plan must be submitted by the construction activity proponent (i.e., permittee) to the local Building Official (i.e., County

or Cities) with jurisdiction over the property as part of the digging and excavation ordinance permitting process.

4.3.3.2 Munitions Recognition and Safety Training

All personnel conducting ground-disturbing or intrusive activities must be provided munitions recognition and safety training and a copy of the MEC Safety Guide. The objective of munitions recognition and safety training is to ensure site workers involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, ensure that they stop ground-disturbing or intrusive activities in the vicinity of the suspect munitions item when a suspect munitions is encountered, and report the encounter to the appropriate authority as identified in the construction support plan. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. Training records are maintained and available for inspection during the project and reported by the permittee in the Construction Support After Action Report. Details regarding implementation and administration of the munitions recognition and safety training program are provided in Section 4.2.

4.3.3.3 On-site Construction Support Explosive Hazard Removal Requirements

This section presents requirements for implementing on-site construction support for explosive hazard removal on sites where the probability of encountering MEC is moderate to high. On-site construction support or anomaly avoidance must be provided to remove or avoid potential explosive hazards in the construction footprint before ground-disturbing or intrusive activities occur. Actions that may be conducted during on-site construction support include vegetation removal, surface MEC evaluation, geophysical mapping and analysis, anomaly excavation and addressing MEC if encountered.

Subsurface MEC evaluation is conducted to address explosive hazards identified within the construction footprint either prior to or during construction such that the probability of encountering MEC can be reassessed to be low. Subsurface geophysical surveys may be completed using detection instruments with real time or post-processing identification techniques.

The level of effort for construction support is site and task-specific and must be determined on a case-by-case basis by the UXO support contractor in coordination with the Army, EPA, and DTSC. The level of construction support, and tasks and procedures for conducting construction support will be documented in a construction support plan. Timing with respect to transitioning to on-call construction support and initiation of construction activities on the project site is site-specific and will be specified in the construction support plan.

On-site support must be provided by UXO-qualified personnel using procedures consistent with explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines.

4.3.3.4 Suspect Munitions Item Response During On-site Construction Support

When UXO-qualified personnel conducting on-site construction support confirm that a suspect munitions item is MEC they follow the site-specific MEC item response procedures as identified in the construction support plan.

MEC items encountered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the final construction support plan. Locations for MEC storage and performing MEC demolition shots are required to be included in the On-site Construction Support Plan. FORA, Army, EPA, and DTSC are notified of the MEC find. On-site construction support may resume after the MEC item has been destroyed.

In the unlikely event MEC items are encountered during anomaly avoidance operations, the items will not be moved or destroyed by the UXO support contractor. Follow the procedures for response to suspect munitions finds during on-call construction support (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during anomaly avoidance operations require a reassessment of the construction support approach before anomaly avoidance operations or other site work may resume.

If a suspect munitions item is encountered during construction activities, the item will not be moved or destroyed by the UXO support contractor. Follow the procedures for response to suspect munitions finds during on-call construction support (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during construction activities after on-site construction support has been completed require a reassessment of the construction support approach before construction activities or other work may resume.

4.3.3.5 On-site Construction Support After Action Reporting

Following completion of an on-site construction support project, the permittee must submit a Construction Support After Action Report. This reporting requirement is applicable to permitted on-site construction support projects and on-site construction support for minimal soil-disturbing activities. A standardized form for construction support after action reporting is presented in Appendix I. The permittee must complete the applicable form and submit the requested project information and required attachments to the permitting agency and FORA, Army, EPA, and DTSC within 30 days of project completion. Required attachments include a map of the final excavation footprint with plot of MEC finds, table summarizing any MEC, munitions debris or military training related items recovered from the project site, applicable MEC safety training logs and applicable construction support daily reports. MPC, the County, and the Cities use the information provided in Construction Support After Action Reports to compile information required for annual LUC monitoring and reporting.

For on-site construction support projects involving less than ten (10) cy of soil disturbance, the Construction Support Plan must include details on the preparation of the Construction Support After Action Report and submission of the report to FORA, Army, EPA, and DTSC within 30 days of project completion. MPC, the County, and the Cities will use the

information provided in on-site construction support project Construction Support After Action Reports for annual LUC monitoring and reporting.

A Construction Support After Action Report must also provide the information and data required in a post-MEC removal report or technical information paper.

4.3.4 Response to Suspect Munitions Item During Ground-Disturbing Activities

As required in the ROD, the property owner or workers will stop work in the vicinity of the suspect munitions item and notify construction support personnel or the local law enforcement agency immediately if any suspect munitions items are encountered during ground-disturbing or intrusive activities in the Group 3 MRAs. The construction support plan prepared by a UXO support contractor will identify the size of the stop-work area. For projects that do not require a construction support plan, ground-disturbing or intrusive activities will stop as indicated on the munitions recognition and safety training materials. The three scenarios for responding to any suspect munitions items are presented below:

- The standard procedure for reporting encounters with a known or suspected munitions item in the transferred former Fort Ord property when construction support is not required (i.e., projects involving less than ten [10] cy of soil disturbance in an area with a low probability of encountering MEC) is to stop work, retreat, and immediately call 911, which will transfer the call to the appropriate local law enforcement agency. The local law enforcement agency will secure the site and promptly request military EOD personnel, or local bomb squad with equivalent training, response to address the suspect munitions item.
- For on-site construction support (i.e., any volume of soil disturbance in an area with a moderate to high probability of encountering MEC), the process for assessing and addressing suspect munitions finds will be included in the on-site construction support plan.
- For on-call construction support (i.e., ten [10] cy or more of soil disturbance in an area with a low probability of encountering MEC), if a worker identifies a suspect munitions item, all work in the area of the suspect munitions item is stopped, the area marked and secured, and the UXO support contractor is notified. No attempt will be made by workers to disturb, remove, or destroy the suspect munitions item. UXO-qualified personnel will inspect and assess the suspect munitions item. UXO-qualified personnel may visually assess the suspect munitions item during inspection. The UXO-qualified personnel will determine if the item can be verified as safe. If the item is not MEC (i.e., MDAS), work may resume. If the item cannot be verified as safe (i.e., MEC or suspect MEC item), all work stops on the site and local law enforcement responds to secure the site and requests military EOD personnel, or local bomb squad with equivalent training, response to address the item (Sections 4.3.4.1 and 4.3.4.2).

4.3.4.1 Confirmed MEC Item Response during On-call Construction Support

If a suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items) by UXO-qualified personnel conducting on-call construction support, all ground-disturbing or intrusive activities at the site remains stopped and law enforcement is notified by the UXO support contractor. No attempt will be made by workers or UXO construction support personnel to disturb, remove, or destroy the suspect munitions item. The local law enforcement agency will immediately notify the appropriate military EOD personnel, or local bomb squad with equivalent training, to respond to the site and remove the suspect munitions item.

After the suspect munitions item has been addressed by military EOD personnel, or local bomb squad with equivalent training, the UXO support contractor completes an Army's Fort Ord MEC Incident Recording Form (Appendix I) and FORA MEC Find Notification Form (Appendix I) and submits both forms to FORA for distribution to Army, EPA, and DTSC. The Army's Fort Ord MEC Incident Recording Form must be submitted to FORA within 24 hours of military EOD response. FORA will distribute the completed Fort Ord MEC Incident Recording Form to the Army, EPA, and DTSC within 48 hours, of the incident. The FORA MEC Find Notification Form must be submitted to FORA as soon as practicable to support FORA's assessment of the MEC find (Section 4.3.5). Completed Fort Ord MEC Incident Recording Forms and FORA MEC Find Notification forms are included in the Construction Support After Action Report and annual LUC monitoring report.

If the suspect munitions item is determined to be MEC, the probability of encountering MEC will be reevaluated by FORA and may result in additional actions or construction support requirements. FORA conducts a MEC find assessment to develop a recommendation for the probability of encountering MEC (Section 4.3.5). If the probability of encountering MEC is determined by the Army and EPA in consultation with the DTSC, to remain low, work may resume at the site. Site work may not restart until the assessment is completed, the Army and EPA, in consultation with the DTSC, have made a determination of the probability of encountering MEC, and any required additional actions have been conducted.

4.3.4.2 Confirmed Non-MEC Item Response

A suspect munitions item determined to be MD by UXO-qualified personnel will be removed from the site by a UXO support contractor and securely stored for appropriate off-site disposal in accordance with the construction support plan. A suspect munitions item determined to be a non-munitions related item will be removed from the site and managed as appropriate. Following removal of non-MEC items (i.e., MDAS) from the work area, ground-disturbing or intrusive activities may resume at the site.

4.3.5 FORA MEC Finds Assessment

After a MEC find within a Group 3 MRA, FORA will be notified by the property owner of the discovery and the probability of encountering MEC will be reassessed. FORA will assess the probability of encountering additional MEC. FORA will coordinate with the property owner during the reassessment. FORA will propose to the Army, EPA, and DTSC an

appropriate probability of encountering MEC (low or moderate/high), and the recommendation for the level of construction support appropriate for the site condition. The probability of encountering MEC and the resulting level of construction support will be jointly determined by the Army and EPA, in consultation with DTSC. Site work may not restart until the assessment is completed, the Army and EPA, in consultation with DTSC, have made a determination of the probability of encountering MEC, and any required additional action has been conducted.

FORA will complete the MEC find assessment in consultation with the Army, EPA and DTSC. FORA will document the MEC find assessment and proposed determination on the FORA MEC Finds Assessment form (Appendix I) and will submit the form with required attachments to the Army, EPA, and DTSC. If EPA, in consultation with DTSC, determines that additional investigation is required as part of the assessment, FORA will conduct such investigation in accordance with an approved work plan, if within the scope of its obligation under the AOC and the ESCA. EPA, in consultation with DTSC, will review and approve results of the investigation (Section 4.7.1).

If the probability of encountering MEC is determined to remain low, ground-disturbing or intrusive activity may resume at the site. If the probability of encountering MEC is determined to be moderate or high, on-site construction support or other actions will be required prior to resuming ground-disturbing or intrusive activities.

FORA will conduct any additional investigation required by EPA and DTSC pursuant to the AOC, except Army Obligations. FORA will conduct such additional investigation in accordance with an approved work plan, if within the scope of its obligation under the AOC and the ESCA. EPA, in consultation with DTSC, will evaluate and approve the results of the additional investigation. The agency consultation process will be completed as expeditiously as practicable.

FORA will complete the required MEC find assessment and submit the assessment and proposed determination of the probability of encountering additional MEC at the site or recommendation for additional MEC investigation or response at the site within 20 days of a MEC find. FORA will document the assessment and proposed determination on the FORA MEC Finds Assessment form (Appendix I) and will submit the form with required attachments to the Army, EPA, and DTSC. The probability of encountering MEC and resulting level of construction support will be determined jointly by the Army and EPA, in consultation with DTSC. FORA must receive the written determination and provide a copy of the completed assessment and joint Army and EPA determination to the permittee prior to resuming ground-disturbing or intrusive site activities.

4.3.6 Construction Support Annual Monitoring and Reporting

Construction support activities within the Group 3 MRAs will be monitored by MPC, the County, and the Cities as part of the annual Former Fort Ord Land Use Covenant monitoring and reporting program and reported in annual LUC monitoring reports.

The monitoring and reporting of construction support requirements is implemented through a MOA between the DTSC, the County, and the Cities, and MPC which: 1) requires the County, the Cities, and MPC to monitor compliance with all land use covenants; 2) requires the County, the Cities, and MPC to report annually to FORA concerning their compliance with all recorded LUCs within their jurisdiction; and 3) requires FORA to compile the annual LUC monitoring reports received from MPC, the County, and the Cities, and transmit the compiled report, referred to in this LUCIP/OMP as the “annual LUC status report”, to the DTSC. The LUC reports will be shared with the Army and EPA.

MPC, the County, and Cities will submit results of construction support monitoring to FORA utilizing the LUC Report Outline. On-site construction support projects involving less than ten (10) cy of soil disturbance do not require an excavation permit but must be coordinated with FORA (Section 4.3.1). MPC, the County, and Cities will review and compile results of on-site construction support monitoring utilizing the appropriate sections of the LUC Report Outline for reporting in the annual LUC monitoring report.

The LUC report outline has been expanded to include construction support data elements and is presented in Appendix J (Sections 4.5.1 and 4.5.2). Annual LUC monitoring reporting requirements include verification that projects involving soil disturbance comply with the County and Cities digging and excavation ordinance, compilation of munitions recognition and safety training data from construction support projects, compilation of data and results from construction support projects (including on-site construction support for projects involving less than ten (10) cy of soil disturbance), compilation of MEC-related data identified during use of the property, and summarize MEC-related 911 records for the year.

FORA will compile annual LUC monitoring reports received from MPC, the County, and the Cities, and submit them to the Army, EPA, and DTSC in annual LUC status reports, to ensure compliance with construction support monitoring and reporting requirements (Sections 4.5.1 and 4.5.2).

4.3.7 Process for Review of Proposals to Remove Requirement for Construction Support for Ground-disturbing or Intrusive Activities

The MOA, State CRUPs, ROD, and deeds ensure any future proposals to remove requirement for construction support for ground-disturbing or intrusive activities within the Group 3 MRAs require review and approval by Army, EPA, and DTSC. The requirement for construction support for ground-disturbing or intrusive activities is a component of the CERCLA remedy for the Group 3 MRAs; therefore, the restriction cannot be removed from the deeds and State CRUPs until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under the CERCLA remedy is removed, the property owner can initiate the administrative processes to remove the restriction from the deed and State CRUPs.

4.4 Restrictions Prohibiting Residential Use

Residential use restrictions are in place for the Group 3 properties through deed restrictions, and State CRUPs (Appendices B and F, respectively). For the purposes of this document, residential reuse includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007). Residential use restrictions in the Group 3 property deeds will run with the land.

Environmental use restrictions, including the Group 3 residential use restriction are monitored by MPC, the County, and Cities annually to ensure compliance. Annual monitoring includes review of deeds, deed amendments, and other property filings, physical inspection of the property and reporting. Annual monitoring is conducted by MPC, the County, and Cities as a component of the Fort Ord Land Use Covenant Annual Monitoring Report (“annual LUC monitoring report”). MPC, the County, and the Cities will inspect the Group 3 properties and review the Group 3 deeds annually to ensure the residential use restriction remains in place and that no unapproved development or prohibited uses have occurred. FORA will compile annual LUC monitoring reports received from MPC, the County, and the Cities, and submit them to the Army, EPA, and DTSC, to ensure compliance with the restriction prohibiting residential use.

FORA will ensure deeds transferring Group 3 property to MPC, the County and the Cities include land use restrictions in the EPPs including residential use restrictions, placed on the property by the Army remain in place. In addition, the County and Cities review deeds, property transfer documents, deed amendments and other property filings associated with the Group 3 properties to ensure land use restrictions in the EPPs, including residential use restrictions placed on the property by the Army remain in place.

MPC, the County, and the Cities will coordinate proposals to remove the residential use restrictions, in consultation with Army, EPA, and DTSC. Additional details regarding the process for review and approval of a property owner or developer request to remove a residential use restriction are provided in Section 4.4.1.

Residential use restrictions will be evaluated by the Army as part of the five-year review (Section 4.5) process to determine if the restrictions should continue. If further evaluation indicates that this LUC is no longer necessary for the Group 3 MRAs, the program may be discontinued upon Army, EPA, and DTSC approval. See Section 4.7 for details regarding remedy modification.

4.4.1 Process for Review of Proposals to Remove Residential Use Restriction

The MOA, State CRUPs, ROD, and deeds ensure any future proposals to remove residential use restrictions within the Group 3 MRAs require review and approval by Army, EPA, and DTSC. The requirement for the residential use restriction is a component of the CERCLA remedy for the Group 3 MRAs; therefore, the restriction cannot be removed from the deeds and State CRUPs until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the

LUC. Only when the requirement under the CERCLA remedy is removed, the property owner can initiate the administrative processes to remove the restriction from the deeds and State CRUPs. As indicated in Section 1.4.4, DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the State CRUPs.

4.5 Long-Term Management Measures

The LUCIP/OMP also describes the following LTMM implementation defined in the ESCA and supporting documents. FORA will implement post-Site Closeout LTO through the ESCA 2037 performance period. The LTOs to be implemented include long-term review, monitoring, and operation and maintenance activities/reporting required to maintain the effectiveness of the remedy. Site Closeout is defined as the time after FORA has performed all the environmental services except LTO per the ESCA (Section 1.2) and the AOC. The MOA with DTSC includes an Annual LUC Report Outline, which has been expanded to fulfill the requirements of this LUCIP/OMP and the LTOs (Appendix J).

4.5.1 LUCIP/OMP Annual Inspections

LUCIP/OMP compliance includes annual on-site inspection of the Group 3 MRAs, review of local building and planning department records, and Construction Support After Action Reports that show the number of suspected munitions finds and confirmed MEC finds in the Group 3 MRAs. For reference, the Annual LUC Report Outline has been expanded to fulfill the requirements in this LUCIP/OMP (Appendix J).

4.5.2 Annual LUC Monitoring Reports

The LUCIP/OMP annual inspections and record review results will be summarized by FORA in an annual LUC status report using a letter report format. MPC, the County, and the Cities have agreed to conduct annual LUC reporting upon property transfer as established in the executed MOA with DTSC and State CRUPs. The existing MOA with DTSC Annual LUC Report Outline has been expanded to include and fulfill the requirements in this LUCIP/OMP (Appendix J). Annual LUC monitoring reports cover the period from July 1 to June 30 of each year. MPC, the County and the Cities will submit annual LUC monitoring reports to FORA by September 1 of each year (within 60 days). FORA will compile the annual LUC monitoring reports and submit them to the Army, EPA, and DTSC in annual LUC status reports within 90 days following receipt of reports from MPC, the County and the City.

FORA is responsible for compiling and submitting the annual LUC monitoring reports to the EPA and DTSC. FORA is also responsible for preparation and submittal of annual MEC letter reports to the EPA and DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC; the submittal of the annual LUC status report satisfies this requirement. The annual LUC status reports will also be provided to the Army for inclusion in the five-year reviews.

4.5.3 CERCLA Five-Year Reviews

The Army shall conduct five-year reviews of the Group 3 remedy as required by CERCLA and the National Contingency Plan. Five-year reviews will be conducted by the Army in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected LUCs may be modified or discontinued, with Army, EPA, and DTSC approval (Section

4.7.3). FORA may assist the Army in these five-year reviews as defined in the ESCA. The EPA and DTSC review the five-year review reports, provide comments to the Army, and concur with the findings as appropriate. Five-year review involves a comprehensive assessment of the remedy performance of the environmental and munitions cleanup programs and its ongoing protectiveness of human health and the environment. The selected LUCs may be modified by the Army, with the approval of the EPA, and DTSC, in the future based on the five-year review process.

4.6 Notification Should Action(s) Interfere with LUCIP/OMP Effectiveness

Within seventy-two (72) hours of discovery of any activity on the property that is inconsistent with the Group 3 LUCIP/OMP objectives, the County, Cities, and MPC shall notify FORA and FORA shall notify EPA, DTSC, and the Army (Section 5.1.6). Examples of inconsistent activities include not executing requirement for munitions recognition and safety training or construction support; violating State CRUPs prohibiting residential uses; or not meeting local digging and excavation ordinances and local permitting requirements. This reporting requirement is separate from the annual LUC monitoring and reporting requirements of Sections 5.1.5 and 5.2.6.

Within forty-five (45) days of identifying a LUCIP/OMP inconsistency, FORA, in consultation with the County, Cities, and/or MPC shall identify the LUCIP/OMP inconsistency cause, and evaluate and implement any necessary changes to avoid future non-compliance, and FORA shall notify EPA, DTSC, and the Army of the evaluation and actions taken. This reporting requirement does not preclude the Army from taking immediate action to prevent exposure. This reporting requirement will enable the Army to take appropriate action to ensure the effectiveness of the remedy.

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4.7 Additional Response or Remedy Modification

4.7.1 Additional Investigation or Follow-up Action

If the Army and EPA, in consultation with DTSC, determines that additional investigation is necessary within a Group 3 MRA, the property owner will cease all development activities in the identified portion of the MRA. FORA will notify the property owner of the additional investigation and will coordinate with the property owner during additional actions. FORA will conduct any additional investigation required by EPA and DTSC pursuant to the AOC, except Army Obligations. FORA will conduct such additional investigation in accordance with an approved work plan, if within the scope of its obligation under the AOC and the ESCA. EPA, in consultation with DTSC, will evaluate and approve the results of the additional investigation. The agency consultation process will be completed by the EPA and DTSC as expeditiously as practicable.

If EPA determines that additional investigation and/or action is required that is not within the scope of FORA obligations under the AOC and ESCA, EPA will advise the Army that it is obligated under the FFA to conduct the investigation and/or action. Additional action will be conducted in accordance with an approved work plan. EPA, in consultation with DTSC, will evaluate and approve the results of the investigation and/or response action. The agency consultation process will be completed by the EPA and DTSC as expeditiously as practicable. If additional investigation is necessary by the Army, the agency consultation process and timelines will be completed per the FFA.

The Army retains full responsibility for Army obligations pursuant to the ESCA “Army obligations.” Nothing shall require FORA to assume responsibility for any Army Obligation, as contractor to the Army, under the terms of the ESCA.

Although the Army has already transferred the responsibilities to implement, maintain, monitor, and enforce LUCs to another party by contract, property transfer agreement, or through other means, the Army retains the ultimate responsibility for remedy integrity. Future property owners will also have responsibilities to act in accordance with the LUCs as specified in the deed(s).

If additional evaluation or work or modification of the selected remedy is proposed based on five-year review, it will be implemented in accordance with Paragraph 34 of the AOC, and/or Section C.4.1.7 of the ESCA. The Army is ultimately responsible for remedy integrity.

4.7.2 Remedy Modification – Remedy No Longer Protective

If the Army and EPA, in consultation with DTSC, determine that the selected remedy for the Group 3 MRAs is no longer protective, FORA will propose and the Army and EPA will jointly select an additional response action or modification of the remedy to be implemented by FORA if within the scope of its obligations under the AOC and the ESCA. DTSC will be provided an opportunity to review and comment on the proposal. The additional actions required and their remedial objectives will be documented in an Explanation of Significant Differences (ESD) or ROD Amendment, as appropriate.

4.7.3 Remedy Modification – Discontinue Portion of LUC Remedy

As specified in the ROD, LUCs identified in the Group 3 ROD will be maintained until Army, EPA, and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs. This concurrence may be based on: 1) new information (e.g., limited geophysical mapping, site development); or 2) where the depth of soil disturbance related to ground-disturbing or intrusive activities is sufficient to address the uncertainty of MEC remaining in the subsurface and any MEC encountered during such activities is removed.

If the Army and EPA, in consultation with DTSC, determine that the selected LUC remedy, or components of the remedy, are no longer necessary to protect human health and the environment, the ROD may be modified, as appropriate, to remove the specific LUC requirement for all or a portion of the Group 3 MRAs.

If the MEC-related data collected during the development of the reuse areas indicate that the construction support LUC is no longer necessary, the ROD requirement for construction support may be discontinued for the developed reuse areas with Army, EPA, and DTSC approval. Any such proposal that would modify the remedy or performance objectives of the selected remedy must also be coordinated with the Army, EPA, and DTSC. FORA, the County, the Cities, and MPC may prepare the MEC-related data proposal and present it to the Army, EPA, and DTSC for review to determine if the LUC may be removed.

The MOA with DTSC, State CRUPs, ROD, and deeds ensure any future proposals to remove residential use restrictions within the Group 3 MRAs require review and approval by Army, EPA, and DTSC. As indicated in Section 1.4.4, DTSC may require additional verification equivalent to the DTSC residential protocol before termination of the residential use restrictions in the State CRUPs. The LUC requirements are components of the CERCLA remedy for the Group 3 MRAs, therefore, they cannot be removed from the deeds and State CRUPs until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under the CERCLA remedy is removed, the property owner can initiate the administrative processes to remove the restriction from the deeds and State CRUPs.

5.0 LAND USE CONTROL OPERATION AND MAINTENANCE

This section presents responsibilities for operation and maintenance of the LUC remedy implementation actions identified in Section 4.0 to facilitate long-term compliance with the LUC remedy objectives. Responsibilities for the operation and maintenance of LUCs, including monitoring, inspecting, and reporting requirements, of FORA, MPC, the County, the Cities, Army, and property owners are provided in the following subsections.

The Army retains ultimate responsibility for remedy integrity. FORA, per the ESCA and AOC, is responsible for implementing, inspecting, reporting, and enforcing the LUC requirements until 2037.

5.1 FORA Responsibilities

FORA's responsibilities during the operation and maintenance of the LUCs remedy for the Group 3 MRAs are identified below. These responsibilities are currently assigned to FORA, but will eventually be transferred to FORA's successor in interest (Section 1.2.1). FORA has entered into agreements with MPC, the County, and the Cities to conduct certain activities during the operation and maintenance of the LUCs remedy. However, FORA remains responsible to the Army for operation and maintenance of the LUCs remedy, including responsibility for those activities MPC, the County, and the Cities have agreed to conduct. Specific activities that MPC, the County, and the Cities have agreed to conduct are identified in Section 5.2.

5.1.1 Munitions Recognition and Safety Training

FORA is responsible for maintenance of munitions recognition and safety training materials, monitoring implementation of the training requirements, and compiling the annual LUC status report of training activities to DTSC. Munitions recognition and safety training materials have been developed (Section 4.2).

FORA will conduct the following activities during operation and maintenance of the munitions recognition and safety training LUC:

- FORA will maintain training resources and materials including the MEC Safety Guide, web-based training materials, web hosting services, and maintenance of web-based training resources.
- FORA will monitor property owner, MPC, the County, and the Cities implementation of training responsibilities, including notifications, distribution of MEC Safety Guide, excavation permit training requirements, and annual monitoring and reporting.
- FORA will compile annual training statistics and status information from the annual LUC monitoring reports received from MPC, the County, and the Cities and transmit to the Army, EPA, and DTSC as part of annual LUC status reports.

5.1.2 Construction Support

FORA is responsible for monitoring MPC, the County, and Cities implementation of construction support under the County and Cities digging and excavation ordinances.

In the unlikely event that MEC is found during construction support, FORA is responsible for notifications of MEC finds and assessment of MEC finds including additional investigations or other actions necessary as a result of MEC finds. FORA is responsible for compiling the annual reporting of construction support activities as part of the annual LUC status report.

FORA will conduct the following activities during operation and maintenance of the construction support LUC:

- FORA will monitor the County and the Cities implementation and enforcement of the digging and excavation ordinances, including excavation permitting, to ensure compliance with construction support requirements.
- FORA will ensure notification of the Army, EPA, and DTSC of reported MEC finds during construction support activities, including ensuring initial notification occurs within 24 hours of a MEC find, distribution of Fort Ord MEC Incident Recording Forms and distribution of FORA MEC Find Notification forms submitted to FORA during construction support.
- FORA will coordinate with property owners, Army, EPA, and DTSC on appropriate on-site construction support requirements, including use of anomaly avoidance techniques, for projects involving less than ten [10] cy of soil disturbance in areas with moderate to high probability of encountering MEC.
- After the response to a suspect munitions item during on-call construction support, if the suspect munitions item is determined to be MEC, and if within the scope of its obligations under the AOC and the ESCA, FORA will assess the probability of encountering additional MEC. Such assessment may include additional investigation, which will be coordinated with the Army, EPA, and DTSC. As part of the assessment, FORA will evaluate available historical records, onsite investigation data, and other physical evidence, such as: MEC items that have been found to-date during the ongoing construction project; most-recent five-year review; and annual reports since the most recent five-year review.
- If EPA, in consultation with DTSC, determines that additional investigation is required as part of the assessment, FORA will conduct such investigation in accordance with an approved work plan, if within the scope of its obligations under the AOC and ESCA. EPA, in consultation with DTSC, will evaluate and approve the results of the additional investigation.
- FORA will conduct MEC find assessments for MEC finds reported on Group 3 MRAs to develop a recommendation for the probability of encountering MEC (Section 4.3.5). FORA will complete the required MEC find assessment and submit the assessment and proposed determination of the probability of encountering MEC at the site or recommendation for additional investigation or response at the site

within 20 days of an MEC find. FORA will document the assessment and proposed determination on the FORA MEC Finds Assessment form (Appendix I).

- After conducting a MEC find assessment, FORA will propose to the Army, EPA, and DTSC an appropriate site level determination (low or moderate/high), and a recommendation for the level of construction support appropriate for the site conditions (Section 4.3.5). The agency consultation process will be completed as expeditiously as practicable. The probability of encountering MEC and the resulting level of construction support will be determined jointly by the Army and EPA, in consultation with DTSC. If the probability of encountering MEC is determined by the Army and EPA in consultation with the DTSC, to remain low, work may resume with on-call construction support. If the probability of encountering MEC is moderate/high, FORA will propose, and the Army and EPA in consultation with DTSC will determine, an appropriate follow-on action to be implemented by FORA, if within the scope of its obligation under the AOC and the ESCA. If an existing CERCLA decision document has addressed this contingency, FORA will implement the required action if within the scope of its obligations under the AOC and the ESCA.
- Notwithstanding the foregoing, nothing herein shall be construed to require FORA to assume responsibility for any Army obligation, as such term is defined in the ESCA and the AOC. After the response, and if not within the scope of FORA's obligations under the AOC and the ESCA, the Army, in consultation with the DTSC and EPA, shall proceed with MEC removal within the construction footprint before construction resumes.
- FORA will compile information on construction support activities from annual LUC monitoring report information received from MPC, the County, and the Cities and transmit to Army, EPA, and DTSC as part of annual LUC status report.

5.1.3 Residential Use Restriction

FORA is responsible for reviewing property transfers and development projects to ensure residential use restrictions remain in property deeds and monitoring compliance with the residential use restrictions in the Federal deeds and State CRUPs.

FORA will conduct the following activities during operation and maintenance of the residential use restriction LUC:

- FORA will ensure residential use restriction in Federal deeds remain as provisions in deeds transferring property to MPC, the County, and the Cities. FORA is also responsible for notifying MPC, the County, and the Cities of the deed restrictions and property owner LUC obligation.
- FORA will provide at least 60-day prior notice to the Army, EPA, and DTSC of Group 3 MRA property transfers to the County, Cities, and MPC. The notice shall reference residential use restrictions and other environmental protection provisions in the Federal deeds and State CRUPs.

- FORA will compile annual LUC monitoring information on use restrictions received from MPC, the County, and the Cities, verify compliance with residential use restrictions, and transmit to Army, EPA, and DTSC in an annual LUC status report.

5.1.4 Long-Term Management Measures

FORA will conduct the following long-term management measures during operation and maintenance of the LUCs:

- FORA will notify the Army, EPA, and DTSC of any MEC-related data identified during use of the property and report results of monitoring activities annually.
- FORA will implement post-site closeout long-term obligations through the ESCA 2037 performance period, at which time responsibility will revert to the Army. The long-term obligations to be implemented include long-term review, monitoring, operation and maintenance activities, and reporting required to maintain the effectiveness of the remedy. Site closeout is defined as the time after FORA has performed all the environmental services except long-term obligations. The Annual LUC Report Outline will be used to fulfill this LTO (Appendix J).

5.1.5 Annual LUC Monitoring and Reporting

FORA is responsible for compiling annual LUC monitoring reports received from MPC, the County, and the Cities and submittal to the Army, EPA, and DTSC in an annual LUC status report. The annual LUC inspections and monitoring reports are completed by MPC, the County, and the Cities and submitted to FORA. FORA then compiles the reports for submittal to DTSC. The annual LUC status reports will be shared with the Army and EPA. Annual LUC monitoring reports and annual LUC status reports cover all environmental restrictions, covenants and controls for the properties, including the munitions recognition and safety training, construction support, and residential use restrictions.

FORA will conduct the following LUCs monitoring and reporting during operation and maintenance of the LUCs.

- FORA will monitor MPC, the County, and the Cities compliance with LUC monitoring and reporting obligations per the MOA with DTSC.
- FORA will submit the annual LUC status reports to the Army, EPA, and DTSC within 90 days following receipt of annual LUC monitoring reports from MPC, the County, and the Cities. The County is responsible for compiling and submitting annual LUC monitoring reports received from MPC and the Cities after FORA ceases to exist.
- FORA is responsible for submitting an annual letter report to the EPA and DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC. As part of compiling annual LUC monitoring reports, FORA will include a summary of any MEC found and changes in site

conditions that could increase the probability of encountering MEC within the Group 3 MRAs. The submittal of the annual LUC status report satisfies this requirement.

5.1.6 Notification Should Action(s) Interfere with LUCIP/OMP Effectiveness

FORA is responsible for notifying EPA, DTSC, and the Army, within seventy-two (72) hours of discovery of activity on the property that is inconsistent with the Group 3 LUCIP/OMP. This FORA reporting requirement is separate from the annual LUC monitoring and reporting requirements of Section 5.1.5.

- Within forty-five (45) days of identifying a LUCIP/OMP inconsistency, FORA, in consultation with the County, Cities, and/or MPC, shall identify the LUCIP/OMP inconsistency cause. FORA will evaluate and implement any necessary changes to avoid future non-compliance. The evaluation and any recommended changes to avoid future non-compliance will be reviewed and approved by the Army, EPA and DTSC before implementation.
- FORA is responsible for implementing corrective actions necessary to ensure the effectiveness of the LUC remedy.

This reporting and corrective action requirement does not preclude the Army from taking immediate action to prevent exposure. This reporting and corrective action requirement will enable FORA and the Army to take appropriate action to ensure the effectiveness of the remedy.

5.1.7 Additional Response or Remedy Modification

If the Army and EPA, in consultation with DTSC, determines that the LUC remedy is not protective of human health and the environment, the property owner will cease all development activities in the area of concern within the MRA. Under the AOC and ESCA, FORA is responsible for undertaking further response actions, if within its obligations. Under the ESCA, FORA will conduct any additional response actions as required by EPA and DTSC pursuant to the AOC, except Army Obligations.

FORA will conduct the following additional response actions and remedy modification activities during operation and maintenance of the LUCs.

- If the Army and EPA, in consultation with DTSC, determine that the selected remedy is no longer protective, FORA will propose and the Army and EPA will jointly select, an additional response action or modification of the remedy. Additional response actions will be implemented by FORA if within the scope of its obligation under the AOC and the ESCA. DTSC will be provided an opportunity to review and comment on the proposal. The additional actions required and their remedial objectives will be documented in an ESD or ROD Amendment, as appropriate.

5.1.8 Notice of FORA Planned Property Conveyance

At least 60 days prior to conveyance of the property to any other agency, person, or entity, FORA shall provide notice to the Army, EPA, and DTSC of such intended conveyance. The notice shall describe the mechanism by which LUCs will continue to be implemented, maintained, inspected, reported, and enforced.

5.1.9 LUC Enforcement

FORA is responsible under the ESCA and AOC for long-term obligations, including the operation and maintenance of LUCs. The EPA monitors and enforces these FORA requirements under the provisions of the AOC. The Army monitors and enforces FORA long-term obligation requirements under provisions in the ESCA.

Should FORA discover any activities inconsistent with the LUC remedy objectives, FORA shall notify Army, EPA, and DTSC of the discovery, identify the LUCIP/OMP inconsistency cause, and evaluate and implement any necessary changes to avoid future non-compliance. This reporting requirement does not preclude the Army from taking immediate action to prevent exposure. This reporting requirement will enable FORA and the Army take appropriate action to ensure the effectiveness of the remedy.

FORA is responsible for ensuring MPC, the County, the Cities fulfill their LUC operation and maintenance obligations, including the monitoring and reporting responsibilities under the MOA with DTSC. This reporting requirement will enable FORA and the Army to take appropriate action for ensuring MPC, the County, and the Cities are notified of the LUC requirements and comply with the LUC requirements and activities identified in this LUCIP/OMP.

5.2 MPC, County, and Cities Responsibilities

The County and the Cities are responsible for implementation of the digging and excavation ordinances applicable to the Group 3 MRAs, including annual notifications to property owners and administering excavation permitting to include construction support requirements. The MPC, the County, and the Cities are responsible for annual LUC monitoring and annual reporting to FORA per the MOA with DTSC. The MPC, the County, and the Cities are responsible for maintaining use restrictions in deeds and ensuring the deed provisions remain in place for the Group 3 MRAs. As Group 3 MRA property owners, MPC, the County, and the Cities are also responsible for the property recipient responsibilities identified in Section 5.3.

Within seventy-two (72) hours of discovery of any activity on the property that is inconsistent with the Group 3 LUCIP/OMP, the County, Cities, and/or MPC shall notify FORA, and FORA shall notify EPA, DTSC, and the Army. Examples of inconsistent activities include: not executing requirement for munitions recognition and safety training or construction support; violating State CRUPs prohibiting residential uses; or not meeting County and Cities digging and excavation ordinances and local permitting requirements. This reporting

requirement is separate from the annual LUC monitoring and reporting requirements of Sections 5.2.5 and 5.2.6.

5.2.1 Munitions Recognition and Safety Training

The County and the Cities are responsible for providing annual notification to Group 3 MRA property owners of munitions recognition and safety training requirements, including delivery of the MEC Safety Guide and requiring munitions recognition and safety training during construction support per excavation permits. MPC, the County, and the Cities are responsible for annual monitoring and reporting of the training requirements.

MPC, the County, and the Cities will conduct the following activities during operation and maintenance of the munitions recognition and safety training LUC:

- The County and the Cities will provide annual notification to Group 3 MRA property owners and other land users (related to habitat management and utilities serving the property) of the obligation to follow the County and Cities digging and excavation ordinances, including requirement to provide MEC Safety Guide to every worker conducting ground-disturbing or intrusive activities. Property owners and/or land users will be reminded of the requirement to deliver a copy of the MEC Safety Guide to all site workers conducting ground-disturbing or intrusive activities.
- The County and the Cities will maintain and enforce requirement for munitions recognition and safety training as condition for excavation permits for Group 3 properties under digging and excavation ordinance.
- MPC, the County, and the Cities will ensure all MPC, County and City workers, including contractors, conducting ground-disturbing or intrusive activities on the Group 3 MRAs receive munitions recognition and safety training and a copy of the MEC Safety Guide.
- MPC, the County, and the Cities will compile annual munitions recognition and safety training statistics for the Group 3 MRAs from construction support excavation permits, Construction Support After Action Reports, and the training web site and will report to FORA as part of annual LUC monitoring and reporting.

5.2.2 Construction Support

As permitting agencies, the County and Cities are responsible for monitoring and enforcing construction support requirements at the Group 3 MRAs for excavation permit requirements under the digging and excavation ordinances. The County and the Cities are responsible for consultation with Army, EPA, and DTSC regarding construction support requirements prior to issuing excavation permits. MPC, the County, and the Cities are responsible for annual monitoring and reporting of the construction support activities.

MPC, the County, and the Cities will conduct the following activities during operation and maintenance of the construction support LUC:

- The County, and the Cities will implement and enforce the digging and excavation ordinance, including annual notification requirements and excavation permitting requirements.
- The County and the Cities, in consultation with FORA, will determine the level of construction support required on a case-by-case and project specific basis during the excavation permitting process.
- The County and the Cities will consult with Army, EPA, and DTSC on project and site-specific construction support requirements prior to issuing excavation permits, including review and finalization of construction support plans (Section 4.3.1.2).
- MPC, the County, and the Cities will monitor and enforce property owner and permittee requirements for response to suspect munitions finds, including stopping work, notifications to local law enforcement personnel, FORA notification, and conditions for re-start of work.
- The County and the Cities, as permitting agencies, will ensure Construction Support After Action Reports are received from permittees and distributed by permittees to FORA, Army, EPA, and DTSC.
- MPC, the County, and the Cities will conduct annual construction support LUC monitoring and reporting including site inspections to verify no unpermitted projects, review of excavation permits to verify compliance with requirement for construction support, compile excavation permit and construction support statistics (including statistics for on-site construction support projects involving less than ten [10] cy of soil disturbance), and report on excavation permits and construction support to FORA, Army, EPA, and DTSC as part of annual LUC monitoring and reporting.

5.2.3 Residential Use Restriction

MPC, the County, and the Cities are responsible for maintaining residential use restrictions for the Group 3 MRAs in property deeds and monitoring compliance with the residential use restrictions in the Federal deeds and State CRUPs.

The MPC, the County, and the Cities will conduct the following activities during operation and maintenance of the residential use restriction LUC.

- MPC, the County, and the Cities will maintain the residential use restrictions placed on the properties in the Federal deeds, including ensuring deed restrictions remain on property through future property transfer deeds. MPC, the County, and the Cities will notify new property owners of deed restrictions and obligations.
- MPC, the County, and the Cities will conduct annual inspections of property deeds and annual physical inspections of the properties to verify residential use restrictions remain in place as part of annual LUC monitoring and reporting.
- MPC, the County, and the Cities will notify FORA, Army, EPA, and DTSC of any proposed changes in land use or development projects and the determination that such projects are consistent with the residential use restriction.

- MPC, the County, and the Cities will coordinate Army, EPA, and DTSC review of any proposals to remove the residential use restrictions.

5.2.4 Long-Term Management Measures

MPC, the County, and the Cities will conduct the following long-term management measures during operation and maintenance of the Group 3 MRA LUCs.

- MPC, the County, and the Cities will notify FORA, Army, EPA, and DTSC, as soon as practicable, of any MEC-related data identified during use of the property.
- MPC, the County, and the Cities will monitor compliance with residential use restrictions in the property deeds as described in Section 5.2.3.
- MPC, the County, and the Cities will perform annual monitoring and reporting of LUC as described in Sections 5.2.5 and 5.2.6.

5.2.5 LUCIP/OMP Annual Inspections

MPC, the County, and the Cities are responsible for compliance with the LUC remedy for the Group 3 MRAs through annual on-site inspections and review of local building and planning department records, and construction support MEC finds report review. MPC, the County, and the Cities will conduct the following annual inspection requirement during operation and maintenance of the Group 3 MRA LUCs.

- MPC, the County, and the Cities will compile annual munitions recognition and safety training statistics from construction support excavation permits, Construction Support After Action Reports, and training, and will report to FORA as part of annual LUC monitoring and reporting as described in Section 5.2.1.
- MPC, the County, and the Cities will conduct annual construction support LUC monitoring and reporting including site inspections to verify no unpermitted projects have occurred, review of excavation permits to verify compliance with requirement for construction support, compile excavation permit and construction support statistics (including on-site construction support projects involving less than ten [10] cy of soil disturbance) and report on excavation permits and construction support to FORA, Army, EPA, and DTSC as part of annual LUC monitoring and reporting as described in Section 5.2.2.
- MPC, the County, and the Cities will conduct annual inspections of property deeds and annual physical inspections of the properties to verify residential use restrictions remain in place as part of annual LUC monitoring and reporting as described in Section 5.2.3.
- For reference, the following is provided in this LUCIP/OMP: Appendix J – Former Fort Ord Land Use Covenant Reporting Outline.

5.2.6 Annual LUC Monitoring Reports

MPC, the County, and the Cities are responsible for conducting annual LUC inspections and monitoring for the Group 3 MRAs and submitting annual LUC monitoring reports to FORA. FORA will compile the reports received from MPC, the County, and the Cities and submit them to the Army, EPA, and DTSC in annual LUC status reports. Annual LUC monitoring reports and annual LUC status reports cover all environmental restrictions, covenants and controls for the properties, including the munitions recognition and safety training, construction support, and residential use restrictions.

MPC, the County, and the Cities will conduct the following LUCs monitoring and reporting during operation and maintenance of the LUCs.

- MPC, the County, and the Cities will conduct annual LUC monitoring and inspection obligations per the MOA with DTSC.
- MPC, the County, and the Cities will submit the annual LUC monitoring and inspection reports to FORA by September 1 of each year covering the period July 1 to June 30 of the previous year.
- After FORA ceases to exist, the County will compile and submit the annual LUC status reports to the Army, EPA, and DTSC within 90 days following receipt of annual LUC monitoring reports from MPC and the Cities.
- MPC, the County, and the Cities have agreed to conduct annual LUC monitoring and reporting upon property transfer, as established in the MOA with DTSC and State CRUPs. The LUC annual inspections and record review results will be summarized in an annual LUC monitoring report (Appendix J).

5.2.7 Notice of Planned Property Conveyances

MPC, the County and the Cities (as jurisdictions under the MOA with DTSC) are responsible for monitoring Group 3 property transfer to ensure use restrictions, LUC and State CRUPs restrictions are maintained in future deeds. Army, EPA, and DTSC will be notified of property transfers through annual LUC monitoring reports, which will include MPC, the County or the Cities verification of property transfer compliance with deed restriction, LUC and State CRUPs requirements.

5.2.8 LUC Enforcement

MPC, the County, the Cities are responsible for fulfilling their LUC operation and maintenance obligations for the Group 3 MRAs, including the monitoring and reporting responsibilities under the MOA with DTSC, State CRUPs and deed restrictions.

The County, the Cities are responsible for implementing and enforcing the requirements of the County and Cities digging and excavation ordinances for the Group 3 MRAs.

5.3 Property Recipient Responsibilities

The future property owners, including MPC, the County, and the Cities, are responsible for compliance with LUCs, deed restrictions, and State CRUPs. Property owner responsibilities are implemented through the digging and excavation ordinances, deed restrictions, and the State CRUPs and include provisions to comply with the munitions recognition and safety training, construction support, and residential use restriction LUCs.

5.3.1 Munitions Recognition and Safety Training

The property owner is responsible for ensuring all personnel conducting ground-disturbing or intrusive activities are aware of and comply with the munitions recognition and safety training program requirement before engaging in ground-disturbing or intrusive activities within the Group 3 MRAs. The property owner will conduct the following training requirements during operation and maintenance of the Group 3 MRA LUCs.

- Property owners at time of transfer will notify any subsequent property owners, assigns, leases or site users of the requirements of the digging and excavation ordinances, including requirements for munitions recognition and safety training, and construction support.
- Property owners and/or land users will annually deliver a copy of the MEC Safety Guide to personnel conducting ground-disturbing or intrusive activities and, at time of transfer, to any subsequent property owners, assigns, leases or site users.
- Property owners will ensure that construction support requirements for munitions recognition and safety training are implemented and personnel conducting ground-disturbing or intrusive activities receive required training.
- Property owners will document and maintain records of compliance with training requirements through the duration of the construction support project.

5.3.2 Construction Support

The property owner is responsible for compliance with the excavation permitting and construction support requirements of the County and Cities digging and excavation ordinances applicable to the Group 3 MRAs. The property owner will conduct the following construction support requirements during operation and maintenance of the Group 3 MRA LUCs.

- Property owners will comply with County and Cities excavation permitting requirements of the digging and excavation ordinances, including requirements for construction support and after action reporting. For projects involving more than ten (10) cy of soil disturbance, regardless of the probability of encountering MEC, and projects involving less than ten (10) cy of soil disturbance in areas with moderate to high probability of encountering MEC, property owner will confirm appropriate construction support requirements with FORA prior to conducting ground-disturbing or intrusive activities. For projects involving less than ten (10) cy of soil disturbance in areas with low probability of encountering MEC, property owner will provide the

MEC Safety Guide and Army Safety Alert pamphlet to construction personnel prior to start of ground-disturbing or intrusive activities.

- Property owner and/or land user will obtain construction support prior to conducting ground-disturbing or intrusive activities on Group 3 properties.
- Property owner and/or land user will retain UXO contractor to provide construction support services including a construction support plan, construction support services, and after action reporting.
- Property owner will provide initial notification within 24 hours to FORA of MEC finds and will prepare (through their required UXO support contractor) and submit a FORA MEC Find Notification Form (use template in Appendix I) to FORA as soon as practicable.
- Property owner (through their required UXO support contractor) will prepare and submit a Fort Ord MEC Incident Recording Form (use template in Appendix I) to FORA, Army, EPA, and DTSC within 24 hours of military EOD response.
- Property owner (through their required UXO support contractor), as a permittee, will prepare and submit a Construction Support After Action Report (use template in Appendix I) for permitted on-call and permitted on-site construction support projects to the permitting agency, FORA, Army, EPA and DTSC within 30 days of project completion.
- Property owner (through their required UXO support contractor) will prepare and submit a Construction Support After Action Report (use template in Appendix I) for on-site construction support projects that do not require a permit to FORA, Army, EPA and DTSC within 30 days of project completion.

5.3.3 Residential Use Restriction

Future property owners, including MPC, the County, and the Cities, will conduct the following activities during operation and maintenance of the residential use restrictions LUC at the Group 3 MRAs.

- Property owners will comply with residential use restrictions during use of the property.
- Property owners will maintain the residential use restrictions placed on the properties in the Federal deeds, including ensuring deed restrictions remain on property through future property transfer deeds.
- Property owners will cooperate with the County and/or Cities in conducting annual inspections of property to verify residential use restrictions remain in place.

5.3.4 Notice of Planned Property Conveyances

Prior to transfer of a Group 3 property, property recipients will be notified by the property owner of the property restrictions and LUC and State CRUPs compliance requirements. For initial property conveyance from FORA to MPC, the County, and the Cities, FORA (as property owner) will be responsible for providing deed restriction notifications. MPC, the County, and the Cities will be responsible for FORA-to-jurisdiction deed recordation. MPC,

the County, and the Cities (as property owner) are responsible for providing property restriction notification in subsequent land transfers.

MPC, the County and the Cities (as jurisdictions under the MOA with DTSC) are responsible for monitoring property transfer to ensure use restrictions, LUC and State CRUPs restrictions are maintained in future deeds for the Group 3 properties. Army, EPA, and DTSC will be notified of property transfers through annual LUC monitoring reports, which will include MPC, the County or the Cities verification of property transfer compliance with deed restriction, LUC and State CRUPs requirements.

5.4 Army Responsibilities

The Army retains ultimate responsibility under CERCLA for remedy integrity. FORA, per the ESCA and AOC, is responsible for implementing, inspecting, reporting, and enforcing the LUCIP/OMP requirements on behalf of the Army until 2037.

5.4.1 Munitions Recognition and Safety Training

The Army is responsible for monitor implementation, operation and maintenance of the munitions recognition and safety training set forth in this LUCIP/OMP to ensure FORA compliance with requirements of the LUC remedy.

- The Army will review annual LUC status reports submitted by FORA to ensure continued compliance with the munitions recognition and safety training requirements of the LUC remedy.

5.4.2 Construction Support

The Army will conduct the following activities during operation and maintenance of the construction support LUC.

- The Army will monitor FORA, MPC, the County, and the Cities implementation and enforcement of construction support requirements through the review of annual LUC status reports.
- The Army will participate with EPA and DTSC in the review of On-call Construction Support Plans (See Section 4.3.1.2 Construction Support Plan Consultation and Review Process).
- The Army will provide a consistency review regarding explosives safety criteria and considerations for On-site Construction Support Plans.
- The Army will participate, in consultation with EPA and DTSC, in MEC find assessments for MEC finds and review of any additional actions.
- The Army will conduct any Army obligations identified as a result of MEC finds assessments.

5.4.3 Residential Use Restriction

The Army is responsible for monitoring compliance with the residential use restrictions in the Federal deeds.

The Army will conduct the following activities during operation and maintenance of the residential use restriction LUC.

- The Army will ensure residential use restrictions in the Federal deeds remain as provisions in the FORA deeds transferring property to MPC, the County, and the Cities.
- The Army will take appropriate actions necessary to maintain and enforce use restrictions in Federal deeds upon subsequent property owners.
- The Army will review annual LUC status reports, including use restrictions, to verify compliance with residential use restrictions.

5.4.4 Five-Year Review

Five-year reviews will be conducted by the Army in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected LUCs may be modified or discontinued, with Army, EPA, and DTSC approval (Section 4.7.3).

- The Army is responsible for conducting the five-year review of the Group 3 remedy as required by CERCLA and the National Contingency Plan. FORA may assist the Army in these five-year reviews as defined in the ESCA.

5.4.5 Additional Response or Remedy Modification

If the Army and EPA, in consultation with DTSC, determines that the LUC remedy is not protective of human health and the environment, the property owner will cease all development activities in the MRA. Under the ESCA, FORA will conduct additional investigation required by EPA and DTSC pursuant to the AOC, except Army Obligations.

The Army is responsible for participating in determining if the selected remedy remains protective and if additional response or remedy modification is necessary.

- The Army and EPA, in consultation with DTSC, will determine if the selected remedy remains protective. If no longer protective, FORA will propose and the Army and EPA will jointly select, an additional response action or modification of the remedy. The Army will document additional response actions or modifications of the remedy in an ESD or ROD Amendment, as appropriate. DTSC will be provided an opportunity to review and comment on the proposal.

- The Army will ensure that additional response actions are implemented by FORA if within the scope of FORAs obligation under the AOC and the ESCA. The Army will implement any Army Obligations.

5.4.6 LUC Enforcement

The Army is ultimately responsible for remedy integrity. The FORA has undertaken a portion of the Army responsibilities under the ESCA and AOC for long-term obligations, including the operation and maintenance of LUCs. The EPA monitors and enforces these FORA requirements under the provisions of the AOC.

- The Army is responsible for enforcing the land use restrictions contained in the Federal deeds.
- The Army is responsible for reporting discovery of any activities inconsistent with the LUC remedy, if it becomes aware of such information, such as based on review of the annual LUC status reports that will be provided by FORA. Should the Army discover any activities inconsistent with the LUC remedy objectives, the Army shall notify FORA, EPA, and DTSC of the discovery. This reporting requirement does not preclude the Army from taking immediate action to prevent exposure. This reporting requirement will enable FORA and the Army to take appropriate action to ensure the effectiveness of the remedy.

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6.0 REFERENCES

- Environmental Services Cooperative Agreement Remediation Program Team (ESCA RP Team). 2008. Final Summary of Existing Data Report, Former Fort Ord, Monterey County, California. November 26. (Fort Ord Administrative Record No. ESCA-0130)
- _____. 2012. Final Group 3 Remedial Investigation/Feasibility Study, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, Former Fort Ord, Monterey County, California. July 31. (Fort Ord Administrative Record No. ESCA-0249B)
- Fort Ord Reuse Authority (FORA). 1997. Fort Ord Base Reuse Plan.
- United States Department of the Army (Army). 2004. Memorandum of Understanding Concerning the Proposed East Garrison/Parker Flats Land-Use Modification. August 3. (Fort Ord Administrative Record No. BW- 2180A)
- _____. 2007. Final Finding of Suitability for Early Transfer (FOSET), Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume; FOSET 5). November 15. (Fort Ord Administrative Record No. FOSET-004J)
- United States Army Corps of Engineers (USACE). 1997. Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (HMP). April. With technical assistance from Jones and Stokes Associates, Sacramento, California. (Fort Ord Administrative Record No. BW-1787)
- Zander Associates (Zander). 2002. Assessment, East Garrison – Parker Flats Land Use Modifications, Fort Ord, California. May 1. (Fort Ord Administrative Record No. BW-2180)

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Table 1
Roles, Responsibilities, and Authority for LUC Remedy Implementation and Enforcement

Organization	Roles & Responsibilities	Authority
Army BRAC	<ul style="list-style-type: none"> • Ensure protectiveness of remedy • Army Obligations per ESCA 	<ul style="list-style-type: none"> • FFA • ESCA
EPA Region 9	<ul style="list-style-type: none"> • Lead regulatory agency 	<ul style="list-style-type: none"> • FFA/AOC
DTSC	<ul style="list-style-type: none"> • Regulatory concurrence • CRUP enforcement 	<ul style="list-style-type: none"> • FFA/AOC • CRUP • MOA w/DTSC
FORA	<ul style="list-style-type: none"> • LUC remedy implementation/enforcement • Annual LUC status reporting 	<ul style="list-style-type: none"> • AOC • ESCA • MOA w/DTSC
ESCA RP Team	<ul style="list-style-type: none"> • LUCIP/OMP development / implementation • ESCA/AOC Site Closure 	<ul style="list-style-type: none"> • AOC • ESCA/RSA with FORA
Municipalities	<ul style="list-style-type: none"> • Enforce Digging & Excavation Ordinance • Maintain and enforce deed restrictions • Annual LUC monitoring and reporting 	<ul style="list-style-type: none"> • Municipal Code • MOA w/DTSC
MPC*	<ul style="list-style-type: none"> • Annual LUC monitoring and reporting • Comply with LUCs, deed restrictions, CRUP • Maintain deed restrictions 	<ul style="list-style-type: none"> • MOA w/DTSC • Property Deed • CRUP
Property Owners	<ul style="list-style-type: none"> • Comply with LUCs, deed restrictions, CRUP 	<ul style="list-style-type: none"> • Property Deed • CRUP

Notes:

AOC = Administrative Order on Consent
 BRAC = Base Realignment and Closure
 CRUP = Covenant to Restrict Use of Property
 DTSC = California Department of Toxic Substances Control
 EPA = Environmental Protection Agency
 ESCA = Environmental Services Cooperative Agreement
 ESCA RP = Environmental Services Cooperative Agreement Remediation Program
 FFA = Federal Facility Agreement
 FORA = Fort Ord Reuse Authority
 LUC = Land Use Control
 MOA = Memorandum of Agreement

RSA = Remediation Services Agreement

* = As a MOUT Site MRA property owner, MPC is also responsible for the property owner responsibilities. If the property owner is other than MPC, each jurisdiction will be responsible for annual monitoring and reporting on only those properties within their jurisdiction (MOA with DTSC).

Table 2
Current Probability of Encountering MEC by Parcel

Transfer Parcel No.	Approx. Acreage ¹	Planned Reuse ²	MRS Site number	MRS Site Name	Past Use	Investigation Status ³	Probability of Encountering MEC ⁴
DRO/Monterey MRA							
E29.1	23	Business Park / Light Industrial and Office / Research & Development	MRS-43 ⁵	South Boundary Area	Artillery Training (37mm projectiles)	MEC removal to 4 feet bgs and/or to depth of detection completed.	Low
L6.2	6	Habitat Management					
L6.2	1.5	Habitat Management	Outside MRS boundary	n/a	None	None	Low
L20.13.1.2	0.245	South Boundary Road and Associated Right of Way	Outside MRS boundary	n/a	None	None	Low
L20.13.3.1	5						
Laguna Seca Parking MRA							
L20.3.1	42	Open Space / Recreation / Highway 68 Bypass Right of Way	MRS-47	Wolf Hill	Artillery training (projectiles), mortar training (projectiles)	MEC removal to 4 feet bgs completed	Low

Table 2
Current Probability of Encountering MEC by Parcel

Transfer Parcel No.	Approx. Acreage ¹	Planned Reuse ²	MRS Site number	MRS Site Name	Past Use	Investigation Status ³	Probability of Encountering MEC ⁴
L20.3.2	32	Open Space / Recreation					
L20.5.1	131	Open Space / Recreation	MRS-14A	Lookout Ridge	Artillery training (projectiles), mortar training (projectiles), troop training, basic maneuvers	MEC removal to 4 feet bgs completed in MRS-14A with exception of (1) western and eastern slopes; (2) beneath paved ditch along Lookout Ridge Road; and (3) two whole 100- by 100-foot grids and four partial 100- by 100-foot grids	Low
		<u>MRS-14A exception (1)</u> MEC removal completed to 1foot bgs on western and eastern slopes of Parcels L20.5.1 and L20.5.2				Moderate to High	
		<u>MRS-14A exception (2)</u> MEC removal not completed beneath a paved ditch along Lookout Ridge Road in Parcel L20.5.1				Moderate to High	
L20.5.2	38	Open Space / Recreation / Highway 68 Bypass Right of Way				<u>MRS-14A exception (3)</u> MEC removal not completed in two whole 100-by 100-foot grids, four partial 100-by 100-foot grids in Parcel L20.5.1	Moderate to High

Table 2
Current Probability of Encountering MEC by Parcel

Transfer Parcel No.	Approx. Acreage ¹	Planned Reuse ²	MRS Site number	MRS Site Name	Past Use	Investigation Status ³	Probability of Encountering MEC ⁴
L20.5.2	17	Open Space / Recreation / Highway 68 Bypass Right of Way	MRS-29	Laguna Seca Bus Turn Around	Troop Training, basic maneuvers	MEC removal to 4 feet bgs completed	Low
L20.5.3	4	Open Space / Recreation					
L20.3.1	2	Open Space / Recreation / Highway 68 Bypass Right of Way	MRS-30	Laguna Seca Turn 11	Troop Training, basic maneuvers	MEC removal to 4 feet bgs completed	Low
L20.3.2	4	Open Space / Recreation					
L20.5.4	0.51	Open Space / Recreation					
L20.5.3	6	Open Space / Recreation	Outside MRS boundary	n/a	None	None	Low

Table 2
Current Probability of Encountering MEC by Parcel

Transfer Parcel No.	Approx. Acreage ¹	Planned Reuse ²	MRS Site number	MRS Site Name	Past Use	Investigation Status ³	Probability of Encountering MEC ⁴
MOUT Site MRA							
F1.7.2	51	MOUT Training Area	MRS-28	MOUT Training Area	Infantry training, hand grenade training, rocket launcher firing point, hand-to-hand combat, combat pistol training, assault course, squad tactics, night defense training	MEC removal at ground surface and to 4 feet bgs in 13 100-by-100-foot grids completed	Moderate to High
L20.8	1	Barloy Canyon Road and Associated Right of Way	MRS-270 ⁶	Training Site	Basic maneuvers	MEC removal at ground surface completed	Low
L20.8	6		Outside MRS boundary, portion adjacent to MRS-14D ⁷	n/a	None	MEC removal at 4 feet bgs completed in MRS-14D to the east of the southern portion of Barloy Canyon Road	Low

Notes:

bgs = below ground surface

DRO = Del Rey Oaks

MEC = munitions and explosives of concern

Table 2
Current Probability of Encountering MEC by Parcel

mm = millimeter

MOUT = Military Operations in Urban Terrain

MRA = Munitions Response Area

MRS = Munitions Response Site

n/a = not applicable

1. Acreage stated is the portion of the Transfer Parcel with the designated probability of encountering MEC. Acreages stated are approximate and generally rounded to nearest whole acre.
2. Planned use information obtained from the *FORA Fort Ord Reuse Plan (FORA 1997)* and the *Zander Associates Assessment, East Garrison – Parker Flats Land Use Modifications (Zander 2002)*.
3. All anomalies (i.e., ferromagnetic material) were investigated and all detectable MEC were removed during MEC removal actions. This does not apply to the 1-foot removal portion of MRS-14A and the SiteStat/GridStat grids investigated in MRS-28.
4. The probability of encountering MEC is presented as general guidance: each project must be assessed for the probability of encountering MEC based on site- and project-specific information.
5. Parcel L6.2 contains a portion of MRS-43
6. MOUT Site MRA contains a portion of MRS-270
7. The southern portion of Parcel L20.8 Barloy Canyon Road Reuse Area is bordered by MRS-14D to the east. Though the roadway is not within the MRS, the sampling and removal actions performed in MRS-14D are included in the Table for informational purposes.

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Table 3
On-call Construction Support Requirements

Requirement	Description
On-call Construction Support Plan (Section 4.3.2.1)	A written plan prepared by a UXO support contractor to implement on-call construction support. The plan identifying the MEC safety resources and activities to be conducted during on-call construction support, including procedures for response to suspect munitions items. An On-call Construction Support Plan template is provided in Appendix I.
Soil Management Plan (Section 4.3.2.1)	A Soil Management Plan may be required as a component of the Construction Support Plan for projects including grading or soil movement. The Soil Management Plan would be identified as a requirement during the permit application process and submitted for review with the Construction Support Plan. Soil management requirements are site-specific and generally include a requirement that excavated soils remain within the MRA and for tracking soil movements within the site.
Munitions Recognition and Safety Training (Section 4.3.2.2)	All personnel conducting ground-disturbing or intrusive activities are required to have munitions recognition and safety training. The munitions recognition and safety training resources are described in Section 4.2. Worker training records must be available for inspection through the duration of the construction support project and documented in the Construction Support After Action Report.
On-call Construction Support (Section 4.3.2.3)	UXO-qualified personnel must be on standby and available to assist if a suspect munitions item is encountered. Support can be from offsite when called or be on location and available to provide immediate support.
Response to Suspect Munitions Items (Sections 4.3.2.4 and 4.3.4)	If a suspect munitions item is found, all work in the vicinity of the item must cease while UXO-qualified personnel assess the item. The Construction Support Plan will identify the size of the stop-work area. If the item is confirmed non-MEC (i.e., MDAS), work may resume. If the item cannot be verified as safe (i.e., MEC or suspect MEC item), all work stops, local law enforcement responds to secure the site and requests military EOD personnel, or local bomb squad with equivalent training, respond to address the item. FORA, Army, EPA, and DTSC are notified of the suspect munitions find. Discoveries of MEC require reassessment of the level of construction support before work may resume. FORA conducts a MEC find assessment to determine what, if any, additional actions may be necessary. Site work may resume when the MEC find assessment and any required additional action have been completed and approved by the Army, EPA, and DTSC. A FORA MEC Find

Table 3
On-call Construction Support Requirements

	Notification form and FORA MEC Finds Assessment form are provided in Appendix I.
Construction Support After Action Reporting (Section 4.3.2.5)	An After Action Report must be completed and submitted by the permittee to the excavation permitting agency, FORA, Army, EPA, and DTSC within 30 days following completion of permitted activities. The After Action Report documents the construction support activities conducted including locations of and response to any MEC finds, MEC find assessment results and any actions taken in response to MEC finds. A Construction Support After Action Report form is provided in Appendix I.

Notes:

Army = United States Department of the Army
 DTSC = California Department of Toxic Substances Control
 EOD = explosive ordnance disposal
 EPA = United States Environmental Protection Agency
 FORA = Fort Ord Reuse Authority
 MDAS = material documented as safe
 MEC = munitions and explosives of concern
 MRA = Munitions Response Area
 UXO = unexploded ordnance

Table 4
On-site Construction Support Requirements

Requirement	Description
On-site Construction Support Plan (Section 4.3.3.1)	A written plan prepared by a UXO support contractor to implement on-site construction support. The plan identifying the MEC safety resources and activities to be conducted during on-site construction support, including procedures to address subsurface explosive hazards and respond to suspect munitions items. On-site Construction Support Plan must include all requirements for a MEC removal work plan.
Soil Management Plan (Section 4.3.3.1)	A Soil Management Plan may be required as a component of the Construction Support Plan for projects including grading or soil movement. The Soil Management Plan would be identified as a requirement during the permit application process and submitted for review with the Construction Support Plan. Soil management requirements are site-specific and generally include requirements that excavated soils remain within the MRA and for tracking soil movements within the site.
Munitions Recognition and Safety Training (Section 4.3.3.2)	All personnel conducting ground-disturbing or intrusive activities are required to have munitions recognition and safety training. The munitions recognition and safety training resources are described in Section 4.2. Worker training records must be available for inspection through the duration of the construction support project and documented in the Construction Support After Action Report.
MEC Explosive Hazard Removal (Section 4.3.3.3)	Site-specific actions to be conducted at the site to address explosive hazards identified within the construction footprint either prior to or during construction such that the probability of encountering MEC can be reassessed as low. Anomaly avoidance techniques may also be used to avoid subsurface anomalies during ground-disturbing or intrusive activities.
Response to Suspect Munitions Items (Sections 4.3.3.4 and 4.3.4)	Contingency for response to MEC items during MEC explosive hazard removal activities, anomaly avoidance operations, and construction activities (i.e., ground-disturbing or intrusive activities). MEC items encountered during MEC explosive hazard removal operations will be destroyed by the UXO support contractor following MEC destruction procedures included in the final On-site Construction Support Plan. Locations for MEC storage and performing MEC demolition shots are required to be included in the On-site Construction Support Plan. FORA, Army, EPA, and DTSC are notified of the MEC find. On-site construction support may resume after the MEC item has been destroyed. MEC items encountered during anomaly avoidance operations will not be moved or destroyed by the UXO support contractor. Procedures for response to suspect munitions finds during on-call

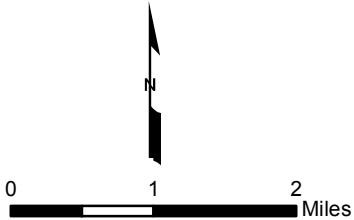
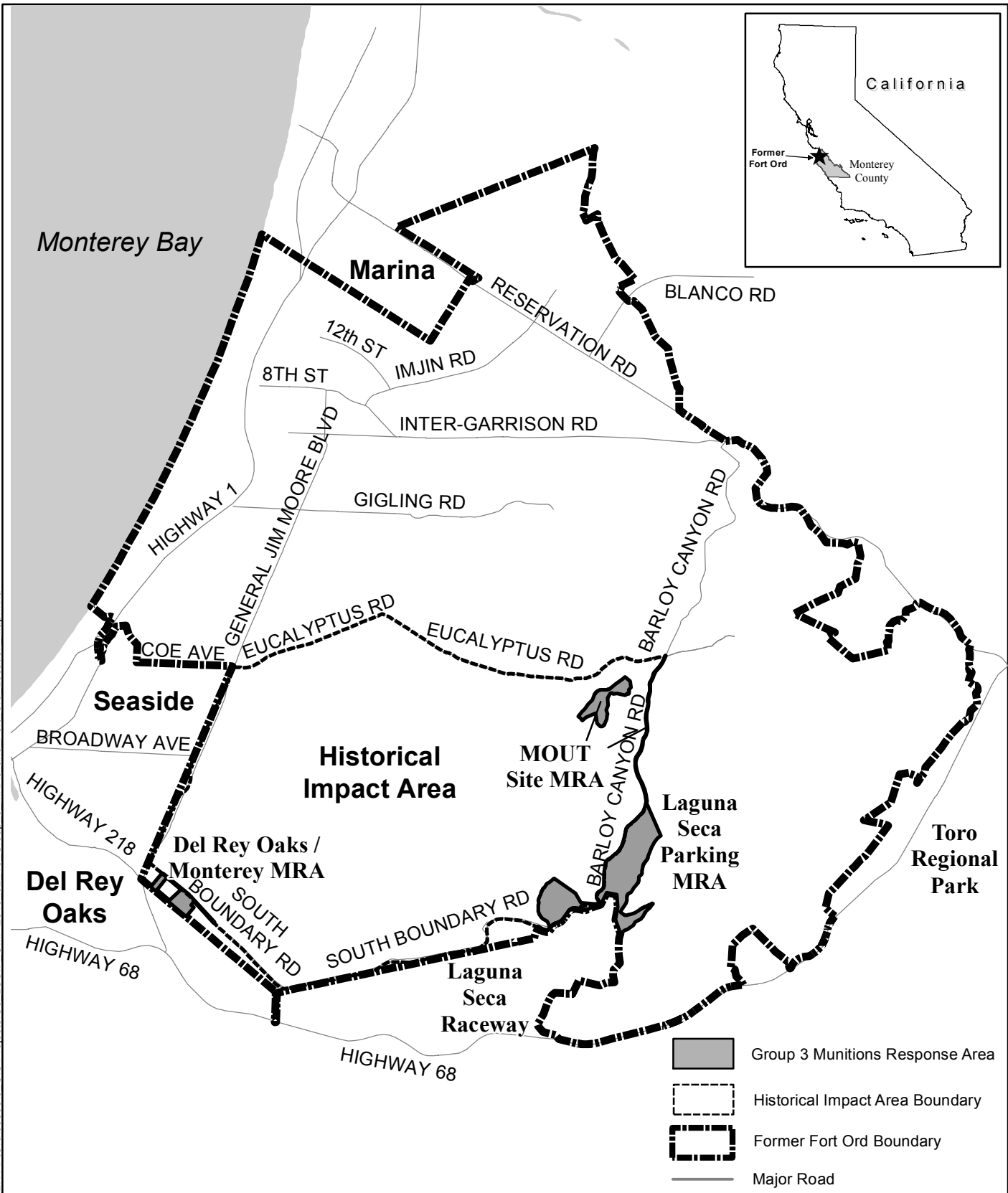
Table 4
On-site Construction Support Requirements

	<p>construction support will be followed (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during anomaly avoidance operations require a reassessment of the construction support approach before anomaly avoidance operations or other site work may resume. If a suspect munitions item is encountered during construction activities, the item will not be removed or destroyed by the UXO support contractor. Procedures for response to suspect munitions finds during on-call construction support will be followed (Sections 4.3.2.3 and 4.3.2.4). Discoveries of MEC during construction activities after on-site construction support has been completed require a reassessment of the construction support approach before construction activities or other work may resume.</p>
<p>Construction Support After Action Reporting (Section 4.3.3.5)</p>	<p>For permitted on-site construction support projects, an After Action Report must be completed and submitted to the excavation permitting agency, FORA, Army, EPA, and DTSC within 30 days following completion of permitted activities. For on-site construction support projects that do not require a permit, the property owner is responsible for completion and submittal of Construction Support After Action Reports to FORA, Army, EPA and DTSC. The After Action Report documents the construction support activities conducted including locations of and response to any MEC finds, and any actions taken in response to MEC finds. A Construction Support After Action Report must also provide the information and data required in a post-MEC removal report or technical information paper.</p>

Notes:

Army = United States Department of the Army
DTSC = California Department of Toxic Substances Control
EOD = explosive ordnance disposal
EPA = United States Environmental Protection Agency
FORA = Fort Ord Reuse Authority
MDAS = material documented as safe
MEC = munitions and explosives of concern
MRA = Munitions Response Area
UXO = unexploded ordnance

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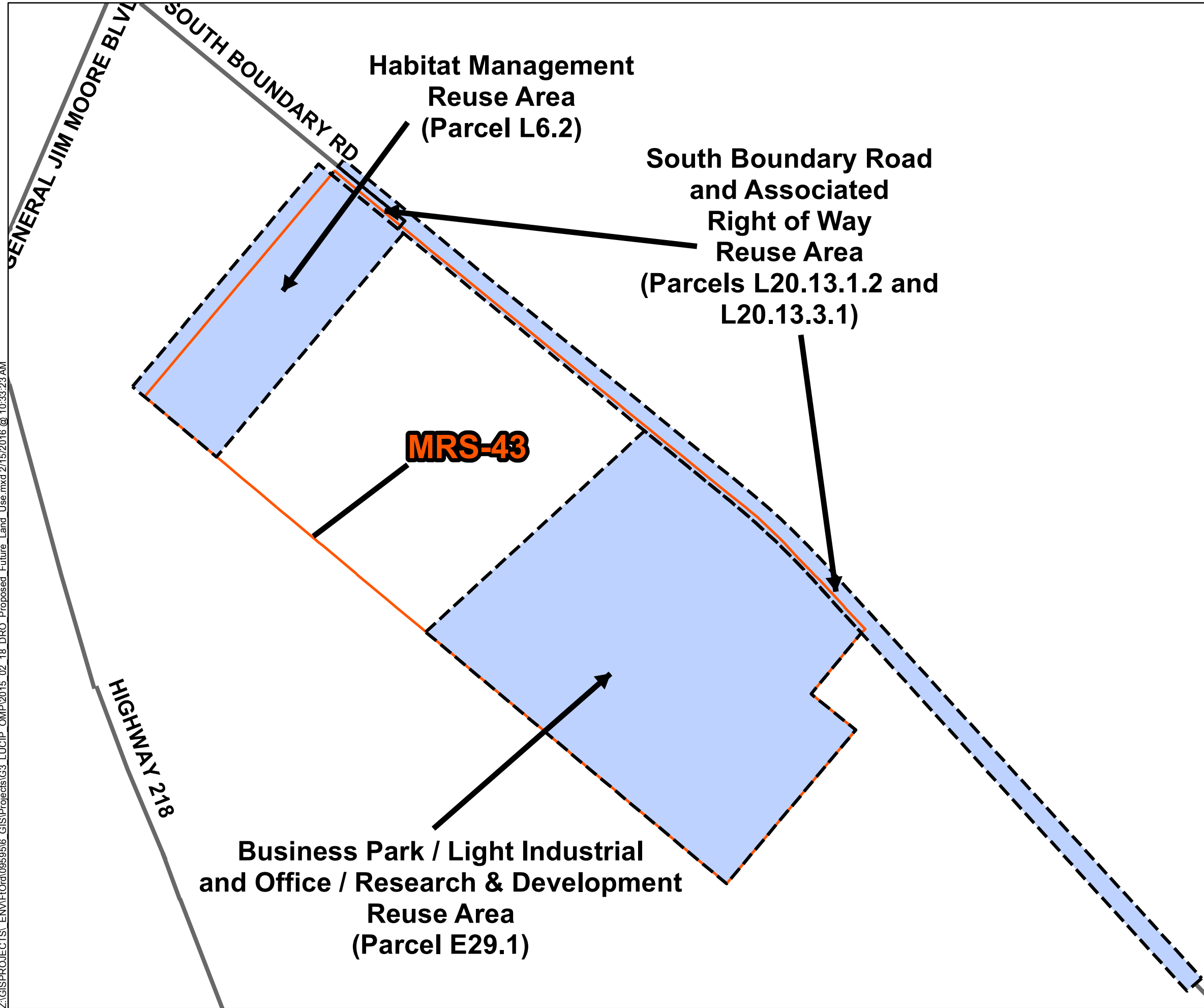


Group 3 MRAs and Fort Ord Location Map

Monterey County, California

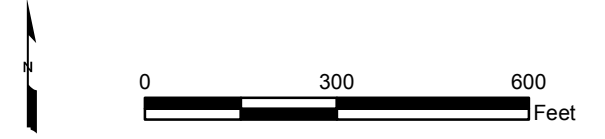
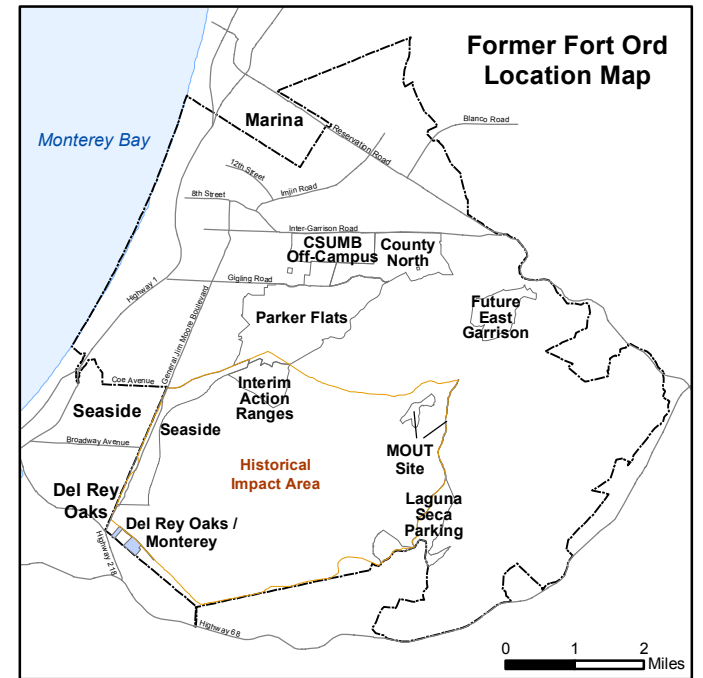
Figure 1

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Legend

- Munitions Response Area (area subject to Land Use Controls)
- USACE Parcel
- MRS-43** Munitions Response Site
- Major Road

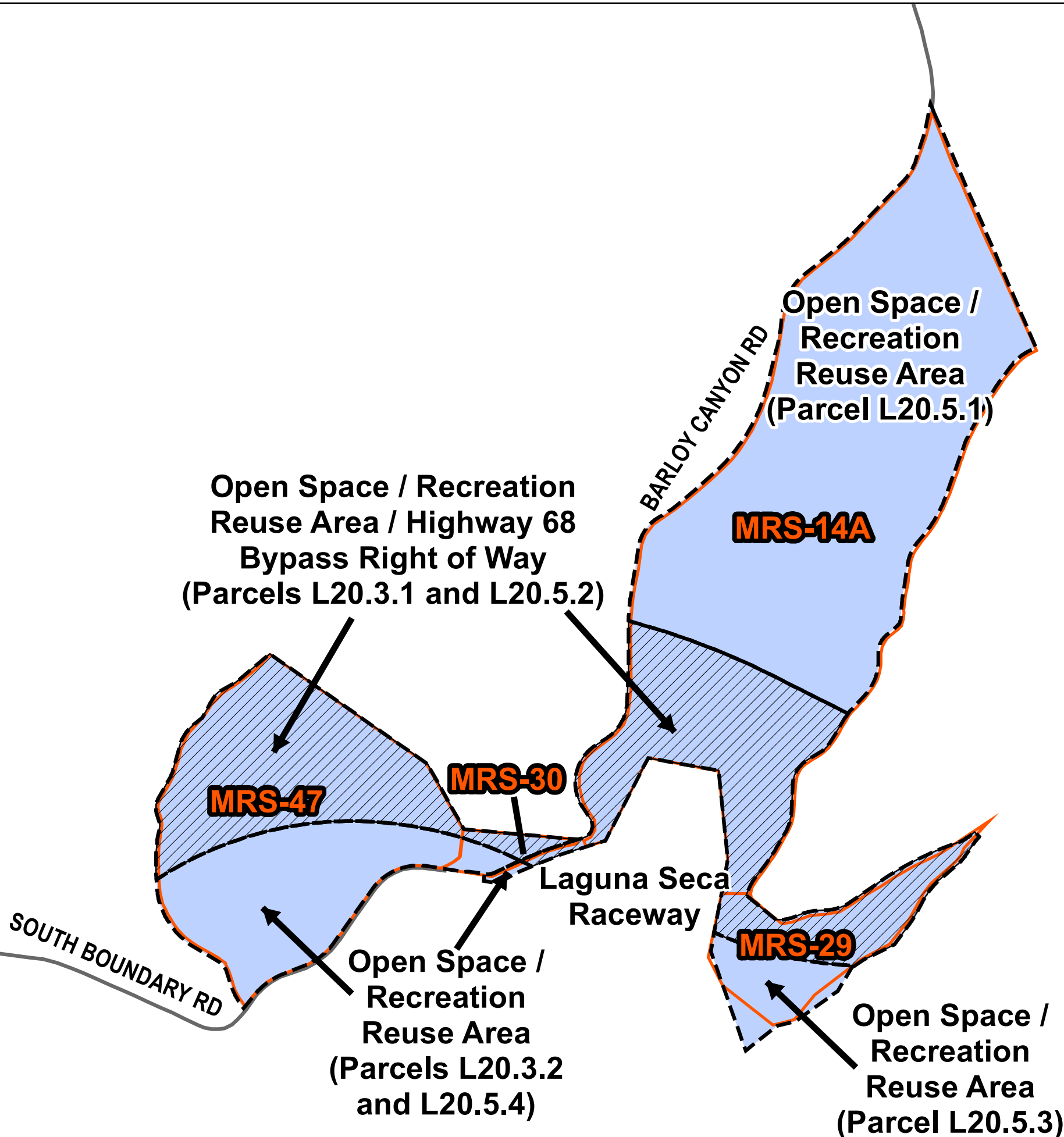


Del Rey Oaks / Monterey MRA Reuse Areas and Munitions Response Sites

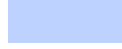




Monterey County, California

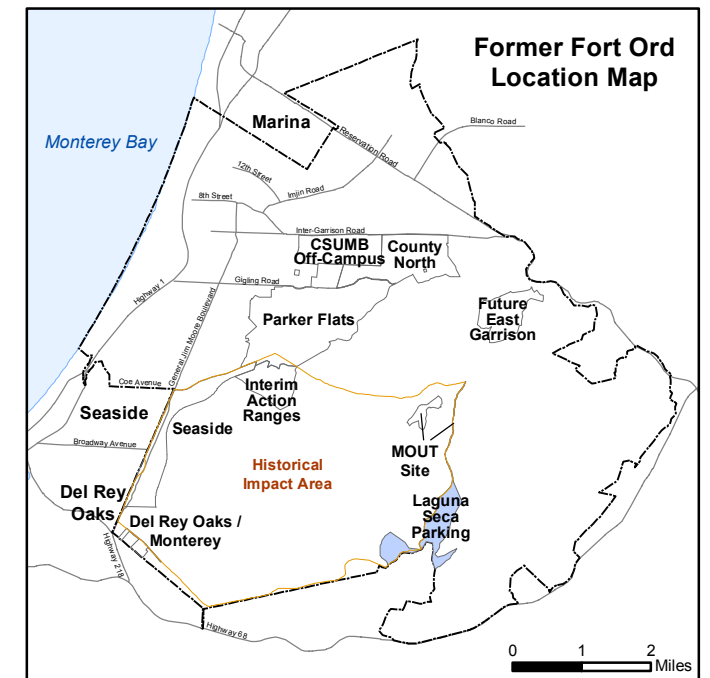
Figure 2

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Legend

-  Munitions Response Area (area subject to Land Use Controls)
-  USACE Parcel
-  MRS-47 Munitions Response Site
-  Highway 68 Bypass Right of Way
-  Major Road

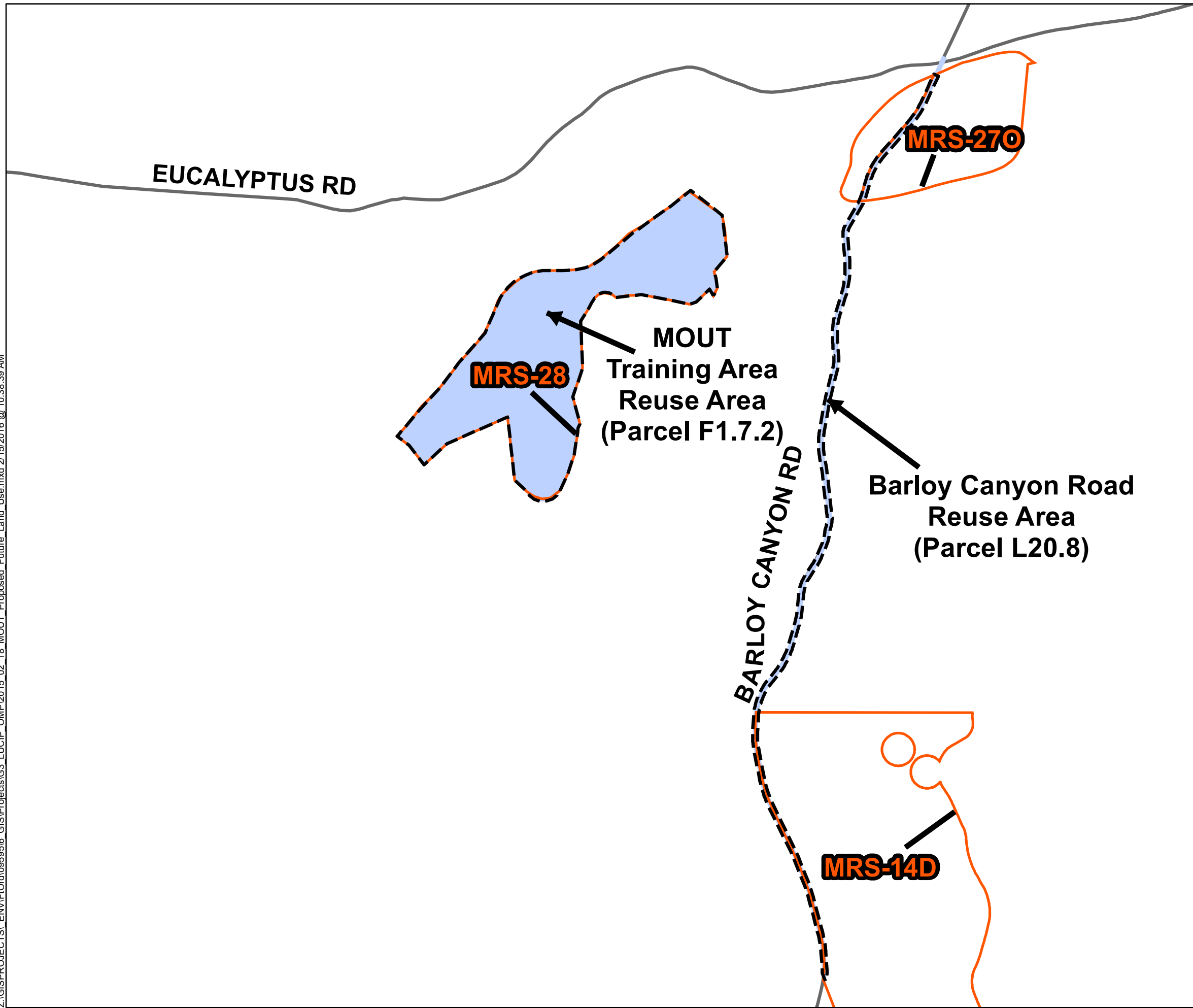


Laguna Seca Parking MRA Reuse Areas and Munitions Response Sites





Monterey County, California

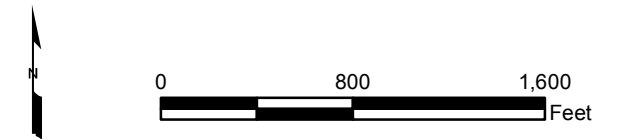
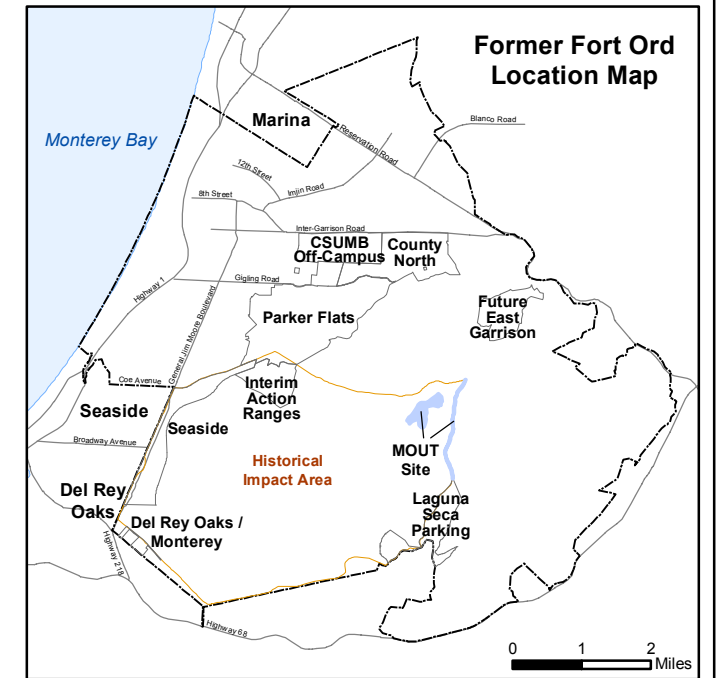
Figure 3

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-  Munitions Response Area (area subject to Land Use Controls)
-  USACE Parcel
-  MRS-28 Munitions Response Site
-  Major Road

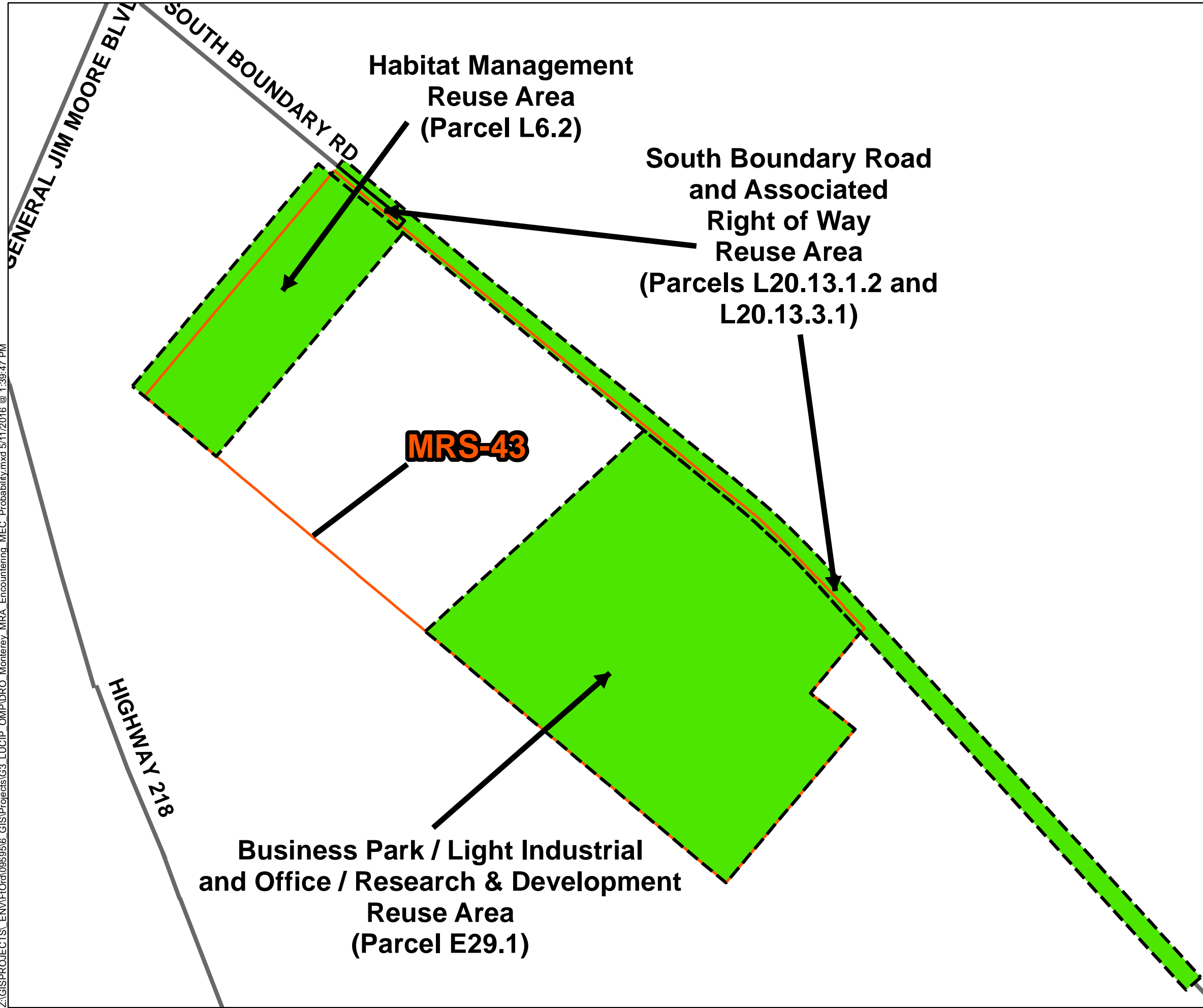


**MOUT Site MRA
Reuse Areas and Munitions
Response Sites**

Monterey County, California

Figure 4

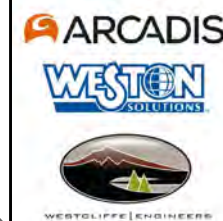
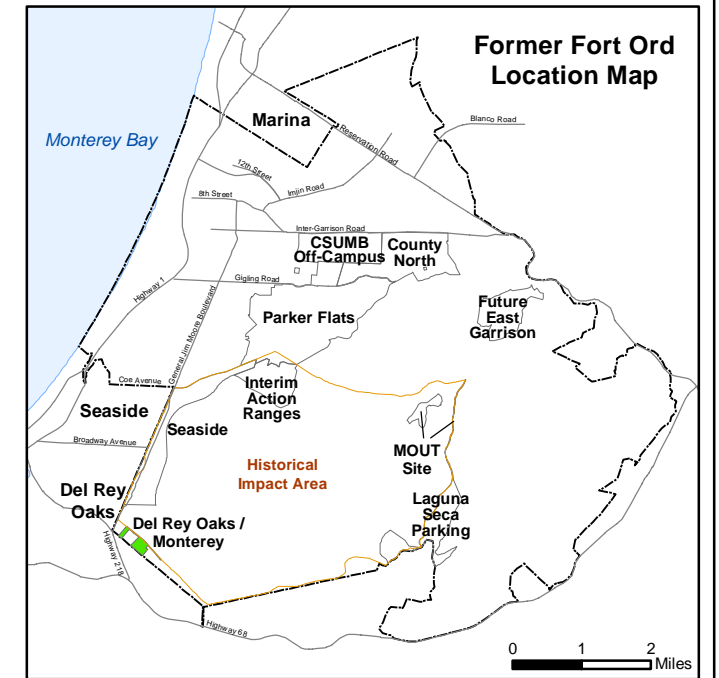
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Legend

- Low Probability of Encountering MEC
- USACE Parcel
- MRS-43
- Major Road

Note:
The probability of encountering MEC is presented as general guidance: each project must be assessed for the probability of encountering MEC based on site- and project-specific information.

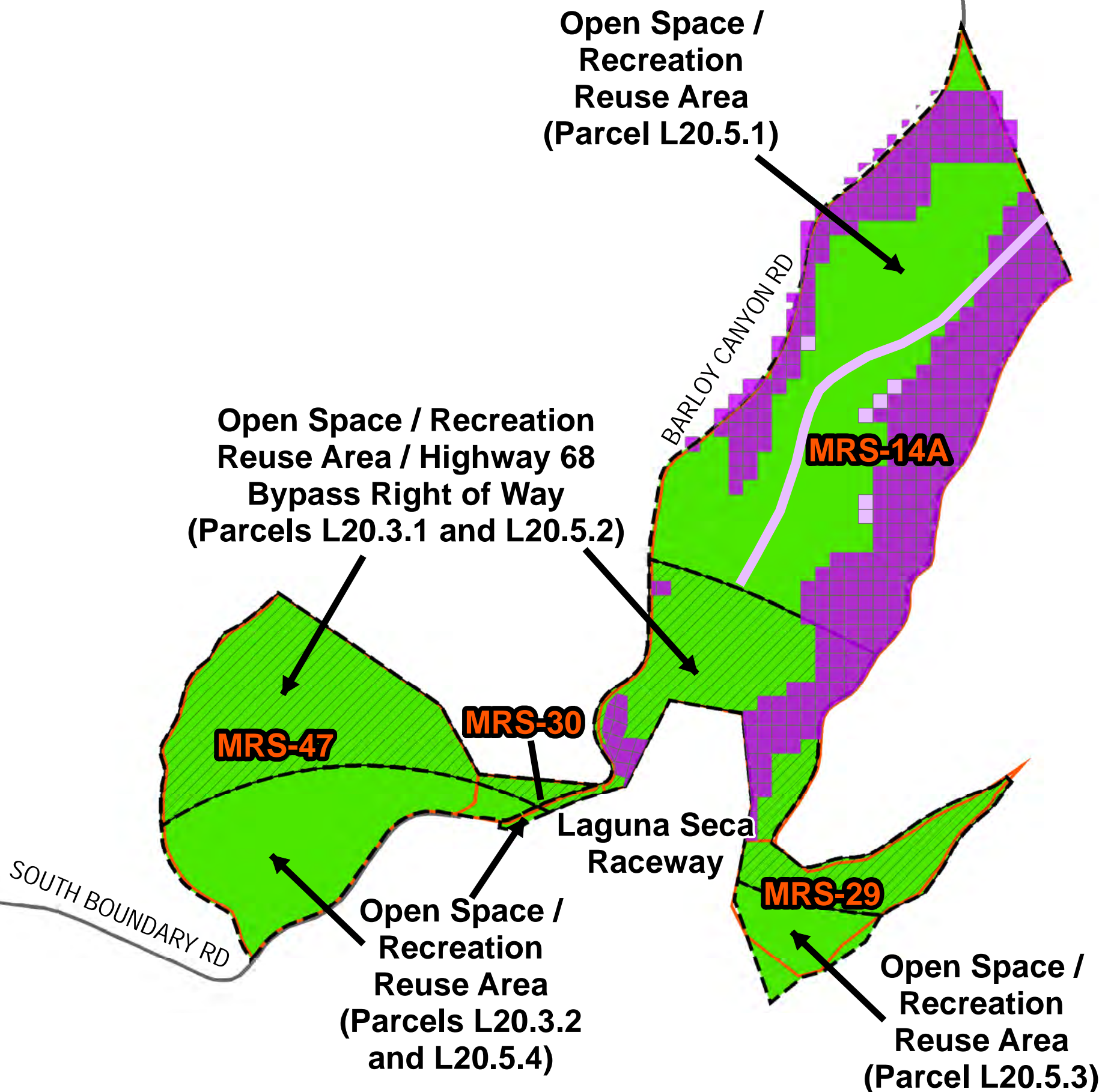


DRO/Monterey MRA Probability of Encountering MEC

Monterey County, California

Figure 5

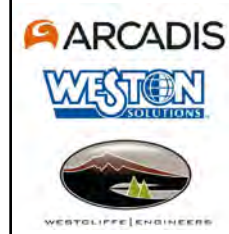
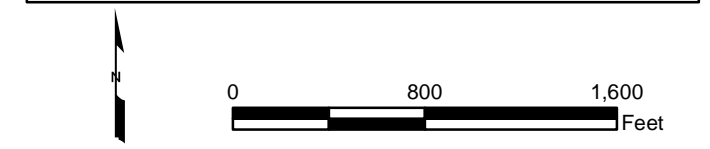
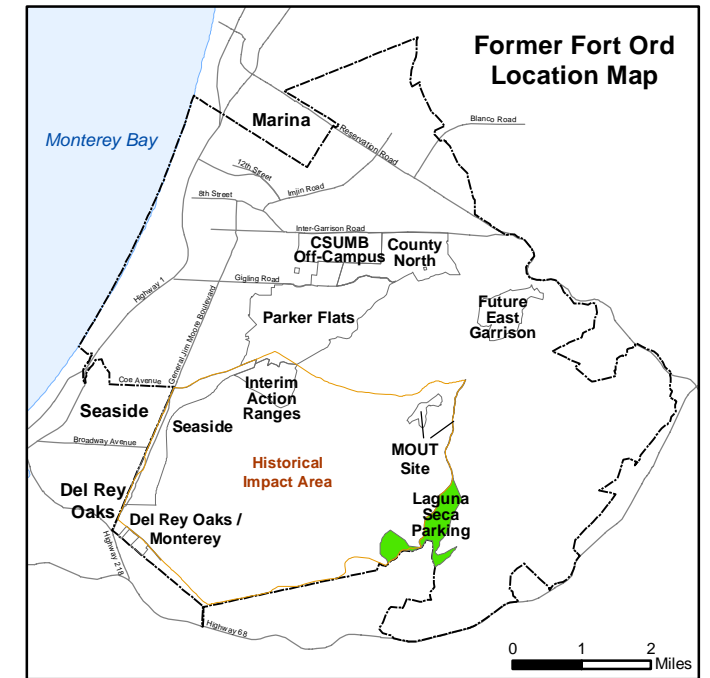
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Legend

- Low Probability of Encountering MEC
- Medium to High Probability of Encountering MEC
- Medium to High Probability of Encountering MEC > 1 Foot Below Ground Surface
- USACE Parcel
- MRS-47 Munitions Response Site
- Highway 68 Bypass Right of Way
- Major Road

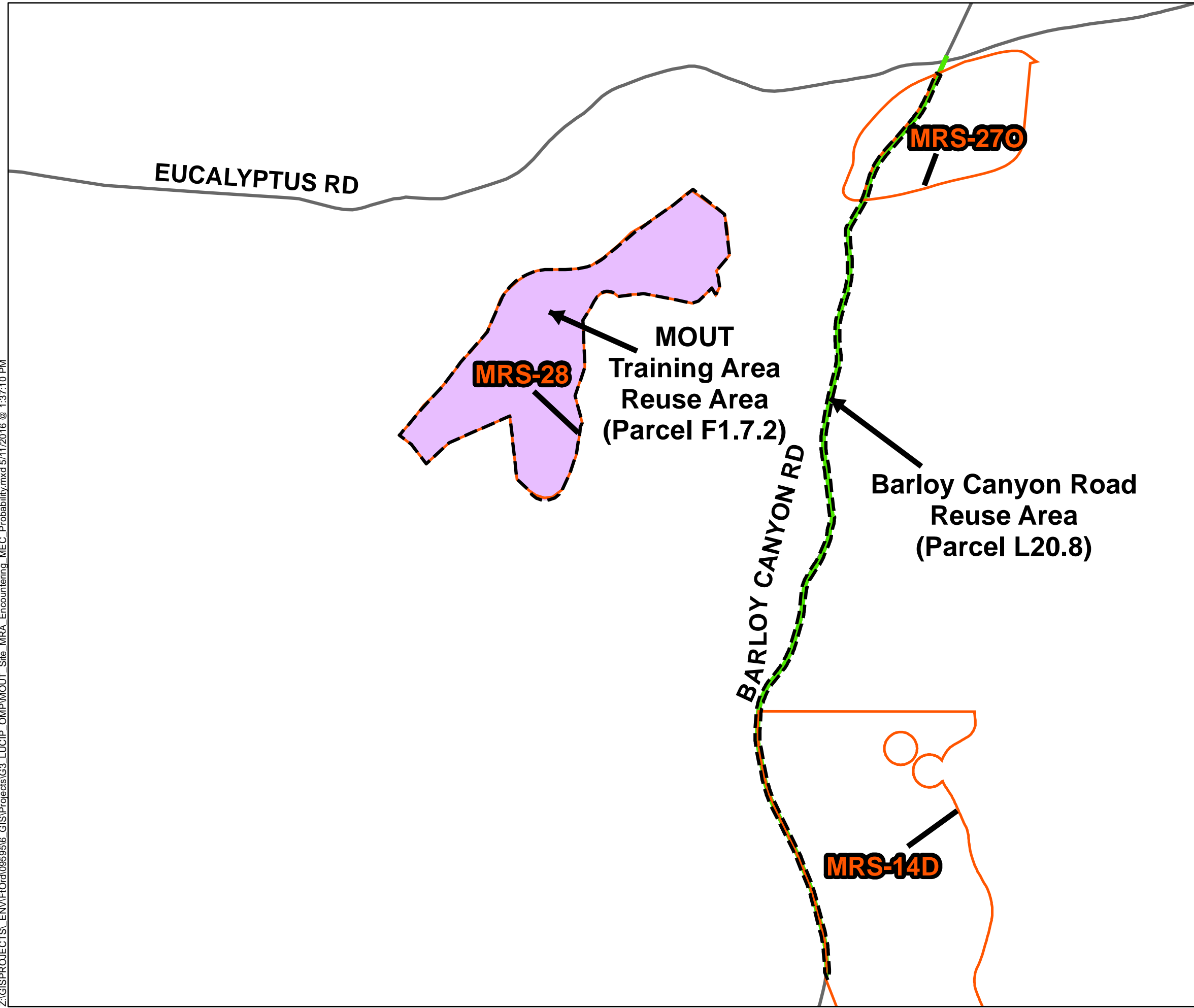
Note:
The probability of encountering MEC is presented as general guidance: each project must be assessed for the probability of encountering MEC based on site- and project-specific information.



**Laguna Seca Parking
MRA Probability of
Encountering MEC**
Monterey County, California

Figure 6

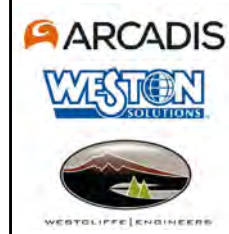
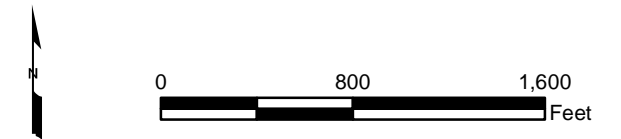
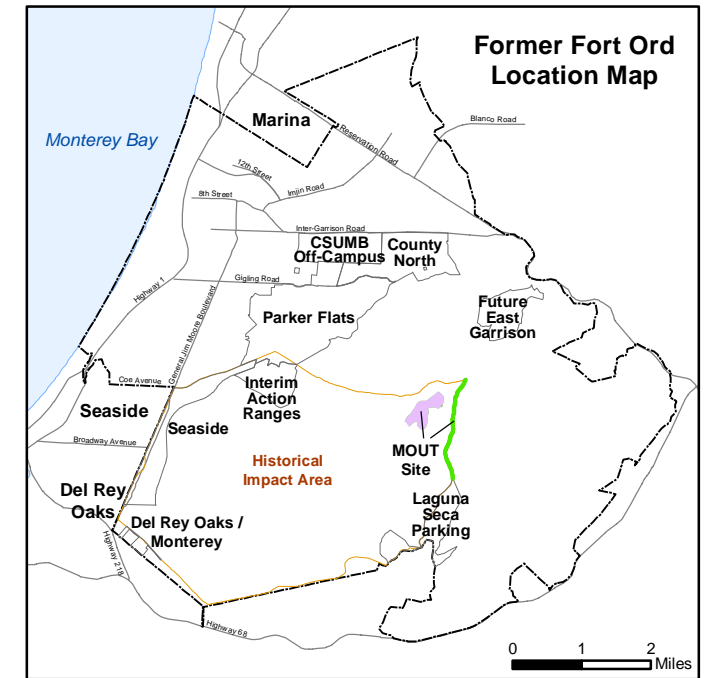
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Legend

- Low Probability of Encountering MEC
- Medium to High Probability of Encountering MEC
- USACE Parcel
- MRS-28
- Major Road

Note:
The probability of encountering MEC is presented as general guidance: each project must be assessed for the probability of encountering MEC based on site- and project-specific information.



**MOUT Site MRA
Probability of Encountering MEC**
Monterey County, California

Figure 7

APPENDIX A

Record of Decision Group 3, Del Rey Oaks/Monterey, Laguna Seca Parking,
and Military Operations in Urban Terrain Site Munitions Response Areas,
Former Fort Ord, California, dated October 26, 2014, and finalized November
25, 2014

FINAL

Record of Decision

Group 3

Del Rey Oaks / Monterey, Laguna Seca Parking,
and Military Operations in Urban Terrain Site
Munitions Response Areas

Former Fort Ord, California

October 27, 2014

United States Department of the Army
Base Realignment and Closure (BRAC)
Former Fort Ord, California

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- 4 MOUT Site MRA Reuse Areas and Munitions Response Sites

APPENDIX

- A Glossary of Military Munitions Response Program Terms

1. DECLARATION

1.1. Site Name and Location

The former Fort Ord is located in northwestern Monterey County, California, approximately 80 miles south of San Francisco (Figure 1). The U.S. Environmental Protection Agency (EPA) identification number for Fort Ord is CA7210020676. This Record of Decision (ROD) addresses Munitions and Explosives of Concern (MEC), specifically unexploded ordnance (UXO) and discarded military munitions (DMM) that potentially remains in the Group 3 Munitions Response Areas (MRAs), which include the Del Rey Oaks (DRO)/Monterey MRA, the Laguna Seca Parking MRA, and the Military Operations in Urban Terrain (MOUT) Site MRA.

Since 1917, military units (e.g., cavalry, field artillery, and infantry) used portions of the former Fort Ord for training (e.g., maneuvers, live-fire target ranges) and other purposes. Because the military conducted munitions-related activities (e.g., live-fire training) on the facility, military munitions (e.g., UXO and DMM) may be present on parts of the former Fort Ord. The types of military munitions used at the former Fort Ord included: artillery and mortar projectiles, rockets, guided missiles, rifle and hand grenades, practice land mines, pyrotechnics, bombs, and demolition materials. For the Fort Ord Military Munitions Response Program (MMRP) being conducted and this ROD, MEC does not include small arms ammunition (.50 caliber and below). A Glossary of Military Munitions Response Program Terms is provided in Appendix A.

In March 2007, the United States Department of the Army (Army) and Fort Ord Reuse Authority (FORA) entered into an Environmental Services Cooperative Agreement (ESCA) to provide funding for MEC remediation services. In accordance with the ESCA and an Administrative Order on Consent (AOC), FORA is responsible for completion of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) response actions, except for those responsibilities retained by the Army, on approximately 3,300 acres of the former Fort Ord with funding provided by the Army. The AOC was entered into voluntarily by FORA, EPA, California Environmental Protection Agency Department of Toxic Substances Control (DTSC), and the United States Department of Justice Environment and Natural Resources Division in December 2006 (EPA Region 9 CERCLA Docket No. R9-2007-03). The underlying property was transferred to FORA in May 2009. The Group 3 MRAs are included in the ESCA between the Army and FORA.

The Group 3 MRAs include sites where MEC were found and munitions response (MEC removal) actions were conducted. The Group 3 MRAs contain portions, or all, of seven munitions response sites (MRSs) that were suspected to have been used for military training with military munitions (Table 1). These MRSs were investigated, with all detected MEC removed. These munitions response actions also included Quality Control and Quality Assurance requirements that evaluated the adequacy of the munitions response actions. Although MEC is not expected to be encountered within these MRSs, it is possible that some MEC may not have been detected and remains present. Because a future land user (e.g., worker or recreational user) may encounter MEC at the Group 3 MRAs, a Group 3 Remedial Investigation/Feasibility Study (RI/FS) was conducted to evaluate remedial alternatives to address this potential risk to future land users (ESCA RP Team 2012). The Group 3 RI/FS was developed by FORA under the ESCA and in accordance with the AOC.

1.2. Basis and Purpose

This decision document selects the remedial action for MEC for the Group 3 MRAs. The remedy for each MRA was selected in accordance with CERCLA of 1980, as amended, and to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision is based on information and reports contained in the Administrative Record for the former Fort Ord.

This decision is undertaken pursuant to the President's authority under CERCLA Section 104, as delegated to the Army in accordance with Executive Order 12580, and in compliance with the process set out in CERCLA Section 120. The selection of the remedy is authorized pursuant to CERCLA Section 104, and the selected remedy will be carried out in accordance with CERCLA Section 121.

The Army and EPA have jointly selected the remedy. The DTSC has had an opportunity to review and comment on the ROD.

1.3. Site Assessment

This ROD addresses hazardous substances and pollutants or contaminants which may pose a threat to human health and welfare or the environment.

The Army has provided the CERCLA covenant in the deeds for the property. Some MEC items found and detonated on the property in the past were a Resource Conservation and Recovery Act (RCRA) reactive waste and thus a CERCLA hazardous substance. Therefore, MEC items discovered on the property in the future will likewise be addressed as such pursuant to the CERCLA covenant unless the Army determines that an item is not a hazardous substance by making a waste specific determination based on testing or knowledge consistent with RCRA.

1.4. Description of the Selected Remedy

The selected remedy addresses risks to human health and the environment from MEC that potentially remains in the Group 3 MRAs. Munitions responses (MEC removals) have been completed at the Group 3 MRAs, significantly reducing the risks to human health and the environment. The selected remedy for the Group 3 MRAs includes Land Use Controls (LUCs) because detection technologies may not detect all MEC present. The LUCs include requirements for: (1) MEC recognition and safety training for those people that conduct ground-disturbing or intrusive activities on the property; (2) construction support by UXO-qualified personnel for ground-disturbing or intrusive activities; and (3) restrictions prohibiting residential use. For the purpose of this decision document, residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007). Any proposal for residential development in the Group 3 MRAs will be subject to regulatory agency and Army review and approval; however, per the FORA Fort Ord Reuse Plan ("Base Reuse Plan"; FORA 1997), no residential reuse is planned for the Group 3 MRAs. The selected remedy will be implemented by FORA in its capacity as Grantee under the ESCA and as a party to the AOC and not in its capacity as the owner of the real estate or as a government entity. A Remedial Design/Remedial Action (RD/RA) Work Plan will be developed to: (1) outline the processes for implementing the LUCs selected as part of the remedy; and (2) identify procedures for responding to discoveries of MEC. The Army will evaluate these sites as part of the installation-wide CERCLA five-year review to be conducted in 2017. The selected LUCs may be modified in the future based on the five-year review process.

As part of the LUC implementation strategy, Long Term Management Measures comprised of a deed notice and restrictions, annual monitoring and reporting, and five-year review reporting will be included for the land use areas within the Group 3 MRAs. As part of the early transfer of the subject property, the Army has entered into State Covenants to Restrict the Use of Property (CRUPs) with the DTSC that document land use restrictions. The existing deeds to FORA for the Group 3 MRA parcels include the following land use restrictions: 1) residential use restriction; and 2) excavation restrictions (unless construction support and MEC recognition and safety training are provided). The Army will modify the existing land use restrictions in the federal deeds, as necessary, to reflect the selected remedy. FORA, or its successor under the ESCA and the AOC, will prepare and submit annual letter reports to the EPA and the DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC. Copies of the annual monitoring report will also be provided to the Army for inclusion in the five-year reviews.

While the Army does not consider California laws and regulations concerning CRUPs to be potential applicable or relevant and appropriate requirements (ARARs), the Army entered into CRUPs with the DTSC at the time the property was transferred to FORA. The DTSC will modify the existing CRUP, if appropriate, to reflect the land use restrictions included in the selected remedy. Although the DTSC and the EPA Region IX disagree with the Army's determination that California laws and regulations concerning CRUPs are not potential ARARs, they will agree-to-disagree on this issue since the Army executed the CRUPs and the DTSC will modify the CRUPs, if appropriate, to be consistent with the identified remedy.

1.5. Statutory Determination

The selected remedy is protective of human health and the environment, complies with Federal and State requirements that are applicable or relevant and appropriate to this remedial action, and is cost effective. Munitions responses to address the principal threat by removing all identified MEC items have already been completed. This meets the intent of using permanent solutions and alternative treatment (or resource recovery) technologies to the maximum extent practicable, and satisfies the statutory preference for treatment as a principal element (i.e., reducing the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants as a principal element through treatment).

Because the selected remedy may not result in removal of all MEC potentially present within the Group 3 MRAs, a statutory review will be conducted by the Army within five years after initiation of the remedial action to ensure the remedy is, or will be, protective of human health and the environment. The next five-year review will occur in 2017.

1.6. ROD Data Certification Checklist

The following information is included in the Decision Summary, Section 2, of this ROD. Additional information can be found in the Administrative Record file for this site.


- Types of MEC identified during previous removal actions (Section 2.8.).
- Current and reasonably anticipated future land use assumptions used in the risk assessment and ROD (Section 2.9. and Table 2).
- Current after-action "Overall MEC Risk Scores" estimated in the Risk Assessment based upon the current site conditions (Section 2.10.).

-
- Remedial action objectives for addressing the current after-action “Overall MEC Risk Scores” estimated in the Risk Assessment (Section 2.11.).
 - How source materials constituting principal threats are addressed (Sections 2.13. and 2.14.).
 - Potential land use that will be available at the site as a result of the selected remedy (Section 2.14. and Table 2).
 - Estimated capital, annual operations and maintenance (O&M), and total present worth costs, discount rate, and the number of years over which the remedy cost estimates are projected (Section 2.14.4.).
 - Key factor(s) that led to selection of the remedy (Section 2.14.1 and 2.15. and Tables 3, 4, and 5).

1.7. Authorizing Signatures and Support Agency Acceptance of Remedy

**Record of Decision
Group 3
Del Rey Oaks/Monterey, Laguna Seca Parking, and
Military Operations in Urban Terrain Site Munitions Response Areas
Former Fort Ord, California**

Signature Sheet for the foregoing Record of Decision for Group 3, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, Former Fort Ord, California, among the United States Department of the Army, the United States Environmental Protection Agency, and the California Environmental Protection Agency, Department of Toxic Substances Control.



Thomas E. Lederle
Chief
Base Realignment and Closure Division
U.S. Department of the Army

4 Nov 2014
Date

**Record of Decision
Group 3
Del Rey Oaks/Monterey, Laguna Seca Parking, and
Military Operations in Urban Terrain Site Munitions Response Areas
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William K. Collins

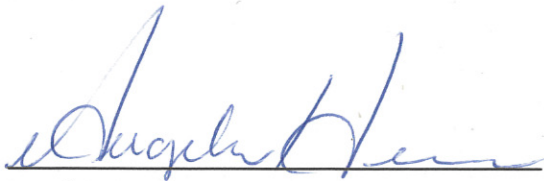
William K. Collins
BRAC Environmental Coordinator
Fort Ord BRAC Office
U.S. Department of the Army

10/28/2014

Date

**Record of Decision
Group 3
Del Rey Oaks/Monterey, Laguna Seca Parking, and
Military Operations in Urban Terrain Site Munitions Response Areas
Former Fort Ord, California**

Signature Sheet for the foregoing Record of Decision for Group 3, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, Former Fort Ord, California, among the United States Department of the Army, the United States Environmental Protection Agency, and the California Environmental Protection Agency, Department of Toxic Substances Control.



Angeles Herrera
Assistant Director, Superfund Division
Federal Facilities and Site Cleanup Branch
U.S. Environmental Protection Agency, Region IX

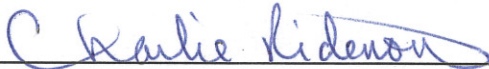
11/25/2014

Date

**Record of Decision
Group 3
Del Rey Oaks/Monterey, Laguna Seca Parking, and
Military Operations in Urban Terrain Site Munitions Response Areas
Former Fort Ord, California**

Signature Sheet for the foregoing Record of Decision for Group 3, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, Former Fort Ord, California, among the United States Department of the Army, the United States Environmental Protection Agency, and the California Environmental Protection Agency, Department of Toxic Substances Control.

The State of California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) had an opportunity to review and comment on the Record of Decision (ROD) and our concerns were addressed.



Charlie Ridenour, P.E.
Branch Chief
Cleanup Program - Sacramento Office
California Environmental Protection Agency
Department of Toxic Substances Control

11/5/14
Date

2. DECISION SUMMARY

2.1. Site Description

The former Fort Ord is located near Monterey Bay in northwestern Monterey County, California, approximately 80 miles south of San Francisco (Figure 1). The former Army post consists of approximately 28,000 acres adjacent to Monterey Bay and the cities of Seaside, Sand City, Monterey, and Del Rey Oaks to the south and Marina to the north. State Route 1 passes through the western portion of former Fort Ord, separating the beachfront from the rest of the base. Laguna Seca Recreation Area and Toro Regional Park border former Fort Ord to the south and southeast, respectively, as well as several small communities, such as Toro Park Estates and San Benancio. Additional information about the site:

- EPA Identification Number: CA7210020676;
- Lead Agency: Army;
- Lead Oversight Agency: EPA;
- Support Agency: DTSC;
- Source of Cleanup Monies: Army;
- Site Type: Former Military Installation.

2.2. Site History

Since 1917, portions of the former Fort Ord were used by cavalry, field artillery, and infantry units for maneuvers, target ranges, and other purposes. From 1947 to 1974, Fort Ord was a basic training center. The 7th Infantry Division was activated at Fort Ord in October 1974, and occupied Fort Ord until base closure in 1994. Fort Ord was selected in 1991 for decommissioning, but troop reallocation was not completed until 1993 and the base was not officially closed until September 1994. The property remaining in the Army's possession was designated as the Presidio of Monterey Annex on October 1, 1994, and subsequently renamed the Ord Military Community (OMC). Although Army personnel still operate parts of the base, no active Army division is stationed at the former Fort Ord. Since the base was selected in 1991 for Base Realignment and Closure (BRAC), site visits, historical and archival investigations, military munitions sampling, and removal actions have been performed and documented in preparation for transfer and reuse of the former Fort Ord property. The Army will continue to retain the OMC and the U.S. Army Reserve Center located at the former Fort Ord. The remainder of Fort Ord was identified for transfer to Federal, State, and local government agencies and other organizations and, since base closure in September 1994, has been subjected to the reuse process. Portions of the property on the installation have been transferred. A large portion of the Inland Training Ranges was assigned to the U.S. Department of the Interior, Bureau of Land Management (BLM). Other areas on the installation have been, or will be, transferred through economic development conveyance, public benefit conveyance, negotiated sale, or other means.

Munitions-related activities (e.g., live-fire training, demilitarization) involving different types of conventional military munitions (e.g., artillery and mortar projectiles, rockets and guided missiles, rifle and hand grenades, practice land mines, pyrotechnics, bombs, and demolition materials) were conducted at Fort Ord. Because of these activities, MEC, specifically UXO and DMM, have been encountered and are known or suspected to remain present at sites throughout the former Fort Ord. A Glossary of Military Munitions Response Program Terms is provided in Appendix A.

2.3. Enforcement and Regulatory History

The Army is the responsible party and lead agency for investigating, reporting, making cleanup decisions, and taking cleanup actions at the former Fort Ord under CERCLA. To address the possibility of the public being exposed to explosive hazards, MEC investigations and removal actions began following BRAC listing and closure of Fort Ord. In November 1998, the Army agreed to evaluate military munitions at former Fort Ord in an Ordnance and Explosives Remedial Investigation/Feasibility Study (basewide OE Remedial Investigation/Feasibility Study) — now termed the basewide Munitions Response Remedial Investigation/Feasibility Study (basewide MR Remedial Investigation/Feasibility Study) — consistent with CERCLA. A Federal Facility Agreement (FFA) was signed in 1990 by the Army, EPA, DTSC (formerly the Department of Health Services or DHS), and the California Regional Water Quality Control Board (RWQCB). The FFA established schedules for performing remedial investigations and feasibility studies and requires that remedial actions be completed as expeditiously as possible. In April 2000, an agreement was signed between the Army, EPA, and DTSC to evaluate military munitions and perform military munitions response activities at the former Fort Ord subject to the provisions of the Fort Ord FFA.

The basewide MR Remedial Investigation/Feasibility Study program reviews and evaluates past investigative and removal actions, as well as recommends future response actions deemed necessary to protect human health and the environment regarding explosive safety risks posed by MEC on the basis of proposed reuses. These reuses are specified in the Base Reuse Plan (FORA 1997) and its updates. The basewide MR Remedial Investigation/Feasibility Study documents are being prepared in accordance with the FFA, as amended. These documents are made available for public review and comment, and placed in the Administrative Record.

The Army has been conducting military munitions response actions (e.g., investigation, removal) at identified MRSs and will continue these actions to mitigate imminent MEC-related hazards to the public, while gathering data about the type of military munitions and level of hazard at each of the MRSs for use in the basewide MR Remedial Investigation/Feasibility Study. The Army is performing its activities pursuant to the President's authority under CERCLA Section 104, as delegated to the Army in accordance with Executive Order 12580 and in compliance with the process set out in CERCLA Section 120. Regulatory agencies (EPA and DTSC) have been and will continue to provide oversight of the munitions response activities pursuant to the FFA.

The Army conducts ongoing and future responses to MEC at the former Fort Ord that are components of the Army's basewide efforts to promote explosive safety because of Fort Ord's history as a military base. These efforts include: (1) five-year reviews and reporting; (2) notices and restrictions in deeds and property transfer documentations (e.g., letter of transfer); (3) MEC incident reporting; (4) MEC recognition and safety training; (5) school education; and (6) community involvement.

In March 2007, the Army and FORA entered into an ESCA to provide funding for MEC remediation services. In accordance with the ESCA, the AOC, and the FFA Amendment No. 1, FORA is responsible for completion of the CERCLA remedial activities, except for those responsibilities retained by the Army, on approximately 3,300 acres of the former Fort Ord with funding provided by the Army. The AOC was entered into voluntarily by FORA, EPA, DTSC, and the United States Department of Justice Environment and Natural Resources Division in December 2006 (EPA Region 9 CERCLA Docket No. R9-2007-03). The underlying property was transferred to FORA in May 2009.

As part of the early transfer of the subject property, the Army has entered into State CRUPs with the DTSC that document land use restrictions. The applicability of and requirements for CRUPs are described in California Code of Regulations Section 67391.1 and California Civil Code Section 1471.

As described in Final Summary of Existing Data Report, Former Fort Ord, Monterey, California (ESCA RP Team 2008), the ESCA areas were combined into nine MRAs, and they were further consolidated into four groups according to similar pathway-to-closure characteristics. Group 1 consists of the Parker Flats and Seaside MRAs. Group 2 consists of the California State University Monterey Bay (CSUMB) Off-Campus and County North MRAs. Group 3 consists of DRO/Monterey, Laguna Seca Parking, and MOUT Site MRAs. Originally, Group 3 included the Interim Action Ranges MRA. The Interim Action Ranges MRA was removed from Group 3 for further evaluation as agreed upon by FORA, EPA, DTSC and the Army. Group 4 consists of the Future East Garrison MRA.

2.4. Community Participation

The Final Group 3 Remedial Investigation/Feasibility Study was published on July 31, 2012, and the Group 3 Proposed Plan was made available to the public on January 11, 2013. The Proposed Plan presented the preferred alternative of Land Use Controls (Alternative 2). The Land Use Control alternative is being selected as the final remedy in this ROD. The Proposed Plan also summarized the information in the Group 3 Remedial Investigation/Feasibility Study and other supporting documents in the Administrative Record. These documents were made available to the public at the following locations:

- Seaside Library, 550 Harcourt Avenue, Seaside, California.
- California State University Monterey Bay Tanimura & Antle Family Memorial Library, Divarty Street, CSUMB Campus, Seaside, California.
- Fort Ord Administrative Record, Building 4463, Gigling Road, Room 101, Ord Military Community, California.
- www.fortordcleanup.com website.

The notice of the availability of the Proposed Plan was published in the Monterey County Herald and the Salinas Californian on January 15, 2013. A 30-day public comment period was held from January 15, 2013, to February 13, 2013. In addition, a public meeting was held on January 30, 2013 to present the Proposed Plan to a broader community audience than those that had already been involved at the site. At this meeting, representatives from the Army, EPA, and DTSC were present, and the public had the opportunity to submit written and oral comments about the Proposed Plan. Representatives from FORA were also present to answer questions. The Army's response to the comments received during this period is included in the Responsiveness Summary, which is part of this ROD (Section 3.0).

2.5. Scope and Role of Response Action

This ROD addresses the planned response action for managing the potential risk to future land users from MEC that potentially remains in the Group 3 MRAs, where munitions response activities have been completed as described in Section 2.7 below and detailed in the Group 3 Remedial Investigation/Feasibility Study (ESCA RP Team 2012).

The planned response action for the Group 3 MRAs will be the final remedy for protection of human health and the environment. Remedial Alternative 2, which was identified as the preferred remedial alternative for the Group 3 MRAs, is summarized as follows:

- **Remedial Alternative 2 - Land Use Controls (LUCs):** MEC recognition and safety training for people that will conduct ground-disturbing or intrusive activities; construction support during ground-disturbing or intrusive activities; and restrictions prohibiting residential use.

The selected remedy will be implemented by FORA under the ESCA and in accordance with the AOC. An RD/RA Work Plan will be developed to: (1) outline the processes for implementing land use restrictions; and (2) identify procedures for responding to discoveries of MEC, including coordinating a response to a discovery of a significant amount of MEC in the Group 3 MRAs. The selected LUCs may be modified in the future based on the five-year review process.

In addition, Long Term Management Measures comprised of a deed restriction, annual monitoring and reporting, and five-year review reporting will be implemented for the reuse areas within the Group 3 MRAs.

Based on the Army Basewide Range Assessment Program (Shaw/MACTEC 2009), which evaluated the potential presence of chemicals of concern in soil, no further action has been recommended for Historical Areas (HAs) within the DRO/Monterey, Laguna Seca Parking, and MOUT Site MRAs.

2.6. Site Characteristics

2.6.1. DRO/Monterey MRA

The DRO/Monterey MRA is located in the southwestern portion of the former Fort Ord and encompasses approximately 30 acres of undeveloped land and approximately 5.245 acres of the existing South Boundary Road and associated right-of-way (Figure 1). The DRO/Monterey MRA is comprised of two non-contiguous portions of MRS-43 and a portion of the South Boundary Road, which is not located within the boundaries of a MRS (Figure 2).

Historical records and recovered MEC and munitions debris (MD) indicate that MRS-43 was previously used for artillery training with 37 millimeter (mm) projectiles.

2.6.2. Laguna Seca Parking MRA

The Laguna Seca Parking MRA is located in the south-central portion of the former Fort Ord adjacent to the Laguna Seca Raceway and encompasses approximately 276 acres (Figure 1). The Laguna Seca Parking MRA includes four MRSs: MRS-14A, MRS-29, MRS-30, and MRS-47 (Figure 3).

Historical records and recovered MEC and MD indicate that these MRSs were previously used for artillery training, mortar training, troop training, and basic maneuvers.

2.6.3. MOUT Site MRA

The MOUT Site MRA is located in the central portion of the former Fort Ord within the northeastern portion of the historical impact area and encompasses approximately 58 acres (Figure 1). The MRA consists of MRS-28 (the MOUT training area), which includes a mock city training area currently used for tactical training of military, federal, and local law enforcement and emergency services providers, and a portion of Barloy Canyon Road located along the eastern boundary of the historical impact area (Figure 4). The northern segment of the Barloy Canyon Road portion of the MOUT Site MRA passes through a former training site identified as MRS-270. The southern portion of Barloy Canyon Road is bordered by

MRS-14D to the east. The MRA also includes a portion of Barloy Canyon Road located outside of a MRS boundary.

Historical records and recovered MEC and MD indicate that the MOUT training area (MRS-28) was used for infantry training in an urban setting in addition to hand grenade training, firing point for rocket launcher training, hand-to-hand combat, combat pistol training, assault course, squad tactics, and night defense training. The Barloy Canyon Road portion of the MRA was maintained as a road and the overlapping MRS-27O was used for bivouac, troop maneuvers, and subcaliber artillery training.

2.7. Group 3 MRAs Remedial Investigation Summary

The Group 3 MRAs contain portions, or all, of seven MRSs identified in Table 1, where munitions response actions have been conducted. These MRSs are also shown on Figures 2, 3, and 4. The Remedial Investigation for the Group 3 MRAs is based on the evaluation of previous work conducted for the MRAs in accordance with the Group 3 Remedial Investigation/Feasibility Study Work Plan (ESCA RP Team 2009).

This section provides background information on the Group 3 MRA Remedial Investigation data collection and review (site evaluations) conducted for the MRSs. Table 1 summarizes the results of the site-specific remedial investigations, and Section 2.8 presents a summary of the site evaluations for the MRSs in the Group 3 MRAs as presented in the Group 3 Remedial Investigation/Feasibility Study (Volume 1; ESCA RP Team 2012).

2.7.1. DRO/Monterey MRA

Scope of Removal Actions - The initial phase of the MEC removal action was designed to address MEC present to a depth of up to 4 feet below ground surface (bgs). During this removal action, all detected anomalies (i.e., ferromagnetic material), even those deeper than 4 feet, were investigated with all detected MEC removed within the MRA. The next phase of the investigation was designed to address MEC to depth of detection. All anomalies detected during the removal actions were investigated or resolved, and all detected MEC items were removed or destroyed. These investigations and removal actions conducted within the DRO/Monterey MRA were focused on addressing explosive hazards.

At the DRO/Monterey MRA, the primary munitions response was performed by the Army prior to the ESCA.

Site Evaluation – The evaluation process was documented by completion of a series of checklists for the DRO/Monterey MRA in accordance with the Group 3 Remedial Investigation/Feasibility Study Work Plan (ESCA RP Team 2009). Checklists prepared for the MRA were provided as Appendix D of the Group 3 Remedial Investigation/Feasibility Study (Volume 1; ESCA RP Team 2012).

The DRO/Monterey MRA is comprised of two non-contiguous portions of MRS-43 and a portion of South Boundary Road, which is not located within the boundaries of an MRS (Figure 2). MRS-43 was identified through a review of former Fort Ord records compiled for the Revised Fort Ord Archive Search Report (USACE 1997a) and was used to facilitate MEC investigations and removal actions. The DRO/Monterey MRA is bounded by MRS-15 DRO.1 along the northern side of South Boundary Road and by Track 1 sites to the northwest (no MRS designation) and southeast (formerly MRS-43A). The boundaries of the two non-contiguous portions of MRS-43 include a large section of Parcel L6.2 and all of Parcel E29.1 for a combined area of approximately 29 acres (Table 2). The South Boundary Road portion of the DRO/Monterey MRA includes Parcels L20.13.1.2 and L20.13.3.1 for a total area of

approximately 5.245 acres (Table 2). Based on the results of the literature review, investigations, and removal actions, the MRA was impacted during military training with the 37mm projectile used prior to World War II. Items found may have the potential to penetrate deeper than the depth of detection of the digital and analog equipment used during the removal actions. These findings are consistent with the historical use of this MRA as a weapons and troop training area as indicated in the Summary of Existing Data Report (ESCA RP Team 2008).

The Army's munitions response contractor conducted MEC removal actions across the entire MRA with the exception of a 50-foot wide strip of land on the northwest boundary of the MRA (in the habitat reserve area, Parcel L6.2) and the southern side of the road east of Parcel E29.1, which are both located outside of the MRS-43 boundary (Figure 2). The initial phase of the MEC removal action was conducted using analog instruments to depths of 4 feet bgs. The subsequent phase of the investigation was conducted using digital geophysical equipment to the depth of detection. While two small portions of the MRA have not been subjected to MEC removal actions, SiteStat/GridStat (SS/GS) investigation grids were either located partially within or immediately adjacent to the two areas. No MEC or MD items were recovered from the SS/GS investigation grids located within or immediately adjacent to these two areas. Therefore, it is expected that finding MEC in either of these two areas would not be likely.

2.7.2. Laguna Seca Parking MRA

Scope of Removal Actions - The MEC removal actions were designed to address MEC to a depth of 4 feet bgs in MRS-29, MRS-30, MRS-47, and central portion of MRS-14A, and to a depth of 1 foot bgs along the western and eastern slopes of MRS-14A. All anomalies (i.e., ferromagnetic material), even those deeper than 4 feet in MRS-29, MRS-30, MRS-47, and central portion of MRS-14A, were investigated with all detected MEC encountered removed within the MRA. These investigations and removal actions conducted within the Laguna Seca Parking MRA were focused on addressing explosive hazards.

At the Laguna Seca Parking MRA, the three primary munitions response contractors that performed munitions responses to MEC were Human Factors Applications, Inc. (HFA), UXB International, Inc. (UXB), and USA Environmental, Inc. (USA).

Site Evaluation – The evaluation process was documented by completion of a series of checklists for the Laguna Seca Parking MRA in accordance with the Group 3 Remedial Investigation/Feasibility Study Work Plan (ESCA RP Team 2009). Checklists prepared for the MRA were provided as Appendix D of the Group 3 Remedial Investigation/Feasibility Study (Volume 1; ESCA RP Team 2012).

The vicinity of the Laguna Seca Parking MRA was identified as a training area on historical maps for the 1st Brigade and Division Artillery. The MRA consists of four MRSs that were identified to facilitate previous MEC investigations and removal actions: MRS-14A, MRS-29, MRS-30, and MRS-47 (Figure 3). The MRA encompasses approximately 276 acres and contains the following six parcels: L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, and L20.5.4 (Table 2 and Figure 3).

MEC removal actions completed by the Army's munitions response contractors were conducted using analog instruments across the MRSs within the MRA. The MEC removal actions were conducted to a depth of 4 feet bgs with two exceptions: the MEC removal action was conducted to a depth of 1 foot bgs along the western and eastern slopes of MRS-14A; and MEC removal actions were not completed in two whole and four partial grids in MRS-14A due to terrain-related inaccessibility. Based upon the results of the MEC removal action conducted immediately surrounding these grids, it is not anticipated that MEC

items posing a significant risk would remain in the six grids. Items found in the MRA may have the potential to penetrate deeper than the depth of detection of the analog instruments used during the MEC removal actions. The majority of MEC and MD encountered were consistent with the documented historical use of the MRA. Some items encountered along the western boundary of the MRA were likely the result of being adjacent to the historical impact area.

2.7.3. MOUT Site MRA

Scope of Removal Actions - The visual surface removal and field verification survey conducted in the MOUT Site MRA were designed to address MEC on the ground surface. Grid sampling investigations were conducted in a small percentage of the MRA to address MEC to depths of 4 feet bgs. During the grid sampling investigations, all anomalies (i.e., ferromagnetic material), even those deeper than 4 feet, were investigated with all detected MEC encountered removed within the MRA. These investigations and removal actions conducted within the MOUT Site MRA were focused on addressing explosive hazards.

At the MOUT Site MRA, the three primary munitions response contractors that performed munitions responses to MEC were HFA, UXB, and USA.

Site Evaluation – The evaluation process was documented by completion of a series of checklists for the MOUT Site MRA in accordance with the Group 3 Remedial Investigation/Feasibility Study Work Plan (ESCA RP Team 2009). Checklists prepared for the MRA were provided as Appendix D of the Group 3 Remedial Investigation/Feasibility Study (Volume 1; ESCA RP Team 2012).

The MOUT Site MRA includes two areas: the MOUT training area, which encompasses approximately 51 acres and consists of a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies, and emergency service providers by Monterey Peninsula College; and a portion of Barloy Canyon Road encompassing approximately seven acres located along the eastern boundary of the historical impact area (Table 2 and Figure 4). To facilitate previous MEC investigations and removal actions, the MOUT training area was designated as MRS-28, which corresponds to Parcel F1.7.2 (Figure 4). The Barloy Canyon Road portion of the MRA was designated as Parcel L20.8 and borders a former military training area to the east (MRS-14D) in the southern portion of the parcel and the historical impact area to the west. The northern portion of Parcel L20.8 passes through a former training site designated as MRS-27O.

A grid sampling investigation and a SS/GS sampling investigation were conducted over a portion of MRS-28. During sampling, geophysical anomalies were intrusively investigated to a depth of up to 4 feet bgs. The recommendation included in the After-Action Report for the SS/GS and grid sampling investigations was for further site characterization in the northern central and southern portions of MRS-28 to ascertain the extent of MEC removal operations necessary to support current and future reuse of the property (USA 2001d). Following an accidental fire in the area, a visual surface time-critical removal action (TCRA) was conducted over the majority of the MOUT Site MRA with the exception of a small area in the southwestern portion of MRS-28 and the southern portion of Barloy Canyon Road along the eastern side of the roadway. A site verification survey was performed in the southwestern portion of MRS-28 where the TCRA was not conducted (ESCA RP Team 2012). A grid sampling investigation and 4-foot (ft) removal action were conducted in MRS-14D, adjacent and to the east of the southern portion of Barloy Canyon Road (USA 2001a). One sampling grid was located in the roadway Parcel L20.8 within the boundaries of the MOUT Site MRA. The majority of MEC and MD encountered during the MEC investigations and removal actions were consistent with the documented historical use of the MRA. Some

items encountered in the MRA were likely the result of the area being located within and along the edge of the historical impact area.

2.8. Group 3 MRAs Munitions Response Site Summaries

This section summarizes the MEC investigations and removal actions conducted for the MRSs identified in the Group 3 Remedial Investigation/Feasibility Study (Volume 1; ESCA RP Team 2012). MEC encountered during these actions were destroyed by detonation and recovered MD was disposed of or recycled after being inspected and determined not to pose an explosive hazard. Table 1 summarizes key information about the MRSs included in each Group 3 MRA.

2.8.1. DRO/Monterey MRA

The DRO/Monterey MRA includes a portion of MRS-43 where MEC investigations and removal actions have been conducted as presented below. The MEC and MD encountered within the DRO/Monterey MRA were consistent with the historical use of the area for weapons and troop training. The results of the remedial investigation indicated that the MEC investigations and removal actions conducted within MRS-43 successfully detected, excavated, and recovered MEC to address the explosive hazard (ESCA RP Team 2012).

MRS-43

A SS/GS investigation was conducted in part of MRS-43 by USA in 1998 using Schonstedt magnetometers (USA 2001e). Five 100-ft by 200-ft grids and one partial grid were located in Parcel E29.1 of the DRO/Monterey MRA and one partial grid was located in Parcel L6.2 of the DRO/Monterey MRA. The results of the SS/GS sampling investigation indicated that while MD (referred to as ordnance scrap in the final report) related to 37mm projectiles and smoke hand grenades was found in grids, no MEC (referred to as UXO items in the final report) was found within MRS-43. The SS/GS sampling investigation in MRS-43 was determined to be inconclusive by the U.S. Army Corps of Engineers (USACE); therefore, a grid sampling investigation was recommended for MRS-43.

From December 1999 to March 2000, USA conducted a grid sampling investigation using Schonstedt magnetometers to a depth of 4 feet bgs, with deeper excavation as approved by USACE, in MRS-43 (USA 2001b). Four whole 100-ft by 100-ft grids, one partial 100-ft by 100-ft grid, two whole 100-ft by 200-ft SS/GS grids, and one partial 100-ft by 200-ft SS/GS grid were located in the DRO/Monterey MRA portion of MRS-43 and all anomalies encountered were investigated. The results of the grid sampling investigation indicated that MEC and MD related to hand grenades (single burial pit with 23 MEC items) and 37mm projectiles were found in MRS-43 (USA 2001b). The MEC items were not found within the boundaries of the DRO/Monterey MRA. The MEC and MD finds resulted in the need to conduct a removal action in the MRS. The southernmost half of MRS-43 (eventually designated as MRS-43A) was not subject to the removal action since no MEC or MD was discovered during the grid sampling investigations.

A MEC removal action was conducted in MRS-43 (Army 2000 and USA 2001b). The removal action consisted of a total of 258 whole and partial 100-ft by 100-ft grids. The removal action included the entire MRS-43 area and all anomalies encountered using Schonstedt magnetometers were investigated to a depth of 4 feet bgs (USA 2001b). The removal action corresponded to the entire DRO/Monterey MRA except for a narrow strip of land approximately 50 feet wide along the northwestern edge of Parcel L6.2 and South Boundary Road Parcels L20.13.3.1 and L20.13.1.2. Two ignition cartridges (designated as

DMM) and a quarter pound of trinitrotoluene (TNT) demolition charge (designated as UXO) were found in the area corresponding to Parcel L6.2. No MEC was found in the remainder of MRS-43 including Parcel E29.1 of the DRO/Monterey MRA. A total of 109 MD items were found throughout most of MRS-43 including Parcels L6.2 and E29.1 of the DRO/Monterey MRA.

A digital geophysical investigation was conducted in MRS-43 and in adjacent MRSs by USA using the G858 magnetometer, the cart-mounted EM61, and the handheld EM61, depending on vegetation and terrain (USA 2001b). Five whole and nine partial 100-ft by 100-ft grids located in the DRO/Monterey MRA portion of MRS-43 were investigated with the portable G858 magnetometer. The portable cart-mounted EM61 was employed in the investigation of 154 100-ft by 100-ft grids and 10 sampling grids (USA 2001b) in MRS-43. A number of these grids were located within Parcel E29.1 and only a few grids were located within Parcel L6.2. Two whole and two partial 100-ft by 100-ft grids were investigated using a handheld EM61. All but one partial grid were within Parcel E29.1; the partial grid was in Parcel L6.2 (USA 2001b).

2.8.2. Laguna Seca Parking MRA

The Laguna Seca Parking MRA consists of MRS-14A, MRS-29, MRS-30, and MRS-47 where MEC investigations and removal actions have been conducted as presented below. The MEC and MD encountered within MRS-14A, MRS-29, MRS-30, and MRS-47 were consistent with the historical use of the area for weapons and troop training. The results of the remedial investigation indicated that the investigation and removal actions conducted in the Laguna Seca Parking MRA successfully detected, excavated, and recovered MEC to address the explosive hazard (ESCA RP Team 2012).

MRS-14A

The initial MEC response actions conducted in MRS-14A included a removal action to a depth of 3 feet bgs to support proposed Laguna Seca Raceway parking on 50 acres in June 1994 (HFA 1994) and a grid sampling investigation to a depth of 4 feet bgs on 86 100-ft by 100-ft grids (10 % of 193 acres) from July 1994 to May 1995, using Schonstedt magnetometers (UXB 1995a). The areas where the initial MEC response actions were conducted were also included in the MEC removal actions discussed in the following paragraphs.

A removal action to a depth of 4 feet bgs was performed at MRS-14D (identified as Site OE 14D in the corresponding after-action report), which included the northernmost tip of MRS-14A, by USA using Schonstedt magnetometers from September 1996 through January 1997. Eight full and two partial 100-ft by 100-ft grids included in the removal action were located within the current boundary of MRS-14A. One MEC item was discovered within the boundaries of MRS-14A and one MEC item was found outside MRS-14A, but inside the Laguna Seca Parking MRA. Both items were removed in accordance with the work plan (CMS 1995).

A removal action was conducted by USA at MRS-14A using Schonstedt magnetometers from June 1997 through April 1998. The removal action was conducted on 427 grids to a depth of 4 feet bgs and 384 grids to a depth of 1 foot bgs. Six grids (two complete grids and portions of four grids) were not accessible and a paved ditch along Lookout Ridge Road was not surveyed during the MEC removal action (USA 2001c). The removal action at MRS-14A encountered 137 MEC items including electric blasting caps, smoke grenades and assorted pyrotechnics, expended 37mm, 57mm, and 75mm projectiles, and training 81mm mortars. MEC items discovered were removed in accordance with the work plan.

MRS-29

A random sampling investigation was conducted on 69 100-ft by 100-ft grids in MRS-29 in 1995 using Schonstedt magnetometers (UXB 1995b). The investigation was converted to a removal action, which included the 69 sampling investigation grids, as discussed in the following paragraph.

A removal action to a depth of 4 feet bgs was performed by CMS on MRS-29 from June 1997 to July 1998 using Schonstedt magnetometers. A total of 125 100-ft by 100-ft grids and partial grids were completed by CMS. No MEC items were found during this removal action (USA 2000a).

MRS-30

A removal action was conducted to a depth of 4 feet bgs using Schonstedt magnetometers on the entire 5.9 acres of MRS-30, which consisted of 25 100-ft by 100-ft grids and 10 partial grids (UXB 1995c). Two MEC items were found: one 75mm high explosive projectile and one 81mm illumination mortar cartridge. Both items were detonated in place in accordance with the work plan (UXB 1995c).

MRS-47

The initial MEC response actions conducted in MRS-47 included a vegetation clearance in 1994 to facilitate access for a controlled burn (USACE 1997a and USA 2000b), sampling investigation of three grids by HFA in January 1994 using Schonstedt magnetometers (HFA 1994), a removal action to a depth of 3 feet bgs by UXB from July 1994 to July 1995 using Schonstedt magnetometers (UXB 1995d), and a sampling investigation from July to September 1996 by USA using Schonstedt magnetometers (USA 2000b). The areas where these initial MEC response actions were conducted were also included in the MEC removal action discussed in the following paragraph.

From February to June 1997, USA conducted a removal action to a depth of 4 feet bgs on the entire 79 acres of MRS-47 using Schonstedt magnetometers (USA 2000b). MEC found included 81mm mortars, 37mm projectiles, 3-inch Stokes mortars, 75mm projectiles, 60mm mortars, smoke-filled hand grenades, two unfired high explosive 40mm cartridges, a variety of pyrotechnic items, a 4.2-inch projectile, a 20mm projectile, a 57mm projectile, a 2.36-inch rocket, and various fuzes for grenades, mines, and projectiles.

2.8.3. MOUT Site MRA

The MOUT Site MRA consists of MRS-28 (the MOUT training area) and a portion of Barloy Canyon Road located along the eastern boundary of the historical impact area. The northern segment of the Barloy Canyon Road portion of the MOUT Site MRA passes through a former training site identified as MRS-27O. The southern portion of Barloy Canyon Road is bordered by MRS-14D to the east. Because the proximity of the roadway to these MRSs, the sampling and removal actions performed in MRS-27O and MRS-14D are included in the following discussions. The MEC and MD encountered within the MOUT Site MRA were consistent with the historical use of the area for weapons and troop training. The results of the remedial investigation indicated that the investigations and removal actions conducted in the MOUT Site MRA detected, excavated, and recovered MEC to address the explosive hazard (ESCA RP Team 2012).

MRS-28

From March to September 1998, USA conducted a grid sampling investigation in MRS-28 for the Army to determine the need for performing a MEC removal action (USA 2001d). The grid sampling was conducted in 16 100-ft by 100-ft grids in the northeastern and southern portions of the MRS. The sampling investigation included the entire grid area and the anomalies encountered using Schonstedt magnetometers were investigated to a depth of 4 feet bgs. The boundaries of MRS-28 were modified since this investigation; therefore, 13 of the 16 grids were located within the current boundaries of MRS-28. In the northeastern portion of MRS-28, five MEC items (two practice hand grenades, two smoke hand grenades, and one hand grenade fuze) were found. The majority of the MD items found were also related to practice hand grenades, smoke hand grenades, and hand grenade fuzes. In the southern portion of MRS-28, two MEC items (one civilian blast simulator and one practice hand grenade fuze) were found. The majority of the MD items found were related to 40mm cartridge cases, practice 3.5-inch rockets, practice 2.36-inch rockets, and practice hand grenade fuzes.

From March to September 1998, USA conducted a SS/GS sampling investigation in the central portion of MRS-28 to determine the need for performing a MEC removal action (USA 2001d). The SS/GS investigation was conducted in 14 100-ft by 200-ft grids. Grids were investigated using the Schonstedt magnetometer. In the central portion of MRS-28, MEC items (3.5-inch rocket, ground burst simulator, ignition cartridge, mine fuzes, and hand grenade fuzes) were found. Forty hand grenade fuzes were found in a single "pit" and the 16 mine fuzes were found in one location. The majority of the MD items found in these grids were related to practice hand grenades, smoke hand grenades, hand grenade fuzes, practice 3.5-inch rockets, practice 2.36-inch rockets, trip flares, and illumination signals.

From approximately November to December 2003, a visual surface TCRA and military munitions reconnaissance was conducted for the Army by Shaw Environmental, Inc. (Shaw) to remove MEC following an accidental fire in the area (Shaw 2005). MD (greater than 2 inches in size) was also removed. MRS-28 was included in the TCRA with the exception of a small area consisting of approximately 10 100-ft by 100-ft whole and partial grids along the northwestern border. MEC items found in MRS-28 included practice hand grenades, smoke hand grenades, hand grenade fuzes (practice and non-practice), one fragmentation hand grenade, 40mm projectiles (illumination parachute, smoke, and practice), antitank rifle grenades, a surface trip flare, and ground illumination flares.

In February 2012, an instrument-aided field verification survey using a Schonstedt magnetometer was conducted for FORA by the ESCA RP Team in 24 100-ft by 100-ft whole and partial grids in MRS-28 along the southwestern border of the MOUT training facility area including the area not previously investigated in the TCRA. One MEC item, a smoke hand grenade, was found during the survey.

MRS-270

From November to December 2003, a visual surface TCRA and military munitions reconnaissance was conducted for the Army by Shaw to remove MEC following an accidental fire in the area (Shaw 2005). MD (greater than 2 inches in size) was also removed. MEC items found included a flash artillery simulator next to the portion of Barloy Canyon Road that passes through the MRS.

MRS-14D

From August through November 1995, CMS (currently known as USA) performed a grid sampling investigation in MRS-14D, located to the east of the southern portion of Barloy Canyon Road, to a depth

of 4 feet bgs in 35 100-ft by 100-ft grids and partial grids using Schonstedt magnetometers (USA 2001a). The areas where the grid sampling investigation was conducted were also included in the MEC removal action discussed in the following paragraph.

A removal action to a depth of 4 feet bgs was performed at MRS-14D, located to the east of the southern portion of Barloy Canyon Road, by USA using Schonstedt magnetometers from September 1995 through January 1997. Partial 100-ft by 100-ft grids included in the removal action extended into the current boundary of the Barloy Canyon Road portion of the MOUT Site MRA. Two MEC items were recovered along the east side of Barloy Canyon Road within the MOUT Site MRA.

2.9. Current and Potential Future Land and Resource Uses

The future land uses for the Group 3 MRAs, summarized below, are based upon the Fort Ord Base Reuse Plan (FORA 1997). Future land use information is also included in the Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (HMP; USACE 1997b) and modifications to the HMP provided in *Assessment, East Garrison – Parker Flats Land Use Modifications, Fort Ord, California* (Zander 2002), and *Memorandum of Understanding Concerning the Proposed East Garrison/Parker Flats Land-Use Modification* (Army 2004).

2.9.1. DRO/Monterey MRA

The DRO/Monterey MRA is proposed for habitat management and business park/light industrial and office/research and development reuse in the Base Reuse Plan. The reasonably foreseeable reuses being considered for the DRO/Monterey MRA include:

- Habitat Management Reuse Area, Parcel L6.2 – the westernmost portion of the MRA is designated for habitat reserve as a development buffer (Table 2). The area is approximately seven acres and is predominantly maritime chaparral. The area is expected to be used for public recreation. Vegetated areas and hiking trails may require biological monitoring and maintenance, such as planting, weeding, and trail repair. Recreational hiking, bicycling, and horseback riding on dirt paths are also expected.
- Business Park/Light Industrial and Office/Research and Development Reuse Area, Parcel E29.1 – the easternmost portion of the MRA is designated for development (Table 2). The area totals approximately 23 acres and is predominantly maritime chaparral. Development encompassing commercial/retail activities is expected.
- South Boundary Road and Associated Right of Way Reuse Area, Parcels L20.13.3.1 and L20.13.1.2 – the northern boundary of the MRA is designated for development (Table 2). The area totals approximately 5.245 acres and is a paved roadway. Development encompassing infrastructure activities, such as roadway and utility construction, is expected. Roadway expansion and utility construction will constitute the major development along South Boundary Road.

2.9.2. Laguna Seca Parking MRA

The Laguna Seca Parking MRA is proposed for open space/recreation reuse in the Base Reuse Plan and development with reserve areas or development with restrictions in the HMP (Table 2). The reasonably foreseeable reuses being considered for the Laguna Seca Parking MRA include:

- Open Space/Recreation Reuse Area, Parcels L20.3.2, L20.5.1, L20.5.3, and L20.5.4 - the northernmost and southernmost portions of the MRA will continue to be used for overflow parking

during Laguna Seca Raceway events (Table 2) and includes parking, staging, and event-related roadway access along Barloy Canyon Road and South Boundary Road. The area totals approximately 177 acres and is predominantly grassland and maritime chaparral.

- Open Space/Recreation Reuse Area / Highway 68 Bypass Right of Way, Parcels L20.3.1 and L20.5.2 – the central portion of the MRA is designated for development with restrictions (Table 2). The area totals approximately 99 acres and is predominantly grassland and maritime chaparral. The area is currently used for overflow parking during Laguna Seca Raceway events (Table 2) and includes parking, staging, and event-related roadway access along Barloy Canyon Road and South Boundary Road. A roadway easement for a future bypass of Highway 68 is also a possible future use.

2.9.3. MOUT Site MRA

The MOUT Site MRA is proposed for school/university reuse in the Base Reuse Plan (Table 2). The reasonably foreseeable uses being considered for the MOUT Site MRA include:

- MOUT Training Area Reuse Area, Parcel F1.7.2 – the western portion of the MRA is designated as a training facility for tactical/law enforcement training and emergency service provider training by Monterey Peninsula College (Table 2). The parcel is approximately 51 acres. The MOUT trainees may participate in minor intrusive activities during training activities. It is anticipated that old buildings may be destroyed, new buildings may be constructed, or underground utilities may be installed in the area.
- Barloy Canyon Road Reuse Area, Parcel L20.8 – the roadway parcel will continue to be used as a roadway for recreation and for transportation during raceway events, and will require maintenance and possibly utilities (Table 2). The parcel is approximately seven acres. The Barloy Canyon portion of the MOUT Site MRA is likely to be improved and opened as a transportation corridor. To facilitate reuse, infrastructure improvements, such as utilities and roadways, may be required.

2.10. Summary of Site Risks

Munitions response actions have been completed at the Group 3 MRAs, significantly reducing the potential risks to human health and the environment from explosive hazards associated with MEC. Because detection technologies may not detect all MEC present and some areas contain barriers (e.g., pavement, buildings) that, while providing protection against MEC potentially present, preclude the use of detection technologies, a future land user (i.e., receptors) may encounter MEC. The risk was evaluated in a MEC Risk Assessment as part of the Group 3 Remedial Investigation/Feasibility Study (Volume 2; ESCA RP Team 2012).

The Fort Ord Ordnance and Explosives Risk Assessment Protocol (Malcolm Pirnie 2002) was developed to qualitatively estimate the risk to future land users of the property from potentially remaining MEC in terms of an "Overall MEC Risk Score" for each receptor expected to be present during area development and reuse.

The MEC Risk Assessment Protocol results are based on three key factors (MEC Hazard Type, Accessibility, and Exposure) that are assigned use-specific values and are weighted in importance. These factors were used to develop an Overall MEC Risk Score for each receptor at a given reuse area as follows:

Overall MEC Risk Score	A	B	C	D	E
	Lowest	Low	Medium	High	Highest

These qualitative Overall MEC Risk Scores guided the development and evaluation of alternatives in the Group 3 Feasibility Study. The future land users of the property identified for analysis in the MEC Risk Assessment and a summary of the Overall MEC Risk Scores for each receptor for the reuse areas within the Group 3 MRAs are provided below. It is recognized that although the detected anomalies have been investigated and all detected MEC have been removed during the previous removal actions conducted on the Group 3 MRAs, the potential exists that MEC may remain in the subsurface at the MRA. Therefore, the risks associated with subsurface (intrusive) receptors (e.g., maintenance workers and construction workers) are assumed to remain at the Group 3 MRAs at a level that requires mitigation and remedial alternatives were evaluated in a Feasibility Study.

The qualitative Overall MEC Risk Scores were used in the Group 3 Feasibility Study (Volume 3; ESCA RP Team 2012) to guide the development and evaluation of response alternatives for the Group 3 MRAs during development and for reasonably anticipated future uses.

The response actions selected in this ROD are necessary to protect the public health or welfare from the possible presence of subsurface MEC.

DRO / Monterey MRA

The receptors identified for analysis in the MEC Risk Assessment for the DRO/Monterey MRA included: office worker, habitat worker, recreational user, maintenance worker, construction worker, and trespasser. The overall MEC risk score for each receptor was “A” (lowest risk).

Laguna Seca Parking MRA

The receptors identified for analysis in the MEC Risk Assessment for the Laguna Seca Parking MRA included: recreational user, maintenance worker, construction worker, and trespasser. The overall MEC risk scores for surface receptors (e.g., recreational users and trespassers) were “A” (lowest risk) and “B” (low risk) depending on their location in the MRA. The overall MEC risk scores for subsurface (intrusive) receptors (i.e., maintenance workers and construction workers) were “B” (low risk) to “E” (highest risk) depending on their location in the MRA.

MOU Site MRA

The receptors identified for analysis in the MEC Risk Assessment for the MOU Site MRA included: trainee, recreational user, maintenance worker, construction worker, and trespasser. The overall MEC risk scores for surface receptors (e.g., trainees, recreational users, and/or trespasser) were “B” (low risk) and “C” (medium risk) for the MOU training area and “B” (low risk) for the Barloy Canyon roadway portion of the MRA. The overall MEC risk scores for subsurface (intrusive) receptors (e.g., maintenance workers and construction workers) were “B” (low risk) to “D” (high risk) for the MOU training area and “D” (high risk) for the Barloy Canyon roadway portion.

2.11. Remedial Action Objectives

The remedial action objective (RAO) for the Group 3 MRAs is based on the MEC Risk Assessment results and on EPA's Remedial Investigation/Feasibility Study Guidance (EPA 1988) to achieve the EPA's threshold criteria of "Overall Protection of Human Health and the Environment" and "Compliance with ARARs." The RAO developed for the protection of human health and the environment for the Group 3 MRAs is to prevent or reduce the potential for the Group 3 MRA reuse receptors to come in direct contact with MEC items potentially remaining in subsurface soil.

As described in EPA's Land Use in the CERCLA Remedy Selection Process (EPA 1995), "Remedial action objectives provide the foundation upon which remedial cleanup alternatives are developed. In general, remedial action objectives should be developed in order to develop alternatives that would achieve cleanup levels associated with the reasonably anticipated future land use over as much of the site as possible. EPA's remedy selection expectations described in section 300.430 (a) (1) (iii) of the NCP should also be considered when developing remedial action objectives. Where practicable, EPA expects to treat principal threats, to use engineering controls such as containment for low-level threats, to use institutional controls to supplement engineering controls...."

For the purpose of this ROD, the contaminant of concern within the Group 3 MRAs is MEC. The potential for soil contamination from munitions constituents at the former Fort Ord is being addressed under the Army's Basewide Range Assessment (BRA) Program (Shaw/MACTEC 2009). Based on the BRA Program, no further action has been recommended for HAs within the DRO/Monterey, Laguna Seca Parking, and MOUT Site MRAs (Shaw/MACTEC 2009).

Consistent with EPA's guidance, (1) the principal threats at the Group 3 MRAs have already been treated (i.e., MEC removal actions have been completed), and (2) institutional controls (herein referred to as land use controls or LUCs) are considered appropriate remedial alternatives.

2.12. Description of Alternatives

Remedial alternatives were evaluated for each of the Group 3 MRAs in the Group 3 Feasibility Study (Volume 3; ESCA RP Team 2012). The alternatives were summarized in the Group 3 Proposed Plan (Army 2013).

Long-term management measures (deed notice and restrictions, annual monitoring, and five-year review reporting) are implementation and management measures for Alternatives 2, 3, and 4. Long-term management measures are described further in Section 2.14.3. The costs associated with implementing these measures over a period of 30 years are approximately \$210,000 for the DRO/Monterey MRA and \$199,000 each for the Laguna Seca Parking MRA and MOUT Site MRA.

The Group 3 Risk Assessment (Volume 2; ESCA RP Team 2012) found that intrusive receptors (those who may dig below the ground surface), such as the maintenance worker and construction worker, have a higher potential risk from MEC that may remain at the Group 3 MRAs. Although previous removal actions have been conducted on the MRAs, the potential exists for MEC to remain in the subsurface. Therefore, the risks associated with intrusive receptors (maintenance workers and construction workers) are assumed to remain at a level that requires mitigation. The four remedial alternatives developed to mitigate this risk are summarized below:

Alternative 1 – No Further Action

This alternative was developed for analysis in the DRO/Monterey, Laguna Seca Parking, and MOUT Site MRAs. This alternative assumes no further action would be taken to address potential MEC risks for those receptors identified in the Risk Assessment. This alternative is provided as a baseline for comparison to the other remedial alternatives, as required under CERCLA and the NCP. There are minimal costs associated with implementation of this alternative.

Alternative 2 – Land Use Controls

This alternative was developed for analysis in the DRO/Monterey, Laguna Seca Parking, and MOUT Site MRAs. This alternative assumes that LUCs, without additional MEC remediation on any portion of the MRAs, would be implemented to address potential MEC risks for intrusive or ground-disturbing reuse. The LUCs alternative consists of MEC recognition and safety training, construction support, and continuation of the existing residential use restriction. The components of the alternative are described below:

MEC Recognition and Safety Training - People involved in intrusive operations during the proposed reuses and development at the Group 3 MRAs would be required to attend the MEC recognition and safety training to increase their awareness of and ability to identify MEC items. Prior to planned intrusive activities, the property owner would be required to notify FORA or its successor to provide MEC recognition and safety training for all people performing intrusive activities.

Construction Support - Construction support, either on-call or onsite, would be arranged during the construction and maintenance planning stages of the project prior to the start of any intrusive or ground-disturbing activities. For on-call construction support, UXO-qualified personnel must be contacted prior to the start of intrusive or ground-disturbing activities to ensure their availability, advised about the project, and placed “on call” to assist if suspected MEC are encountered during construction and maintenance. During on-call support, UXO technicians have the option to be present at the site during intrusive activities if warranted. For onsite construction support, UXO-qualified personnel will attempt to identify and remove any explosive hazard in the construction footprint prior to any intrusive construction activities. If evidence of MEC is found during construction activities, the intrusive or ground-disturbing work would immediately cease, no attempt would be made to disturb, remove, or destroy the MEC, and the local law enforcement agency having jurisdiction on the property would be immediately notified so that appropriate explosive ordnance disposal personnel could be dispatched to address the MEC, as required under applicable laws and regulations.

Residential Use Restriction - Residential use restriction placed on the Group 3 property at the time of property transfer to FORA will be maintained. For the purpose of this decision document, residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007).

The LUCs included in this alternative are based on the planned reuse of the MRAs. The specific details of LUCs would be presented in the RD/RA Work Plan, or similar document. The costs associated with implementing this alternative are estimated to be \$757,000 for each of the Group 3 MRAs.

Alternative 3 – Additional Subsurface MEC Remediation

This alternative assumes that subsurface MEC remediation would be conducted throughout the entire footprints of the DRO/Monterey, Laguna Seca Parking, and MOUT Site MRAs. This alternative includes implementing the appropriate type of vegetation clearance in the MRA, if necessary, and the implementation of additional MEC remediation. For the portions of the Group 3 MRAs designated for development, vegetation removal would be accomplished using mechanical methods. For the portions of the Group 3 MRAs designated for habitat reserve, vegetation removal would be accomplished using prescribed burning techniques, to the extent feasible. Additional subsurface MEC remediation would involve identifying MEC through a visual search and operation of MEC detection equipment to locate subsurface items. Removal of subsurface MEC would be performed to the depth of detection using best available and appropriate detection technology and procedures and Department of Defense Explosives Safety Board (DDESB)-approved MEC detonation procedures in areas where explosive MEC items are identified during remedial activities and require disposal. Debris including MD that was found or detected during the process was also removed, to the extent feasible. The specific details of the vegetation clearance methods and the MEC detection equipment used would be presented in the RD/RA Work Plan, or similar document. The costs associated with implementing this alternative are estimated to be approximately \$1.0 million for the DRO/Monterey MRA, \$5.8 million for the Laguna Seca Parking MRA, and \$1.6 million for the MOUT Site MRA.

Alternative 4 – Additional Subsurface MEC Remediation in Selected Areas of the MRA and Land Use Controls

This alternative was developed for the DRO/Monterey and MOUT Site MRAs. Within the MRAs, this alternative would consist of implementation of the LUCs described in Alternative 2 plus performing subsurface MEC remediation within selected areas of the MRAs to address specific risks and/or reuse needs.

In the DRO/Monterey MRA, the area along South Boundary Road was identified for subsurface MEC remediation as part of this alternative. This selected area consisted of bar ditches that run along both sides of South Boundary Road and extended from the roadway pavement to the northern and southern boundary lines of the roadway right of way, totaling approximately five acres. Additional MEC remediation in this selected area would include brush cutting, surface MEC removal, fence removal, and subsurface MEC removal using best available and appropriate detection technology. The narrow strip of land approximately 50 feet wide and 900 feet long on the northwestern boundary of the DRO/Monterey MRA is not included as part of this alternative because MEC investigations and removal actions conducted in the vicinity resulted in the recovery of few MEC and MD items; therefore, there is a low probability of encountering MEC in this area. The cost associated with implementing this alternative is estimated to be approximately \$983,000 for the DRO/Monterey MRA.

In the MOUT Site MRA, the area along Barloy Canyon Road was identified for MEC remediation as part of this alternative. The selected area included the bar ditch along the west side of Barloy Canyon Road and extended from the western edge of the roadway pavement to the western boundary line of the roadway right of way along the entire length of the road within the MRA, totaling approximately 2.3 acres. Additional MEC remediation in this selected area would include brush cutting, fence removal, subsurface MEC removal using best available and appropriate detection technology, and fence replacement. The approximately 600 feet of the southern portion of Barloy Canyon Road along the east side of the roadway is not part of this alternative because MEC investigations and removal actions conducted in the vicinity resulted in the recovery of few MEC and MD items; therefore, there is a low

probability of encountering MEC in this area. The cost associated with implementing this alternative is estimated to be approximately \$1.1 million for the MOUT Site MRA.

Under this alternative, people conducting surface-only activities would be provided MEC recognition and safety training. Intrusive or ground-disturbing activities would be conducted with construction support by UXO-qualified personnel, and MEC recognition and safety training would be provided for people conducting intrusive or ground-disturbing activities.

2.13. Principal Threat Wastes

Munitions responses have been completed at the Group 3 MRAs. All MEC items which would meet the principal threat waste criteria identified as part of the investigation have already been addressed. The selected remedy includes LUCs because detection technologies may not detect all MEC present; certain areas contain barriers (e.g., pavement, buildings) that while providing protection against any MEC potentially present, preclude the use of detection technologies; therefore, subsurface investigations were not completed in small portions of the Group 3 MRAs. The source material constituting the principal threats at the Group 3 MRAs are MEC that potentially remain below the ground surface (in the subsurface).

The selected remedy will address the residual threats through implementing the following LUCs:

- MEC recognition and safety training for people that will conduct ground-disturbing or intrusive activities;
- Construction support for ground-disturbing or intrusive activities to address the possibility that MEC remains in the subsurface; and
- Restrictions prohibiting residential use.

2.14. Selected Remedy

2.14.1. Summary of the Rationale for the Selected Remedy

Each alternative developed for the Group 3 MRAs was assessed against the nine EPA evaluation criteria described in Tables 3, 4, and 5. Using the results of this assessment, the alternatives were compared and a remedy selected for each of the Group 3 MRAs. The remedy that best meets the nine EPA evaluation criteria is Alternative 2 (Land Use Controls). This remedy was selected because LUCs will be protective of human health for future land users, and would be effective in the short- and long-term at mitigating the risk to people conducting ground-disturbing or intrusive activities from MEC that is potentially present. This remedy will require a low level of effort to implement, a moderate level of effort to administer over time, and would be cost effective. The remedy can be implemented in a manner consistent with Federal and State guidance.

The Army and EPA have jointly selected the remedy. The DTSC has had an opportunity to review and comment on the ROD.

Community acceptance is discussed in the Responsiveness Summary (Section 3.0). The selected remedy is further described below.

2.14.2. Description of the Selected Remedy

The selected remedial alternative for each of the Group 3 MRAs is:

- DRO/Monterey MRA: Alternative 2 (Land Use Controls)
- Laguna Seca Parking MRA: Alternative 2 (Land Use Controls)
- MOUT Site MRA: Alternative 2 (Land Use Controls)

The LUCs and their implementation strategy are described below.

Land Use Controls

The LUCs that will be implemented at the Group 3 MRAs include requirements for: (1) MEC recognition and safety training for people that will conduct ground-disturbing or intrusive activities, (2) construction support for ground-disturbing or intrusive activities to address MEC that potentially remains in the subsurface, and (3) restrictions prohibiting residential use.

- **MEC recognition and safety training** - For the areas addressed in this ROD, ground-disturbing or intrusive activities are expected to occur. People involved in ground-disturbing or intrusive operations at these areas will be required to attend the MEC recognition and safety training to increase their awareness of and ability to identify MEC items. Prior to conducting ground-disturbing or intrusive activities, the property owner will be required to notify FORA or its successor to provide MEC recognition and safety training for all people performing ground-disturbing or intrusive activities.

MEC recognition and safety training will be evaluated as part of the five-year review process to determine if the training program should continue. If further evaluation indicates that this LUC is no longer necessary, the program may be discontinued with regulatory approval.

- **Construction support** - Construction support by UXO-qualified personnel is required during any intrusive or ground-disturbing construction activities at the Group 3 MRAs to address potential MEC risks to construction and maintenance personnel. Construction support will be arranged during the construction and maintenance planning stages of the project prior to the start of any intrusive or ground-disturbing activities. If evidence of MEC is found during construction support activities, the intrusive or ground-disturbing work will immediately cease, no attempt will be made to disturb, remove, or destroy the MEC, and the local law enforcement agency having jurisdiction on the property will be immediately notified so that appropriate explosive ordnance disposal personnel can be dispatched to address the MEC, as required under applicable laws and regulations. Construction support may be applicable in the short term during development of the reuse area, and/or in the long term during established reuse.

Construction support will be evaluated as part of the five-year review process to determine if the LUC should continue. If the MEC-related data collected during the development of the reuse areas indicate that this LUC is no longer necessary, construction support may be discontinued with regulatory approval.

- **Restrictions prohibiting residential use** - Residential use restriction placed on the Group 3 property at the time the property was transferred will be maintained. For the purposes of this document, residential reuse includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007).

2.14.3. Land Use Control Implementation Strategy

The performance objectives for the LUCs that are part of the remedy are the following:

- **MEC recognition and safety training:** (1) to ensure that land users involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and (2) to ensure that land users involved in ground-disturbing or intrusive activities stop the activity when encountering MEC and report to the appropriate authority.
- **Construction support:** to ensure projects involving ground-disturbing or intrusive activities are coordinated with UXO-qualified personnel so discoveries of potential MEC items will be handled appropriately. Mechanisms for implementing the requirement for construction support may include local ordinance(s), and details of implementation will be described in the RD/RA Work Plan for the LUCs.
- **Restrictions prohibiting residential use:** to ensure that any proposals to allow residential development or modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.

LUCs will be maintained until EPA and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs. This concurrence may be based on: 1) new information (e.g., limited geophysical mapping, site development); or 2) where the depth of soil disturbance related to ground-disturbing or intrusive activities is sufficient to address the uncertainty of MEC remaining in the subsurface and any MEC encountered during such activities is removed.

The LUCs and the implementation actions will be explained in more detail in the RD/RA Work Plan. In accordance with the ESCA, the AOC, and the FFA Amendment No.1, FORA will prepare a LUC Remedial Design which shall contain implementation, monitoring and maintenance actions, including periodic reports. Within 21 days of the signature of the ROD, FORA shall provide EPA and DTSC for review and approval a schedule for implementation of a LUC remedial design.

As part of the implementation plan, the RD/RA Work Plan will also describe the following long-term management measures:

- **Existing land use restrictions:** The deeds to FORA for the Group 3 MRA parcels restrict residential use. Residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12. It should be noted that the CRUPs for the Group 3 MRA parcels restrict residential use.
- **Annual monitoring and reporting:** After this ROD is signed, FORA, or its successor entity under the ESCA and the AOC, will perform annual monitoring and reporting. FORA or its successor entity will notify the regulatory agencies, as soon as practicable, of any MEC-related data identified during use of the property, and report the results of monitoring activities annually.
- **Five-year review reporting:** Five-year reviews will be conducted by the Army in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected LUCs may be modified or discontinued, with the approval of the EPA and DTSC.

The standard procedure for reporting any encounter with a known or suspected MEC item in the transferred former Fort Ord property is to immediately report the encounter to the local law enforcement

agency having jurisdiction on the property so that appropriate explosive ordnance disposal personnel can be dispatched to address the MEC, as required under applicable laws and regulations. After the response, the probability of encountering MEC will be reassessed. If the probability of encountering MEC is low, construction may resume with construction support. If the probability of encountering MEC is moderate to high, UXO-qualified personnel will attempt to identify and remove any explosive hazard in the construction footprint prior to any intrusive construction activities.

FORA or its successor will notify the regulatory agencies, as soon as practicable, of any MEC-related data identified during use of the property, and report the results of monitoring activities annually. The Army will conduct five-year reviews. If additional evaluation or work or modification of the selected remedy is proposed based on such review, it will be implemented in accordance with Paragraph 34 of the AOC, and/or Section C.4.1.7 of the ESCA.

Pursuant to the ESCA, the AOC and the FFA Amendment No.1, FORA assumes full responsibility for completion of necessary CERCLA response actions (except Army Obligations) which include implementing, maintaining, reporting, and enforcing the land use controls. Although the Army has already transferred the responsibilities to implement, maintain, monitor, and enforce LUCs to another party by contract, property transfer agreement, or through other means, the Army retains the ultimate responsibility for remedy integrity. Future property owners will also have responsibilities to act in accordance with the LUCs as specified in the deed(s).

2.14.4. Summary of the Estimated Remedy Costs

For those alternatives whose life-cycle is indeterminate or exceeds 30 years, for the purposes of evaluating and comparing alternatives as specified in EPA's Remedial Investigation/Feasibility Study Guidance (EPA 1988), a period of 30 years is used for estimating long term O&M costs. For the Group 3 MRAs, the life-cycle is indeterminate; therefore, long term O&M costs were estimated over a period of 30 years. Capital and long term O&M costs for implementing and maintaining LUCs under Alternative 2 are estimated at a total of approximately \$2.3 million for the reuse areas within the Group 3 MRAs. Capital and long term O&M costs for implementing and maintaining Long Term Management Measures are estimated at approximately \$608,000 for the reuse areas within the Group 3 MRAs. Therefore, the total estimated 30-year Net Present Value cost of the remedy is approximately \$2.9 million. Long term O&M costs are based on a 2.7 percent real interest rate for Years 1-7 (assumed duration for development and construction), and a 2.7 percent real interest rate for Years 8-30 (established reuse). A detailed, activity-based breakdown of the estimated costs associated with implementing and maintaining the remedy is provided in the Group 3 Feasibility Study (Volume 3; ESCA RP Team 2012).

2.14.5. Expected Outcomes of Selected Remedy

The expected outcomes of the selected remedy would be protection of human health and the environment through implementation of LUCs.

If residential development is planned for any part of the Group 3 MRAs included in this ROD, the plans will be subjected to regulatory agency and Army review and approval.

2.15. Statutory Determinations

The selected remedy satisfies the requirements of Section 121 of CERCLA as follows:

- Protection of Human Health and the Environment: The selected remedy provides protection for both human health and the environment through implementation of LUCs to mitigate the risk from potentially remaining MEC.
- Compliance with Applicable or Relevant and Appropriate Requirements: The selected remedy can be implemented in a manner consistent with Federal and State guidance. While the Army does not consider California laws and regulations concerning CRUPs to be potential ARARs, the Army entered into CRUPs with the DTSC at the time the property was transferred to FORA. The DTSC will modify the existing CRUP, as appropriate, to reflect the land use restrictions included in the selected remedy. Although the DTSC and the EPA Region IX disagree with the Army's determination that California laws and regulations concerning CRUPs are not potential ARARs, they will agree-to-disagree on this issue since the Army executed the CRUPs and the DTSC will modify the CRUPs, if appropriate, to be consistent with the identified remedy.
- Cost Effectiveness: The selected remedy is a cost-effective solution for reducing the risks to human health and the environment. The Net Present Value of the total estimated costs for the reuse areas within the Group 3 MRAs (including Long Term Management Measures costs of \$608,000) is approximately \$608,000 for the No Action alternative (Alternative 1), and approximately \$2.9 million (including Long Term Management Measures costs of \$608,000) for the selected remedy of Land Use Controls (Alternative 2), which is well below the estimate for Additional MEC Remediation (Alternative 3) of approximately \$9.0 million (including Long Term Management Measures costs of \$608,000). In addition, costs for Alternative 3 may be higher than estimated because: (1) after additional MEC remediation is completed, these areas would require a re-evaluation of potential risk from MEC; and (2) the areas are likely to continue to require additional risk mitigation measures (e.g., LUCs) to protect human health during development and long-term reuse.
- Utilization of Permanent Solutions and Alternative Treatment (or Resource Recovery) Technologies to the Maximum Extent Practicable: The principal threats at the Group 3 MRAs have already been treated (i.e., MEC removal actions have been completed) utilizing permanent solutions and alternative treatment (or resource recovery) technologies to the maximum extent practicable.
- Preference for Treatment as a Principal Element: The principal threats at the Group 3 MRAs have already been addressed (i.e., MEC removal actions have been completed), satisfying the statutory preference for treatment as a principal element (i.e., reducing the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants as a principal element through treatment).
- Five-Year Review Requirements: Because the selected remedy may result in MEC potentially remaining within the Group 3 MRAs, a statutory review will be conducted by the Army within five years after initiation of the remedial action to ensure the remedy is, or will be, protective of human health and the environment. The purpose of a five-year review is to gather updated information, evaluate the condition of the site, and determine if the site remains safe from contamination that might be left at the site. The next five-year review will occur in 2017.

2.16. Documentation of Significant Changes from Preferred Alternative of Proposed Plan

As described in Section 2.4., the Proposed Plan for the Group 3 MRAs was released for public comment on January 11, 2013, and a public meeting was held on January 30, 2013. The Proposed Plan identified preferred remedial alternatives for the Group 3 MRAs. Comments collected over the 30-day public comment period between January 15, 2013, and February 13, 2013, did not necessitate any significant changes to the conclusions or procedures outlined in the Final Group 3 Remedial Investigation/Feasibility Study and Group 3 Proposed Plan.

3. RESPONSIVENESS SUMMARY

3.1. Proposed Plan Overview

Based on the Final Group 3 Remedial Investigation/Feasibility Study, dated July 31, 2012, the Army identified a preferred remedial alternative, which consists of the following requirements for future property users:

- MEC recognition and safety training (for people that will conduct ground-disturbing or intrusive activities, such as construction workers and outdoor maintenance workers)
- Construction support by UXO-qualified personnel (for ground-disturbing or intrusive activities)
- Restrictions prohibiting residential use

3.2. Background on Community Involvement

Focused community involvement for the Group 3 Proposed Plan involved a notice of availability of the Proposed Plan for review, a 30-day public review period, a public meeting, and a responsiveness summary to address comments received on the Group 3 Proposed Plan.

The Group 3 Proposed Plan notice of availability was published in the Monterey County Herald and the Salinas Californian newspapers on January 15, 2013. The 30-day public comment period began on January 15, 2013, and closed on February 13, 2013.

The public meeting was held on January 30, 2013, to present the Group 3 Proposed Plan to a broader community audience. At this meeting, representatives from the Army, EPA, and DTSC were present, and the public had the opportunity to submit written and oral comments about the Proposed Plan.

Representatives from FORA were also present at the public meeting to answer questions on the Group 3 Proposed Plan. Copies of the comments received on the Proposed Plan and a transcript of the public comments are available at the former Fort Ord Administrative Record and on the former Fort Ord website at www.fortordcleanup.com.

The responsiveness summary responds to written comments received during the Group 3 Proposed Plan public comment period as well as oral comments expressed during the Group 3 Proposed Plan public meeting. Public comments submitted during the Group 3 Proposed Plan public comment period and the Army's responses are provided in the following section.

3.3. Summary of Comments Received During the Public Comment Period and Department of the Army Responses

Public comments received during the Group 3 Proposed Plan public comment period and the Army's responses are summarized below.

Comments were received from the public: (1) at the public meeting held on January 30, 2013; and (2) in written comments received during the 30-day public comment period from January 15, 2013, to February 13, 2013.

Comment summaries are provided below and have been categorized based on the focus of each comment. The three categories are:

- A. Selected Remedy and Future Land Use
- B. Community Involvement and Outreach
- C. Other Comments

A. Selected Remedy and Future Land Use

A1: One commenter expressed the medium or high rating as the overall risk score for maintenance and construction workers in the MOUT Training Area within the MOUT Site MRA was difficult to judge, and expressed a preference for Alternative 3 or 4 being employed because both alternatives include subsurface MEC remediation. The commenter stated the likely potential of discovering residual munitions during future construction activities at the MOUT Training Area is a concern with regard to expense, possible disruption of future construction activities, and potential delays to realizing full utilization of the MOUT Training Area. The commenter also expressed concern for liability for residual munitions that may be encountered by trespassers at the MOUT Training Area.

Response: The Army is committed to the goal of selecting and implementing environmental cleanup actions that would support the reuse of the former Fort Ord as described in the Fort Ord Reuse Plan -- in this case, tactical/law enforcement and emergency service provider training facility at the MOUT Training Area. As described in the Group 3 RI/FS and Proposed Plan, previous MEC investigations in the MOUT Training Area included surface removal (2003), and subsurface investigation in portions of the area as part of sampling (1998) and ESCA field verification (2012). Reflecting the results of the previous site investigations, the risk assessment and the feasibility study were developed based on the assumption that MEC may potentially remain in the subsurface of the MOUT Training Area. The Group 3 RI/FS was developed by FORA under the ESCA. The facility has historically been used for MOUT training, practice hand grenade training, and pistol training, and contained a firing point and range fan for a rocket range. After base closure in 1994, the facility continued to be used for tactical training of military, federal and local law enforcement agencies. Military munitions (and civilian law enforcement equivalent) such as small arms and signals have been used in these training activities. The future operation of the MOUT Training Area under Monterey Peninsula College (MPC) is considered to be similar to the uses since base closure.

With regard to the cited concern about liability for any residual MEC that may be encountered by trespassers, whose potential risk was assessed as “B” and “C” (low and medium), as detailed in the Group 3 RI/FS, surface removal of MEC has been conducted in the entire footprint of the MOUT Training Area. Since the facility continues to be actively used and managed, the potential for MEC from previous Army activities to become present on the surface in the future is low. The Army has included a notice in the property transfer deed (which will be carried through subsequent property transfers in perpetuity) describing that, should any MEC item be discovered in the future, it should immediately be reported to local law enforcement agency. Appropriate ordnance disposal personnel will address the discovered MEC. This is a standard procedure that applies to any former Fort Ord property. The current deed also includes a requirement for the property owner to prevent unauthorized access to the MOUT Training Area, consistent with supporting the designated use as a training facility for tactical/law enforcement training and emergency service provider training area, as identified in the Base Reuse Plan.

With regard to the concern that the expense, possible disruption of construction, and potential delays for the public safety instruction program to address potential risk associated with construction activities, MEC recognition and safety training for future land users conducting ground disturbing or intrusive activities and construction support for ground disturbing or intrusive activities are appropriate means to address residual risks concerning ground-intrusive activities at the MOUT Training Area. These measures

are included in Alternative 2 so that appropriate safety measures are incorporated into planned construction projects. While the requirements for such measures could result in additional cost or schedule impacts to future landowners as compared to a project located outside of a former military installation, they are appropriate mitigation measures that should be taken when conducting ground-disturbing activities in areas with potential presence of MEC. Section 5.3 of the feasibility study describes that, because even current MEC-detection technologies do not have a 100% detection efficiency, Alternative 3 (subsurface MEC removal) is not expected to provide a significant increase in protection of human health, and therefore additional mitigation measures such as land use controls may still be necessary. Section 4.4 of the feasibility study describes Alternative 4 to include additional subsurface MEC remediation in selected areas; however, the selected areas only include areas along Barloy Canyon Road in Parcel L20.8, where MEC removal has not been conducted previously. Land use controls would be required in the MOUT Training Area under Alternative 4.

The Army acknowledges the concerns associated with potentially remaining MEC at the MOUT Site MRA during reuse. Residual risks were carefully considered during the risk assessment process and a set of land use controls, specifically designed to address residual risks such as those identified by the comment, was selected as the remedy for the MOUT Site MRA.

The LUCs and the implementation actions will be explained in more detail in the Remedial Design/Remedial Action Work Plan. The Army has recommended to MPC, the future recipient and operator of the MOUT Training Area, to participate in the development of the Remedial Design/Remedial Action Work Plan to address concerns such as cost and scheduling associated with implementation of the selected remedy. Under the ESCA, the selected remedy for the Group 3 MRAs will be implemented by FORA; FORA has been coordinating current and future ESCA related activities with future landowners, including conducting a meeting with MPC in April 2013.

A2: Comments were made regarding the potential for MEC to remain at the Group 3 MRAs. It was questioned why a remedial alternative including MEC recognition and safety training is needed on property where cleanup of MEC has been conducted. It was asked whether the Army had given up on the cleanup of MEC and, as a result, is requiring users of Fort Ord land to be trained in UXO recognition. It was suggested that if the land is unsafe, no one should be allowed to enter the property.

Response: Investigations and removal actions have been conducted in the Group 3 MRAs, with all detected MEC removed. These munitions response actions also included quality control and quality assurance requirements that evaluated the adequacy of the munitions response actions. As part of the CERCLA process, the available background information and investigation data was reviewed in the Group 3 RI/FS to evaluate if the MRAs had been sufficiently characterized for MEC with respect to human health and the environment based on the intended future uses of the properties. Although MEC is not expected to be encountered within the Group 3 MRAs, it is possible that some MEC may not have been detected and remain present in the subsurface. Therefore, to manage the risk to future land users from MEC that potentially remains in the property, remedial action alternatives were evaluated. As described in the Proposed Plan, LUCs and MEC removals were evaluated as remedial alternatives using the nine CERCLA evaluation criteria. The LUC remedy meets the protectiveness criteria by providing for safety training and support for intrusive activities, and by restricting the property from residential use (i.e. sensitive uses). The selected Land Use Controls are appropriate to address risks from MEC that may potentially remain at the site during reuse.

A3: A comment was made stating that economic conditions should be considered when determining the future use of the Fort Ord property. In addition, it was stated that the parking areas at Wolf Hill support major Laguna Seca events and should not be disrupted because such events provide revenue to the community.

Response: The purpose of this ROD is to select a remedy for the Group 3 MRAs based on anticipated reuse for the underlying property; it does not determine the future reuse. The planned reuse is documented in the Fort Ord Base Reuse Plan. The Base Reuse Plan is focused on the recovery of the former Fort Ord community based on education, environmental conservation, and economic development. Disruption of the use of the Wolf Hill area for parking for Laguna Seca Raceway events is not anticipated during the implementation of the remedial action.

A4: A comment was made to state that Del Rey Oaks, Lookout Ridge and Wolf Hill areas of the Group 3 Proposed Plan are frequently utilized for outdoor recreation. Support was expressed for Alternative 2, Land Use Controls, as the proposed alternative for the Group 3 MRAs because it does not involve any additional vegetation clearance.

Response: The comment is acknowledged.

B. Community Involvement and Outreach

B1: General comments were made regarding involvement of the community and local jurisdictions during the cleanup process. It was commented that technical assistance is not currently being provided to community members to help interpret the technical components of the cleanup process. A commenter stated that there are students and low-income community members that are not informed about the cleanup process and associated activities. Additionally, concern was expressed that the goals of the cleanup program have not been aligned with the priorities of some members of the local communities.

Response: Working with the community throughout the cleanup process is an important priority to the Army. The Army strives to do this through, in part, making the cleanup information available to the public and inviting the public to participate in the decision-making process. An extensive public participation process is also being implemented by FORA as part of the ESCA Remediation Program at the former Fort Ord. The Group 3 MRAs are part of the ESCA Remediation Program.

Under CERCLA, the Army follows the public participation and community involvement process, and encourages members of the local community and other interested parties to review cleanup documents and make comments during the decision-making process. Public comments are considered before any action is selected. The Army, in conjunction with the regulatory agencies, takes all comments into consideration, responds to them, and incorporates changes as appropriate.

Public participation was solicited and encouraged throughout the development of the Group 3 RI/FS, and public comments and input were carefully considered, responded to, and incorporated into the final RI/FS. The Army held a Proposed Plan public meeting as part of its public participation responsibilities under Section 117(a) of CERCLA or Superfund and Section 300.430(f)(2) of the NCP. Notices of the public meeting were published in two local newspapers and on the Fort Ord Environmental Cleanup Website www.fortordcleanup.com. The Proposed Plan was made available in the Fort Ord Administrative Record and local information repositories, as well as posted on the Fort Ord Environmental Cleanup Website. In addition, over 750 copies of the Proposed Plan were mailed to the local community members, and over 2,500 e-mail notifications to interested parties were made, notifying them of the availability of the Proposed Plan, the public comment period, and the public meeting. Please see response to comment B2 below for additional information on the distribution of related documents.

Additional public input opportunities were also provided as follows:

- An Informal Community Workshop was held by FORA on March 29, 2012 which included the status of the Group 3 RI/FS.
- A Former Fort Ord Environmental Cleanup Open House/Bus Tour was held on June 23, 2012, at which an information table included information on the Group 3 MRAs. Portions of the Group 3 areas were also highlighted during the bus tour. The public was provided an opportunity to discuss various aspects of the cleanup program with technical staff of the Army, FORA ESCA Remediation Program representatives, and regulatory agency representatives.
- A former Fort Ord Community Involvement Mobile Workshop was held on August 8, 2012, at which Group 3 MRAs was a presentation topic.
- A former Fort Ord Technical Review Committee meeting was held on August 9, 2012 at which Group 3 MRAs was a presentation topic.

As described in the Proposed Plan, community acceptance, along with State acceptance, is one of the two modifying criteria amongst the nine CERCLA evaluation criteria. Community acceptance is gauged using available public input and reactions to the information presented within the Proposed Plan as summarized in this Responsiveness Summary. The Army acknowledges some members of the community may not accept the Proposed Plan; however, many members of the public accept it and recognize the need for the proposed remedy.

B2: It was commented that distribution of documents associated with the cleanup of the Group 3 MRAs was not sufficient to reach the community for their review.

Response: The Fort Ord Cleanup Program maintains an extensive community outreach program to keep the public informed about the cleanup activities at the former Fort Ord and provide opportunities for the public to participate during the decision-making process. The draft and draft final Group 3 Work Plan were made available for public review and comment, and the comments were considered and incorporated into the Final Group 3 Work Plan, which was issued on November 13, 2009. The draft and draft final Group 3 RI/FS were also provided for review and comment by the public, and the comments were considered and incorporated into the Final Group 3 RI/FS on July 31, 2012. The Proposed Plan for the Group 3 MRAs was made available to the public on January 11, 2013. The Army made these documents available to the public in the following manner:

- California State University Monterey Bay (CSUMB) Tanimura & Antle Family Memorial Library, Divarty Street, CSUMB Campus, Seaside, California
- Seaside Library, 550 Harcourt Avenue, Seaside, California
- Fort Ord Administrative Record, Building 4463, Gigling Road, Room 101, Ord Military Community, California
- www.fortordcleanup.com website
- Approximately 750 copies of the Proposed Plan were mailed out to the Army's mailing list on January 11, 2013
- Over 2,500 e-mail were sent notifying interested community members of the availability of the Group 3 Proposed Plan, the public comment period, and the public meeting

- Copies of the Proposed Plan were distributed at the January 30, 2013 Proposed Plan public meeting

Notices of the availability of the Proposed Plan and the date and location of the Proposed Plan Public Meeting were published in the Monterey County Herald and the Salinas Californian on January 15, 2013. Additionally, notices on the availability of the Proposed Plan were published on the:

- Army's website
- The Fort Ord Reuse Authority (FORA) website
- The FORA ESCA Remediation Program website
- The FORA ESCA Remediation Program Facebook page
- The FORA ESCA Remediation Program email list

B3: A comment was made that the amount of information provided to community members during the Proposed Plan public meeting on January 30, 2013 was very light. It was stated that the presentation lacked information on former Army tank training, residual chemical contamination, and depths of recovered MEC.

Response: The focus of the Group 3 Proposed Plan public meeting presentation was to provide information on the remedial alternatives evaluated for the Group 3 MRAs, describe the preferred alternatives, and to accept public comments on the Proposed Plan. Information regarding the historical uses of the MRAs, previous MEC investigations and removal actions, and general information about MEC recovered during those investigations, were included in the presentation and are presented in more detail in the Group 3 RI/FS (ESCA RP Team 2012).

Similar comments regarding tank training and residual chemical contamination have previously been received during the development of the Group 3 RI/FS, and relevant information was incorporated into the final version as appropriate. Please refer to the responses to comments provided in Appendix F of the Group 3 RI/FS (ESCA RP Team 2012). In addition, the Administrative Record is a source of information on the cleanup of the former Fort Ord. The Fort Ord Administrative Record can be accessed online at www.fortordcleanup.com.

B4: The question was asked as to how community acceptance of the proposed alternative could be acquired when inadequate historical facts and perspective of the Superfund site had been provided to the community. The commenter provided a copy of the comment letter from Fort Ord Community Advisory Group to FORA, dated March 28, 2009 (Administrative Record No. ESCA-0154), regarding the Draft Group 3 RI/FS Work Plan. It was stated that the attachment was provided to convey additional information to the community.

Response: As described in the Group 3 Proposed Plan, community acceptance, along with State acceptance, is one of the two modifying criteria amongst the nine CERCLA evaluation criteria. Community acceptance is gauged using available public input and responses to the information presented within the Proposed Plan during the public comment period. A summary of public comments received on the Proposed Plan and the Army's responses to the comments are provided in the Responsiveness Summary.

As part of the CERCLA process, the available background information and investigation data was reviewed in the Group 3 RI/FS to evaluate if the MRAs had been sufficiently characterized for MEC with respect to human health and the environment based on the intended future uses of the properties. The data were determined to be of known and sufficient quality to be usable in the RI/FS to support completion of the explosives safety risk assessment and the evaluation of remedial alternatives (ESCA RP Team 2012).

As described in response to comments B1 and B2, outreach efforts for the Group 3 RI/FS and Proposed Plan included newspaper and other notices, community presentations, and making relevant documents available for public review and comment.

The letter dated March 28, 2009, provided as part of a comment to the Proposed Plan, was previously received by FORA and was included in the Administrative Record (Administrative Record No. ESCA-0154). The comments provided in the letter were considered and responded to, as provided in Appendix H of the Final Group 3 RI/FS Work Plan (ESCA RP Team 2009). Relevant information was incorporated into the Group 3 RI/FS.

B5: A comment was made to express appreciation for the cooperation of the Army with the speaker and his user group throughout the cleanup process. It was stated that community meetings were informative and that Army staff had been approachable and interactions had been positive.

Response: The comment is acknowledged.

C. Other Comments

C1: A general comment was made expressing concern that community members have a need for healthcare in Monterey County for exposures to toxins.

Response: The environmental cleanup program at the former Fort Ord, being conducted under CERCLA or Superfund, addresses environmental contamination that resulted from the previous use of the site as a military base. Human and ecological exposures to the contaminants are studied, and if warranted, remedial alternatives are developed and evaluated. Regarding healthcare in Monterey County, the Army understands that the local healthcare community implements processes for continually evaluating and addressing the current healthcare needs of the community. The Army regularly provides environmental investigation and cleanup information to healthcare agencies such as Monterey County Health Department and Agency for Toxic Substances and Disease Registry.

C2: Concern was raised as to who would be financially responsible if someone is injured from exposure to MEC.

Response: The purpose of the ROD is to select the remedy for the Property, and financial liability from injury is beyond the scope of the ROD. The LUC remedy will be protective of human health by providing MEC recognition and safety training, construction support for intrusive activities, and restricting the property from residential use (i.e. sensitive uses). The selected LUCs are appropriate to address risks from MEC that may potentially remain at the site during reuse.

C3: A question was asked whether Wolf Hill is still leased for use as a parking area for the Laguna Seca Raceway, whether there is a Laguna Seca expansion plan, and whether MRS-270 and MRS-14D are proposed for development. A comment was made that a "1,000-foot wide Official Plan Line given to the State Department of Transportation" (a proposed boundary for a future Highway 68 bypass) was inadequately identified on handouts depicting the DRO/Monterey MRA provided during the Group 3 Proposed Plan public meeting.

Response: FORA is the current property owner for the area containing Wolf Hill (MRS-47); an Army lease agreement for use as a parking area for Laguna Seca Raceway would have expired with property transfer. As indicated in the Proposed Plan, MRS-47 is designated for open space/recreation and continued use for overflow parking along Barloy Canyon Road and South Boundary Road during Laguna Seca Raceway events. FORA has established a right-of-entry agreement process to support this continued use.

The Group 3 RI/FS and Proposed Plan only address the areas included within the Del Rey Oaks/Monterey MRA, Laguna Seca Parking MRA, and MOUT Site MRA. Areas located outside of the three subject MRAs are beyond the scope of the Group 3 RI/FS and Proposed Plan. As described in the Proposed Plan, a northern segment of the Barloy Canyon Road portion of the MOUT Site MRA passes through MRS-27O, and a southern section of Barloy Canyon Road is bordered by MRS-14D to the east. Except for the road right-of-way, property underlying these MRSs is designated as habitat reserve.

As described in the Group 3 RI/FS, Appendix F, the proposed boundary for the future Highway 68 bypass is located outside of the DRO/Monterey MRA and was not shown in the figures provided during the public meeting.

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TABLES

**Table 1. Summary of Munitions Response Site (MRS) Investigations
Record of Decision, Group 3 Munitions Response Areas,
Former Fort Ord, California**

MRS Site Number	Site Acreage ¹	Site Name	Past Use	Site Investigation Status ²
DRO/Monterey MRA				
MRS-43 ³	29	South Boundary Area	Artillery training (37mm projectiles)	MEC removal to 4 feet bgs and/or to depth of detection completed.
Laguna Seca Parking MRA				
MRS-14A	169	Lookout Ridge	Artillery training (projectiles), mortar training (projectiles), troop training, basic maneuvers	MEC removal to 1 foot bgs on western and eastern slopes and to 4 feet bgs in remainder of MRS completed, except in two whole 100- by 100-foot grids, four partial 100- by 100-foot grids, and beneath a paved ditch along Lookout Ridge Road.
MRS-29	21	Laguna Seca Bus Turn Around	Troop training, basic maneuvers	MEC removal to 4 feet bgs completed.
MRS-30	4	Laguna Seca Turn 11	Troop training, basic maneuvers	MEC removal to 4 feet bgs completed.
MRS-47	74	Wolf Hill	Artillery training (projectiles), mortar training (projectiles)	MEC removal to 4 feet bgs completed.
MOUT Site MRA				
MRS-27O ⁴	1	Training Site	Basic maneuvers	MEC removal at ground surface completed.
MRS-28	51	MOUT Training Area	Infantry training, hand grenade training, rocket launcher firing point, hand-to-hand combat, combat pistol training, assault course, squad tactics, night defense training	MEC removal at ground surface and to 4 feet bgs in 13 100- by 100-foot grids completed.

Acronyms

MRA = munitions response area
MRS = munitions response site
DRO = Del Rey Oaks
MOUT = Military Operations in Urban Terrain
MEC = munitions and explosives of concern
bgs = below ground surface
mm = millimeters

Footnotes:

1. Acreage stated is the portion of the MRS contained within the designated MRA.
2. All detected anomalies (i.e., ferromagnetic material) were investigated and all detected MEC were removed during MEC removal actions. This does not apply to the 1-foot removal portion of MRS-14A and the SiteStat/GridStat grids investigated in MRS-28.
3. DRO/Monterey MRA contains a portion of MRS-43.
4. MOUT Site MRA contains a portion of MRS-27O.

**Table 2. Summary of Group 3 MRA Transfer Parcels
Record of Decision, Group 3 Munitions Response Areas,
Former Fort Ord, California**

Transfer Parcel No.	Approx. Acreage	Planned Reuse *
DRO/Monterey MRA		
E29.1	23	Business Park / Light Industrial and Office / Research & Development
L6.2	7	Habitat Management
L20.13.1.2	0.245	South Boundary Road and Associated Right of Way
L20.13.3.1	5	South Boundary Road and Associated Right of Way
Laguna Seca Parking MRA		
L20.3.1	44	Open Space / Recreation / Highway 68 Bypass Right of Way
L20.3.2	36	Open Space / Recreation
L20.5.1	131	Open Space / Recreation
L20.5.2	55	Open Space / Recreation / Highway 68 Bypass Right of Way
L20.5.3	10	Open Space / Recreation
L20.5.4	0.51	Open Space / Recreation
MOUT Site MRA		
F1.7.2	51	MOUT Training Area
L20.8	7	Barloy Canyon Road and Associated Right of Way

Acronyms

MRA = munitions response area

DRO = Del Rey Oaks

MOUT = Military Operations in Urban Terrain

Footnotes

* Planned use information obtained from the *FORA Fort Ord Reuse Plan* (FORA 1997).

**Table 3. Summary of Remedial Alternatives Evaluation and Comparison
for Del Rey Oaks/Monterey Munitions Response Area
Record of Decision, Group 3 Munitions Response Areas, Former Fort Ord, California**

Remedial Alternative	EPA'S 9 CERCLA EVALUATION CRITERIA								
	Threshold Criteria		Balancing Criteria					Modifying Criteria	
	Overall Protectiveness of Human Health and the Environment	Compliance with ARARs	Short-Term Effectiveness	Long-Term Effectiveness & Permanence	Reduction of Toxicity, Mobility, or Volume Through Treatment ¹	Implementability	Cost	State Acceptance	Community Acceptance
Alternative 1 - No Further Action	Not protective; does not mitigate potentially remaining MEC risks to surface receptors or intrusive workers	No ARARs identified for this alternative	Not effective in the short-term; no MEC risk mitigation	Not effective in the long-term; no MEC risk mitigation	No reduction in volume because no further MEC removals would be conducted	Not administratively feasible	Minimal	Not acceptable	Not acceptable
Alternative 2 - Land Use Controls	Protective to construction and maintenance workers (intrusive workers); prohibits use for residential reuse	Continued implementation of land use restrictions with no ARARs identified for this alternative	Effective in the short-term; implementation of LUCs to mitigate MEC risk to construction and maintenance workers (intrusive workers)	Required training and construction support would mitigate risks to construction and maintenance workers (intrusive workers) until evaluation determines LUCs no longer necessary	No reduction in volume because no further MEC removals would be conducted	Administratively feasible; moderate technical effort required to implement	\$757,000	Accepted as the preferred alternative	Acceptable to some community members
Alternative 3 - Additional MEC Remediation	Protective of human health and the environment	Implementation would require compliance with ARARs	May be effective in the short-term; MEC removals would be conducted	May or may not be effective in the long-term; additional risk mitigation may be needed after additional MEC remediation	May result in MEC reduction if additional MEC is discovered and removed during remediation	Administratively feasible; high level of technical effort required to implement	\$1,045,000	Not selected	Acceptable to some community members
Alternative 4 - Additional Subsurface MEC Remediation in Selected Areas of the MRA and Land Use Controls	Protective to construction and maintenance workers (intrusive workers); protective of human health and the environment	Implementation would require compliance with ARARs	Effective in the short-term; required training and construction support would mitigate risks to construction and maintenance workers (intrusive workers)	Effective in the long-term; required training and construction support would mitigate risks to construction and maintenance workers (intrusive workers); may reduce MEC risks	May result in MEC reduction if additional MEC is discovered and removed during remediation	Technically and administratively feasible to implement	\$983,000	Not selected	Acceptable to some community members

Acronyms

ARARs = applicable or relevant and appropriate requirements
 CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act
 EPA = U.S. Environmental Protection Agency
 LUCs = Land Use Controls
 MEC = munitions and explosives of concern
 MRA = munitions response area

Footnotes

¹ = Completed MEC removal actions already provide for reduction of volume.

**Table 4. Summary of Remedial Alternatives Evaluation and Comparison
for Laguna Seca Parking Munitions Response Area
Record of Decision, Group 3 Munitions Response Areas, Former Fort Ord, California**

Remedial Alternative	EPA'S 9 CERCLA EVALUATION CRITERIA								
	Threshold Criteria		Balancing Criteria					Modifying Criteria	
	Overall Protectiveness of Human Health and the Environment	Compliance with ARARs	Short-Term Effectiveness	Long-Term Effectiveness & Permanence	Reduction of Toxicity, Mobility, or Volume Through Treatment ¹	Implementability	Cost	State Acceptance	Community Acceptance
Alternative 1 - No Further Action	Not protective; does not mitigate potentially remaining MEC risks to surface receptors or intrusive workers	No ARARs identified for this alternative	Not effective in the short-term; no MEC risk mitigation	Not effective in the long-term; no MEC risk mitigation	No reduction in volume because no further MEC removals would be conducted	Not administratively feasible	Minimal	Not acceptable	Not acceptable
Alternative 2 - Land Use Controls	Protective to construction and maintenance workers (intrusive workers); prohibits use for residential use	Continued implementation of land use restrictions with no ARARs identified for this alternative	Effective in the short-term; implementation of LUCs to mitigate MEC risk to construction and maintenance workers (intrusive workers)	Required training and construction support would mitigate risks to construction and maintenance workers (intrusive workers) until evaluation determines LUCs no longer necessary	No reduction in volume because no further MEC removals would be conducted	Administratively feasible; moderate technical effort required to implement	\$757,000	Accepted as the preferred alternative	Acceptable to some community members
Alternative 3 - Additional MEC Remediation	Protective of human health and the environment	Implementation would require compliance with ARARs	May be effective in the short-term; MEC removals would be conducted	May or may not be effective in the long-term; additional risk mitigation may be needed after additional MEC remediation	May result in MEC reduction if additional MEC is discovered and removed during remediation	Administratively feasible; high level of technical effort required to implement	\$5,767,000	Not selected	Acceptable to some community members

Acronyms

ARARs = applicable or relevant and appropriate requirements
 CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act
 EPA = U.S. Environmental Protection Agency
 LUCs = Land Use Controls
 MEC = munitions and explosives of concern
 MRA = munitions response area

Footnotes

¹ = Completed MEC removal actions already provide for reduction of volume.

**Table 5. Summary of Remedial Alternatives Evaluation and Comparison
for Military Operations in Urban Terrain Site Munitions Response Area
Record of Decision, Group 3 Munitions Response Areas, Former Fort Ord, California**

Remedial Alternative	EPA'S 9 CERCLA EVALUATION CRITERIA								
	Threshold Criteria		Balancing Criteria					Modifying Criteria	
	Overall Protectiveness of Human Health and the Environment	Compliance with ARARs	Short-Term Effectiveness	Long-Term Effectiveness & Permanence	Reduction of Toxicity, Mobility, or Volume Through Treatment ¹	Implementability	Cost	State Acceptance	Community Acceptance
Alternative 1 - No Further Action	Not protective; does not mitigate potentially remaining MEC risks to surface receptors or intrusive workers	No ARARs identified for this alternative	Not effective in the short-term; no MEC risk mitigation	Not effective in the long-term; no MEC risk mitigation	No reduction in volume because no further MEC removals would be conducted	Not administratively feasible	Minimal	Not acceptable	Not acceptable
Alternative 2 - Land Use Controls	Protective to construction and maintenance workers (intrusive workers); prohibits use for residential reuse	Continued implementation of land use restrictions with no ARARs identified for this alternative	Effective in the short-term; implementation of LUCs to mitigate MEC risk to construction and maintenance workers (intrusive workers)	Required training and construction support would mitigate risks to construction and maintenance workers (intrusive workers) until evaluation determines LUCs no longer necessary	No reduction in volume because no further MEC removals would be conducted	Administratively feasible; moderate technical effort required to implement	\$757,000	Accepted as the preferred alternative	Acceptable to some community members
Alternative 3 - Additional MEC Remediation	Protective of human health and the environment	Implementation would require compliance with ARARs	May be effective in the short-term; MEC removals would be conducted	May or may not be effective in the long-term; additional risk mitigation may be needed after additional MEC remediation; may interfere with continued use of area for training	May result in MEC reduction if additional MEC is discovered and removed during remediation	Administratively feasible; high level of technical effort required to implement	\$1,621,000	Not selected	Acceptable to some community members
Alternative 4 - Additional Subsurface MEC Remediation in Selected Areas of the MRA and Land Use Controls	Protective to construction and maintenance workers (intrusive workers); protective of human health and the environment	Implementation would require compliance with ARARs	Effective in the short-term; required training and construction support would mitigate risks to construction and maintenance workers (intrusive workers)	Effective in the long-term; required training and construction support would mitigate risks to construction and maintenance workers (intrusive workers); may reduce MEC risks	May result in MEC reduction if additional MEC is discovered and removed during remediation	Technically and administratively feasible to implement	\$1,148,000	Not selected	Acceptable to some community members

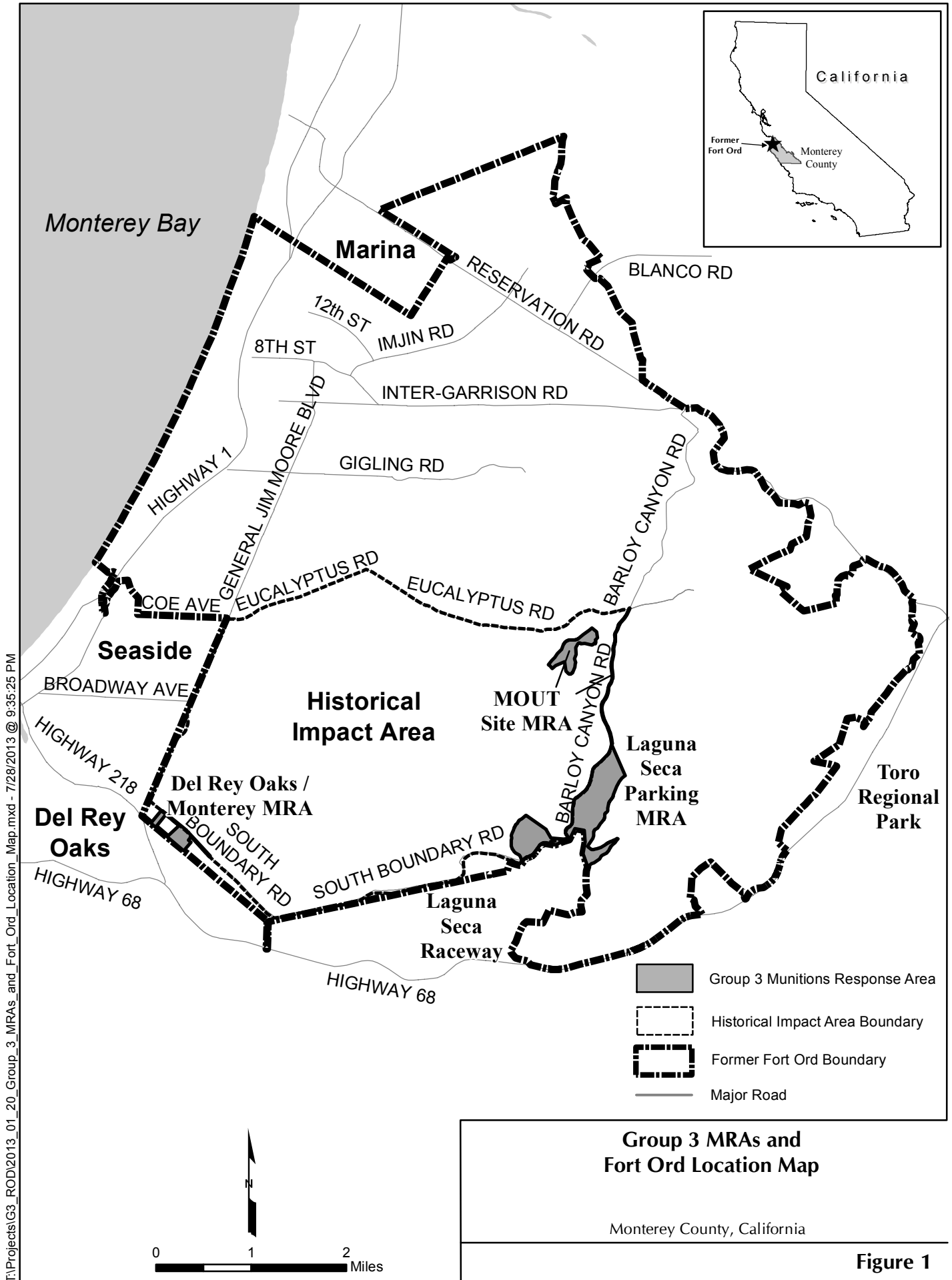
Acronyms

ARARs = applicable or relevant and appropriate requirements
 CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act
 EPA = U.S. Environmental Protection Agency
 LUCs = Land Use Controls
 MEC = munitions and explosives of control
 MOUT = Military Operations in Urban Terrain
 MRA = munitions response area

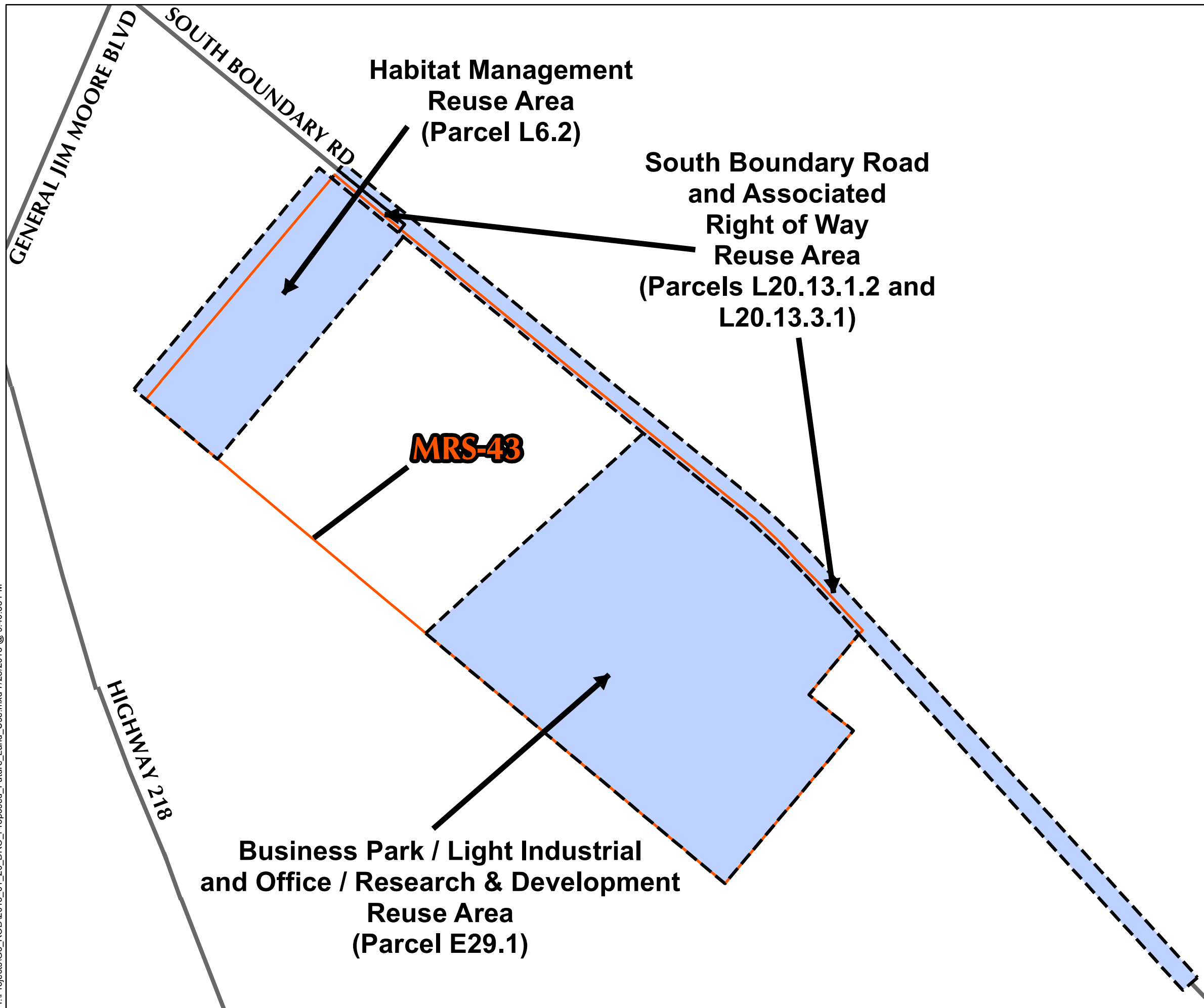
Footnotes

¹ = Completed MEC removal actions already provide for reduction of volume.

FIGURES

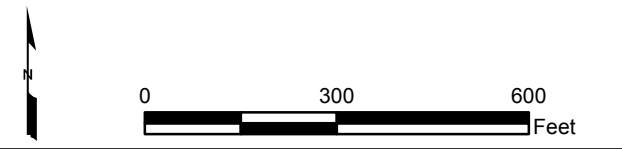
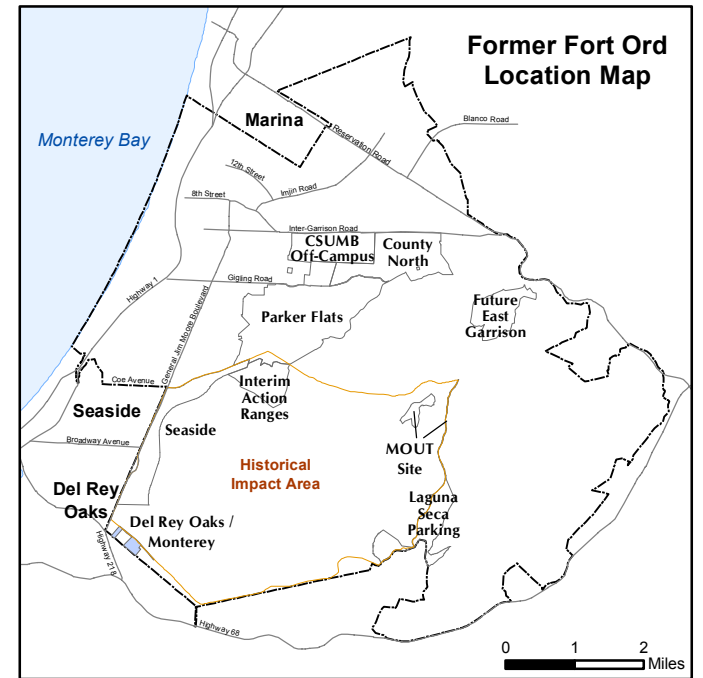


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Legend

- Munitions Response Area (area subject to Land Use Controls)
- USACE Parcel
- MRS-43
- Major Road

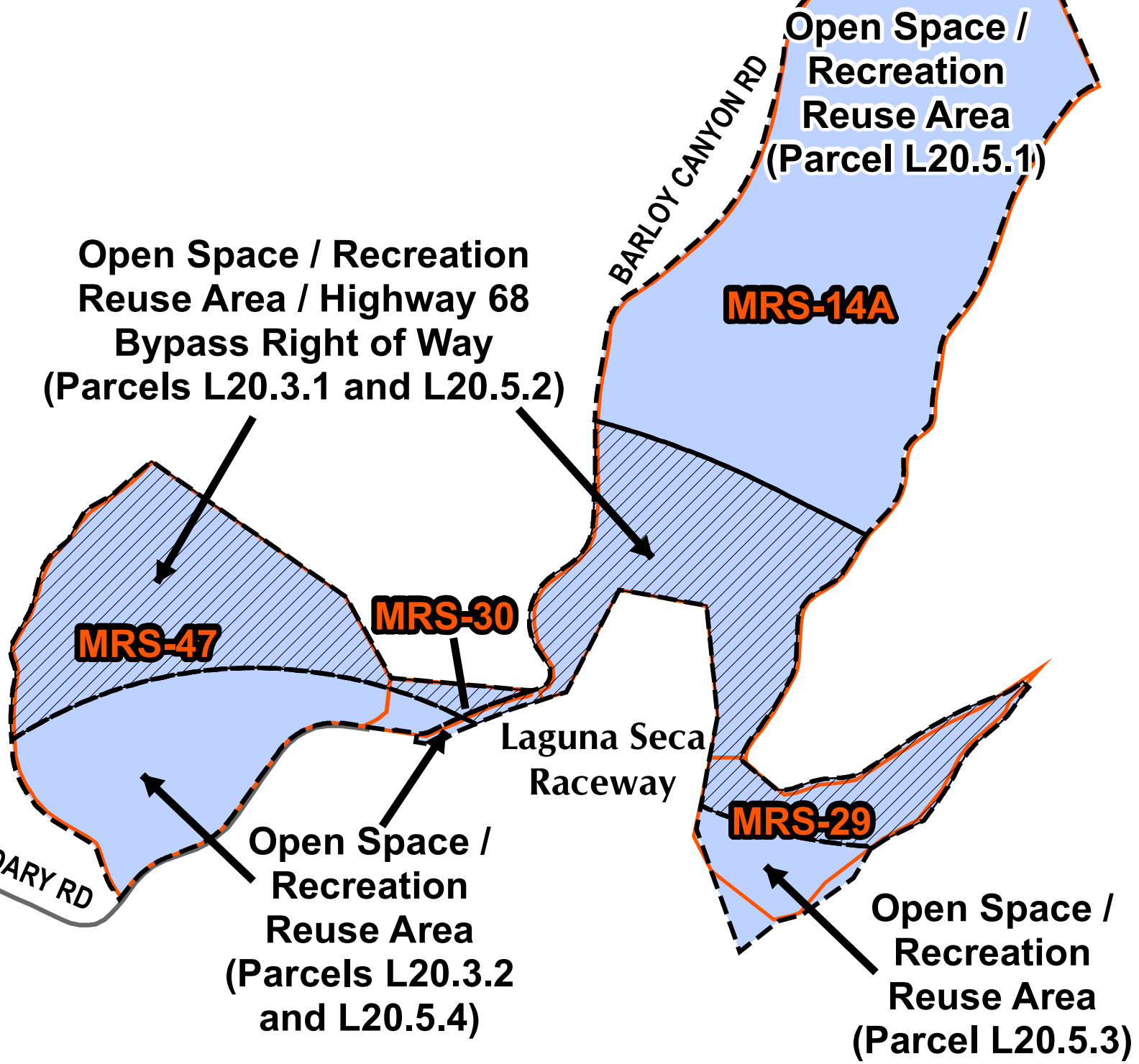


Del Rey Oaks / Monterey MRA Reuse Areas and Munitions Response Sites

Monterey County, California

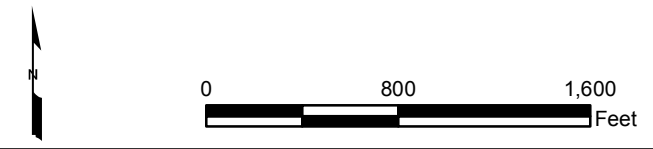
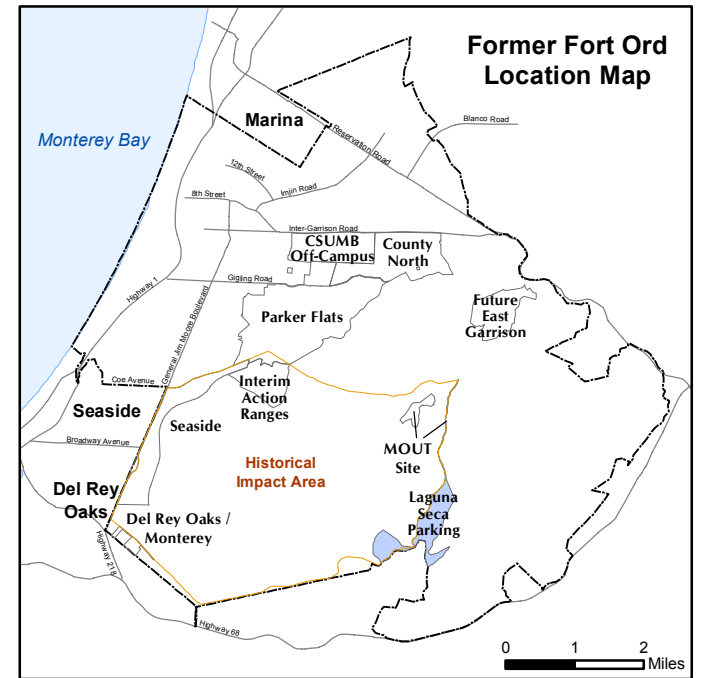
Figure 2

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Legend

- Munitions Response Area (area subject to Land Use Controls)
- USACE Parcel
- Munitions Response Site
- Highway 68 Bypass Right of Way
- Major Road

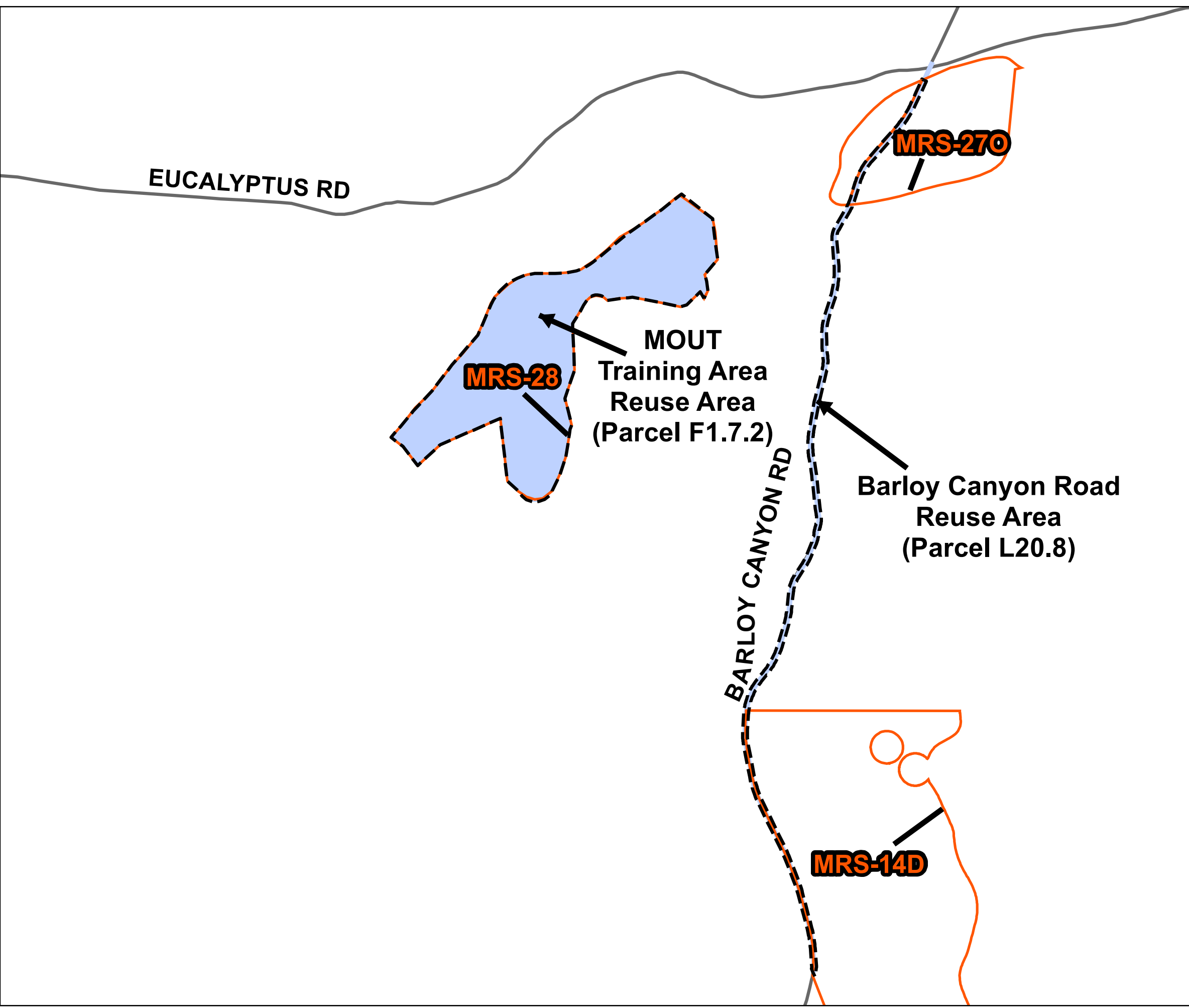


Laguna Seca Parking MRA Reuse Areas and Munitions Response Sites

Monterey County, California

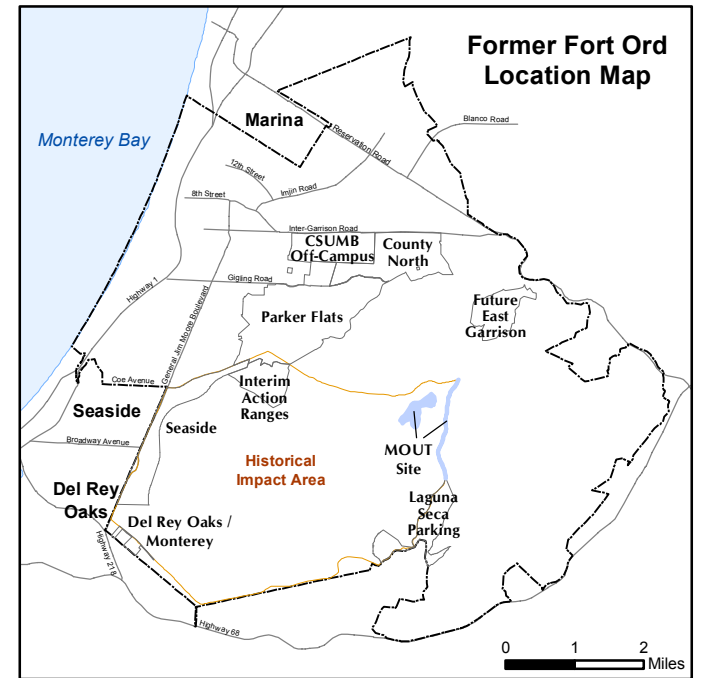
Figure 3

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Legend

- Munitions Response Area (area subject to Land Use Controls)
- USACE Parcel
- Munitions Response Site
- Major Road



MOUT Site MRA Reuse Areas and Munitions Response Sites

Monterey County, California

Figure 4

APPENDIX A

GLOSSARY OF MILITARY MUNITIONS RESPONSE PROGRAM TERMS

APPENDIX A

Glossary of Military Munitions Response Program Terms

Administrative Record – A compilation of all documents relied upon to select a remedial action pertaining to the investigation and cleanup of the former Fort Ord. *Source:* (1).

After Action Report (AAR) – A report presenting the results of munitions and explosives of concern (MEC) investigation, sampling and/or removal actions conducted at a site pertaining to the investigation and cleanup of the former Fort Ord. *Source:* (1).

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, otherwise known as Superfund) – CERCLA authorizes federal action to respond to the release or threatened release of hazardous substances into the environment or a release or threatened release of a pollutant or contaminant into the environment that may present an imminent or substantial danger to public health or welfare. *Source:* (1).

Construction Support – Assistance provided by the Department of Defense (DOD), explosive ordnance disposal (EOD) or unexploded ordnance (UXO)-qualified personnel and/or by personnel trained and qualified for operations involving chemical agents (CA), regardless of configuration, during intrusive construction activities on property known or suspected to contain UXO, other munitions that may have experienced abnormal environments (e.g., discarded military munitions [DMM]), munitions constituents in high enough concentrations to pose an explosive hazard, or CA, regardless of configuration, to ensure the safety of personnel or resources from any potential explosive or CA hazards. *Source:* (3).

Discarded Military Munitions (DMM) – Military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include unexploded ordnance (UXO), military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of consistent with applicable environmental laws and regulations. (10 U.S.C. 2710(e)(2)).

For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted at the former Fort Ord, DMM does not include small arms ammunition (.50 caliber and below).

Engineering Control (EC) – A variety of engineered remedies to contain and/or reduce contamination, and/or physical barriers intended to limit access to property. Some examples of ECs include fences, signs, guards, landfill caps, soil covers, provision of potable water, slurry walls, sheet pile (vertical caps), pumping and treatment of groundwater, monitoring wells, and vapor extraction systems. *Source:* (5).

Expended – The state of munitions debris (MD) in which the main charge has been expended leaving the inert carrier. *Source:* (1).

Feasibility Study (FS) – An evaluation of potential remedial technologies and treatment options that can be used to clean up a site. *Source:* (1).

Historical Impact Area – The historical impact area consists of approximately 8,000 acres in the southwestern portion of former Fort Ord, bordered by Eucalyptus Road to the north, Barloy Canyon Road to the east, South Boundary Road to the south, and North-South Road (renamed General Jim Moore Boulevard) to the west. *Source:* (1).

Institutional Control (IC) – (a) Non-engineered instruments such as administrative and/or legal controls that minimize the potential for human exposure to contamination by limiting land or resource use; (b) are

generally to be used in conjunction with, rather than in lieu of, engineering measures such as waste treatment or containment; (c) can be used during all stages of the cleanup process to accomplish various cleanup-related objectives; and (d) should be “layered” (i.e., use multiple ICs) or implemented in a series to provide overlapping assurances of protection from contamination. *Source:* (6).

Land Use Controls (LUCs) – LUC are physical, legal, or administrative mechanisms that restrict the use of, or limit access to, real property, to manage risks to human health and the environment. Physical mechanisms encompass a variety of engineering remedies to contain or reduce contamination and/or physical barriers to limit access to real property, such as fences or signs. *Source:* (3).

Magnetometer – An instrument used to detect ferromagnetic (iron-containing) objects. Total field magnetometers measuring the strength of the earth’s natural magnetic field at the magnetic sensor location. Gradient magnetometers, sensitive to smaller near-surface metal objects, use two sensors to measure the difference in magnetic field strength between the two sensor locations. Vertical or horizontal gradients can be measured. *Source:* (4).

Military Munitions – Military munitions means all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense (DOD), the Coast Guard, the Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of the above.

The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, other than non-nuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed. (10 U.S.C. 101(e)(4)(A through C)).

Military Munitions Response Program (MMRP) – Department of Defense (DOD)-established program to manage the environmental, health and safety issues presented by munitions and explosives of concern (MEC). *Source:* (1).

Mortar – Mortars typically range from approximately 1 inch to 11 inches in diameter or larger, and can be filled with explosives, toxic chemicals, white phosphorus or illumination flares. Mortars generally have thinner metal casing than projectiles but use the same types of fuzing and stabilization. *Source:* (2).

Munitions Constituents (MC) – Any materials originating from unexploded ordnance (UXO), discarded military munitions (DMM), or other military munitions, including explosive and non-explosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions (10 U.S.C. 2710 (e) (3)).

Munitions Debris (MD) – Remnants of munitions (e.g., fragments, penetrators, projectiles, shell casings, links, fins) remaining after munitions use, demilitarization, or disposal. *Source:* (3).

Munitions and Explosives of Concern (MEC) – Distinguishes specific categories of military munitions that may pose unique explosives safety risks, such as: (A) unexploded ordnance (UXO), as defined in 10 U.S.C. 101(e)(5)(A through C); (B) discarded military munitions (DMM), as defined in 10 U.S.C. 2710 (e) (2); or (C) munitions constituents (e.g., Trinitrotoluene [TNT], Cyclotrimethylene trinitramine

[RDX]), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard. (32 CFR 179.3).

For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, MEC does not include small arms ammunition (.50 caliber and below).

Munitions Response Area (MRA) – Any area on a defense site that is known or suspected to contain unexploded ordnance (UXO), discarded military munitions (DMM), or munitions constituents (MC). Examples are former ranges and munitions burial areas. A MRA comprises of one or more munitions response sites (MRSs). (32 CFR 179.3).

Munitions Response Site (MRS) – A discrete location within a Munitions Response Area (MRA) that is known to require a munitions response. (32 CFR 179.3).

No Further Action – Determination following a remedial investigation or action that a site does not pose a significant risk and so requires no further activity under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). *Source:* (1).

Projectile – An object projected by an applied force and continuing in motion by its own inertia, as a bullet, bomb, shell, or grenade. Also applied to rockets and to guided missiles. *Source:* (2).

Proposed Plan – A plan that identifies the preferred alternative for a site cleanup, and is made available to the public for comment. *Source:* (1).

Record of Decision (ROD) – A ROD is the document used to record the remedial action decision made at a National Priorities List property. The ROD will be maintained in the project Administrative Record and project file. *Source:* (1).

Remedial Investigation (RI) – The RI is intended to “adequately characterize the site for the purpose of developing and evaluating an effective remedial alternative” (NCP, 40 CFR 300.430[d]). In addition, the RI provides information to assess the risks to human health, safety, and the environment that were identified during risk screening in the site investigation. *Source:* (1).

Superfund – See Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) above.

Unexploded Ordnance (UXO) – Military munitions that: (A) have been primed, fuzed, armed, or otherwise prepared for action; (B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or materials; and (C) remain unexploded, whether by malfunction, design, or any other cause. (10 U.S.C. 101(e)(5)(A through C)).

For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, UXO does not include small arms ammunition (.50 caliber and below).

UXO-Qualified Personnel – Personnel who have performed successfully in military explosives ordnance disposal (EOD) positions, or are qualified to perform in the following Department of Labor, Service Contract Act, Directory of Occupations, contractor positions: Unexploded Ordnance (UXO) Technician II, UXO Technician III, UXO Safety Officer, UXO Quality Control Specialist or Senior UXO Supervisor. *Source:* (3)

Sources:

(1) Non-standard definition developed to describe Fort Ord-specific items, conditions, procedures,

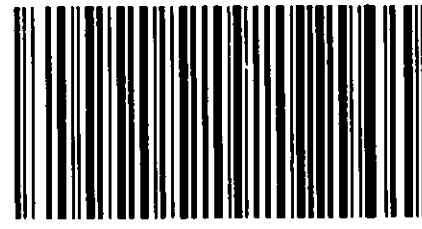
- principles, etc. as they apply to issues related to the munitions and explosives of concern (MEC) cleanup.
- (2) U.S. Department of Defense Environment, Safety and Occupational Health Network and Information Exchange. 1996. Unexploded Ordnance (UXO): An Overview. October.
 - (3) U.S. Department of Defense Manual Number 6055.09-M, Volume 8, SUBJECT: DoD Ammunition and Explosives Safety Standards: Glossary, Administratively Reissued. August 4, 2010.
 - (4) Survey of Munitions Response Technologies, June 2006. ITRC with ESTCP (Environmental Security and Technology Certification Program) and SERDP (Strategic Environmental Research and Development Program).
 - (5) Compendium of Department of Defense Acronyms, Terms, and Definitions. The Interstate Technology and Regulatory Council (ITRC) Work Group (Unexploded Ordnance Work Team), December 2000.
 - (6) Institutional Controls: A Site Managers' Guide to Identifying, Evaluating, and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups. US EPA Office of Solid Waste and Emergency Responses (OSWER) 9355.0-74FS-P, EPA 540-F-00-005. September, 2000.

APPENDIX B

Federal Deeds

DOCUMENT: **2009028276**

Titles: 1/ Pages: 40



Fees.....

Taxes....

Other....

AMT PAID _____

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
CITY OF MONTEREY
COUNTY OF MONTEREY, CALIFORNIA
(Parcel E29.1)**

Documentary Transfer Tax \$0-government agency, exempt from DTT

____ Computed on full value of property conveyed

____ Computed on full value less liens and encumbrances
remaining at time of sale

Signature of Declarant or agent - Firm name

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
CITY OF MONTEREY
COUNTY OF MONTEREY, CALIFORNIA
(Parcel E29.1)**

THIS QUITCLAIM DEED, made and entered into between the **UNITED STATES OF AMERICA**, acting by and through the **SECRETARY OF THE ARMY** (the "**Grantor**"), under and pursuant to the power and authority contained in the Defense Base Closure and Realignment Act of 1990, as amended (Public Law No. 101-510, 10 U.S.C. § 2687) ("**DBCRA**") and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 101 *et seq.*); and the **FORT ORD REUSE AUTHORITY** ("**FORA**") (the "**Grantee**"), created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, *et seq.*, and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, *et seq.*, and Article 4, commencing with Section 33492.70, *et seq.*, and recognized as the Local Redevelopment Authority for the former Fort Ord Army Base, California, by the Office of Economic Adjustment on behalf of the Secretary of Defense.

WITNESSETH THAT:

WHEREAS, the Secretary of the Army may convey surplus property to a local redevelopment authority at a closing military installation for economic development purposes

pursuant to the power and authority provided by DBCRA and the implementing regulations of the Department of Defense (32 CFR 174-176);

WHEREAS, Grantee, by application, requested an economic development conveyance of portions of the former Fort Ord, California, consistent with the redevelopment plan prepared by the Grantee;

WHEREAS, Section 334 of Public Law 104-201 allows, with the concurrence of the Governor of the State of California and the approval of the Administrator of the EPA, for the deferral of the requirement of 42 U.S.C. § 9620 (h)(3)(A)(ii)(I) prior to completion of all the necessary environmental remediation actions required under the CERCLA, which approval and concurrence have been received.

WHEREAS, the Grantor and the State of California Department of Toxic Substances Control have entered into a Munitions and Explosives of Concern ("MEC") Covenant to Restrict Use of Property, dated 4/21/09 2009 and recorded on May 8, 2009, Series Number 2009028775 *or*

NOW THEREFORE, the GRANTOR, for good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby REMISE, RELEASE, AND FOREVER QUITCLAIM unto the GRANTEE, its successors and assigns, all its right, title, and interest in the property situated, lying and being in the County of Monterey, in the State of California, Parcel E29.1 containing approximately 22.457 acres as shown on Exhibit A, attached hereto and made a part hereof (hereinafter referred to as the "Property").

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the GRANTEE, by its acceptance of this Deed, agrees that, as part of the consideration for this Deed, the GRANTEE covenants and agrees for itself, its successors and assigns, forever, that this Deed is made and accepted upon each of the following covenants, which covenants shall be binding upon and enforceable against the GRANTEE, its successors and assigns, in perpetuity by the United States and other interested parties as allowed by federal, state or local law; that the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS set forth herein are a binding servitude on the Property herein conveyed and shall be deemed to run with the land in perpetuity; and that the failure to include the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in subsequent conveyances does not abrogate the status of these restrictions as binding upon the parties, their successors and assigns:

I. PROPERTY DESCRIPTION:

The Property includes:

1. All buildings, facilities, roadways, and other improvements, including the storm drainage systems and the telephone system infrastructure, and any other improvements thereon;

2. All appurtenant easements and other rights appurtenant thereto, permits, licenses, and privileges not otherwise excluded herein; and

3. All hereditaments and tenements therein and reversions, remainders, issues, profits, privileges and other rights belonging or related thereto.

II. EXCLUSIONS AND RESERVATIONS

This conveyance is made subject to the following **EXCLUSIONS** and **RESERVATIONS**:

1. The Property is taken by the Grantee subject to any and all valid and existing recorded outstanding liens, leases, easements, and any other encumbrances made for the purpose of roads, streets, utility systems, rights-of-way, pipelines, and/or covenants, exceptions, interests, liens, reservations, and agreements of record; and any unrecorded easements and any other encumbrances made for the limited purpose of roads, streets, utility systems, and pipelines set forth in Exhibit G.

2. The reserved rights and easements set forth in this section are subject to the following terms and conditions:

A. The Grantee is to comply with all applicable Federal law and lawful existing regulations;

B. The Grantor is to allow the occupancy and use by the Grantee, its successors, assigns, permittees, or lessees of any part of the easement areas not actually occupied or required for the purpose of the full and safe utilization thereof by the Grantor, so long as such occupancy and use does not compromise the ability of the Grantor to use the easements for their intended purposes, as set forth herein;

C. The easements previously granted or granted herein shall be for the specific use described and may not be construed to include the further right to authorize any other use within the easements unless approved in writing by the fee holder of the land subject to the easement;

D. Any transfer of the easements by assignment, lease, operating agreement, or otherwise must include language that the transferee agrees to comply with and be bound by the terms and conditions of the original grant;

E. Unless otherwise provided, no interest reserved shall give the Grantor any right to remove any material, earth, or stone for consideration or other purpose except as necessary in exercising its rights hereunder; and

F. The Grantor is to restore the area of any easement or right of access so far as it is reasonably possible to do so upon abandonment or release of any easement as provided herein, unless this requirement is waived in writing by the then owner of the Property.

3. Grantor reserves mineral rights that Grantor owns with the right of surface entry in a manner that does not unreasonably interfere with Grantee's development and quiet enjoyment of the Property.

TO HAVE AND TO HOLD the Property granted herein to the GRANTEE and its successors and assigns, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, or claim whatsoever of the GRANTOR, either in law or in equity and subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed.

III. CERCLA NOTICE, ASSURANCES, WARRANTY, AND ACCESS PROVISIONS

1. CERCLA NOTICE

For the Property, the Grantor provides the following notice and description:

A. Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided in Exhibit B, attached hereto and made a part hereof. Additional information regarding the storage, release, and disposal of hazardous substances on the Property has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges

B. Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the Property is provided in Exhibit C, attached hereto and made a part hereof. Additional information regarding the remedial action taken, if any, has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges.

2. CERCLA RESPONSE ACTION ASSURANCES

For the Property, the Grantor provides the following description and assurances:

A. Pursuant to section 120(h)(3)(C)(ii)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(I) and (II)), the Environmental Protection Provisions located at Exhibit D, attached hereto and made a part hereof, provide the conditions, restrictions, and notifications necessary to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord.

B. Pursuant to section 120(h)(3)(C)(ii)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(III)), all corrective, remedial, or response actions necessary to protect human health and the environment will be taken with respect to any hazardous substance remaining on the Property as a result of storage, release, or disposal prior to the date of transfer, in accordance with the compliance schedule. The schedule will be developed in cooperation with the U.S. Environmental Protection Agency and the State of California. The schedules may be changed, as provided by the Fort Ord Federal Facility Agreement (FFA), as amended, and the Administrative Order on Consent (AOC).

C. Any corrective, remedial, or response action found to be necessary after the date of transfer shall be conducted by the Grantor, except those actions conducted by the Grantee on behalf of the Grantor. This warranty shall not apply in any case in which the person or entity to whom the Property is transferred is a potentially responsible party with respect to such property. For purposes of this warranty, Grantee shall not be considered a potentially responsible party solely due to the presence of a hazardous substance remaining on the Property on the date of this instrument. Further, the Grantor shall not be relieved of any obligation under CERCLA to perform any remedial action found to be necessary after the date of this Deed with regard to any hazardous substances remaining on the Property as of the date of this Deed if the Grantee is subsequently determined to be a potentially responsible party with respect to hazardous substances placed on the Property after the date of this Deed.

D. Pursuant to section 120(h)(3)(C)(ii)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(IV)), the Grantor has submitted and will continue to submit through its established budget channels to the Director of the Office of Management and Budget a request for funds that adequately addresses schedules for investigation and completion of all response actions required. Expenditure of any federal funds for such investigations or response actions is subject to Congressional authorization and appropriation of funds for that purpose. The Grantor will submit its funding request for the projects needed to meet the schedule of necessary response actions.

3. RIGHT OF ACCESS

A. Pursuant to section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)), the United States retains and reserves a perpetual and assignable easement and right of access on, over, and

through the Property, to enter upon the Property in any case in which a remedial or corrective action is found to be necessary on the part of the United States, without regard to whether such remedial action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

B. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this covenant, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means, but without significant additional costs to the United States, to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

C. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the Grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act . In addition, the Grantee, its successors and assigns, shall not interfere with any response action or corrective action conducted by the Grantor on the Property.

IV. "AS IS"

A. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the subject Property. Except as otherwise provided herein, the Grantee understands and agrees that the Property and any part thereof is offered "AS IS" without any representation, warranty, or guaranty by the Grantor as to quantity, quality, title, character, condition, size, or kind, or that the same is in condition or fit to be used for the purpose(s) intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

B. No warranties either express or implied are given with regard to the condition of the Property, including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property, including, without limitation, any asbestos or lead-based paint. The failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of all or any portion of the Property offered, will not constitute grounds for any claim or demand against the United States.

C. Nothing in this "As Is" provision will be construed to modify or negate the Grantor's obligation under law.

V. **HOLD HARMLESS**

A. To the extent authorized by law, the Grantee, its successors and assigns, covenant and agree to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, and judgments arising out of, or in any manner predicated upon, exposure to asbestos or lead-based paint on any portion of the Property after the date of conveyance.

B. The Grantee, its successors and assigns, covenant and agree that the Grantor shall not be responsible for any costs associated with modification or termination of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed, including without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property.

C. Nothing in this Hold Harmless provision will be construed to modify or negate the Grantor's obligation under law.

VI. **POST-TRANSFER DISCOVERY OF CONTAMINATION**

Grantee, its successors and assigns, as consideration for the conveyance of the Property, agree to release Grantor from any liability or responsibility for any claims arising solely out of the release of any hazardous substance or petroleum product on the Property occurring after the date of the delivery and acceptance of this Deed, where such substance or product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the Grantor's responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations, or the Grantor's indemnification obligations under applicable laws.

VII. ENVIRONMENTAL PROTECTION PROVISIONS

The Environmental Protection Provisions are at Exhibit D, which is attached hereto and made a part hereof. These provisions are intended to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord. The Grantee shall not transfer or lease the Property or any portion thereof, or grant any interest, privilege, or license whatsoever in connection with the Property, or any portion thereof, without the inclusion of the Environmental Protection Provisions contained herein to the extent applicable to the Property or a portion thereof, and shall require the inclusion of applicable Environmental Protection Provisions in all further deeds, easements, transfers, leases, or grant of any interest, privilege, or license concerning the Property or the applicable portion thereof.

VIII. AIR NAVIGATION RESERVATION AND RESTRICTIONS

The Monterey Peninsula Airport and the former Fritzsche Army Airfield, now known as the Marina Municipal Airport, are in close proximity to the Property. Accordingly, in coordination with the Federal Aviation Administration, the Grantee covenants and agrees, on behalf of itself, its successors and assigns and every successor in interest to the Property herein described, or any part thereof, that there will be no construction or alteration unless a determination of no hazard to air navigation is issued by the Federal Aviation Administration in accordance with Title 14, Code of Federal Regulations, Part 77, entitled, "Objects Affecting Navigable Airspace," or under the authority of the Federal Aviation Act of 1958, as amended.

IX. ENFORCEMENT AND NOTICE REQUIREMENT

A. The provisions of this Deed benefit the governments of the United States of America, the State of California, acting on behalf of the public in general, the local governments, and the lands retained by the Grantor and, therefore, are enforceable, by resort to specific performance or legal process by the United States, the State of California, the local governments, and by the Grantor, and its successors and assigns. Enforcement of this Deed shall be at the discretion of the parties entitled to enforcement hereof, and any forbearance, delay or omission to exercise their rights under this Deed in the event of a breach of any term of this Deed, shall not be deemed to be a waiver by any such party of such term or of any subsequent breach of the same or any other terms, or of any of the rights of said parties under this Deed. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. The enforcement rights set forth in this Deed against the Grantee, or its successors and assigns, shall only apply with respect to the Property conveyed herein and held by such Grantee, its successors or assigns, and only with respect to matters occurring during the period of time such Grantee, its successors or assigns, owned or occupied such Property or any portion thereof.

X. NOTICE OF NON-DISCRIMINATION

With respect to activities related to the Property, the Grantee covenants for itself, its successors and assigns, that the Grantee, and such successors and assigns, shall not discriminate upon the basis of race, color, religion, sex, age, handicap, or national origin in the use, occupancy, sale or lease of the Property, or in their employment practices conducted thereon in violation of the provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); and the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794). This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The Grantor shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the Property hereby conveyed, and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

XI. ANTI-DEFICIENCY ACT STATEMENT

The Grantor's obligation to pay or reimburse any money under this Deed is subject to the availability of appropriated funds to the Department of the Army, and nothing in this Deed shall be interpreted to require obligations or payments by the Grantor in violation of the Anti-Deficiency Act (Public Law 97-258, 31 U.S.C. § 1341).

XII. GENERAL PROVISIONS

A. SEVERABILITY. If any provision of this Deed, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this Deed, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

B. CAPTIONS. The captions in this Deed have been inserted solely for convenience of reference and are not a part of this Deed and shall have no effect upon construction or interpretation.

C. RIGHT TO PERFORM. Any right which is exercisable by the Grantee, and its successors and assigns, to perform under this Deed may also be performed, in the event of default by the Grantee, or its successors and assigns, by a lender of the Grantee and its successors and assigns.

XIII. OTHER CONDITIONS

Should the Property be considered for the proposed acquisition and construction of school properties utilizing State funding, at any time in the future, a separate environmental review

process in compliance with the California Education Code Section 17210 *et seq.*, will need to be conducted and approved by DTSC.

XIV. THE CONDITIONS, RESTRICTIONS, AND COVENANTS

The conditions, restrictions, and covenants set forth in this deed are a binding servitude on the herein conveyed Property and will be deemed to run with the land in perpetuity. Restrictions, stipulations and covenants contained herein will be inserted by the Grantee verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any other lesser estate in the Property or any portion thereof. All rights and powers reserved to the Grantor, and all references in this deed to Grantor shall include its successor in interest and assigns. The Grantor may agree to waive, eliminate, or reduce the obligations contained in the covenants, **PROVIDED, HOWEVER**, that the failure of the Grantor or its successor to insist in any one or more instances upon complete performance of any of the said conditions shall not be construed as a waiver or a relinquishment of the future performance of any such conditions, but the obligations of the Grantee, its successors and assigns, with respect to such future performance shall be continued in full force and effect.

XV. LIST OF EXHIBITS

The following listed Exhibits are made a part of this Deed:

- Exhibit A: Legal Description of Property
- Exhibit B: FOSET Hazardous Substance, Storage, Release and Disposal Table
- Exhibit C: FOSET Description of Property Table
- Exhibit D: Environmental Protection Provisions
- Exhibit E: Notification of Munitions and Explosives of Concern (MEC)
- Exhibit F: Site maps depicting the locations of munitions response sites
- Exhibit G: Unrecorded Easements and Encumbrances

[Signature Pages Follow]

IN WITNESS WHEREOF, the Grantor, the UNITED STATES OF AMERICA, acting by and through the SECRETARY OF THE ARMY, has caused these presents to be executed on this 19TH day of MARCH 2009.

UNITED STATES OF AMERICA

By [Signature]
Joseph F. Calcara
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA (I&E)

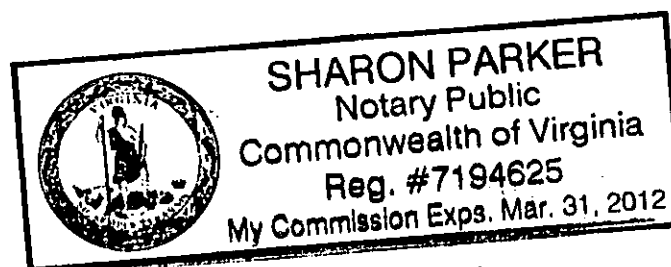
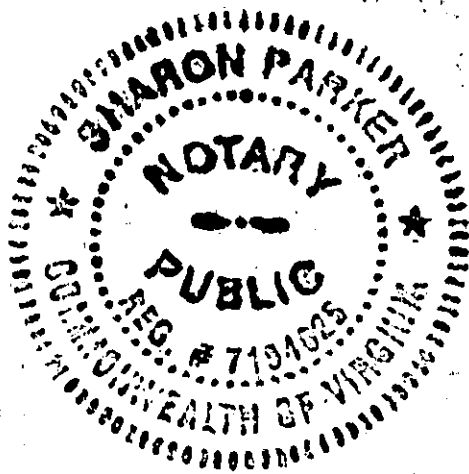
COMMONWEALTH OF VIRGINIA)
) ss
COUNTY OF ARLINGTON)

On 19 March 2009 before me, the undersigned, a Notary Public in and for said state, personally appeared Joseph F. Calcara, Deputy Assistant Secretary of the Army (Installations and Housing), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Notary Public, Commonwealth of Virginia

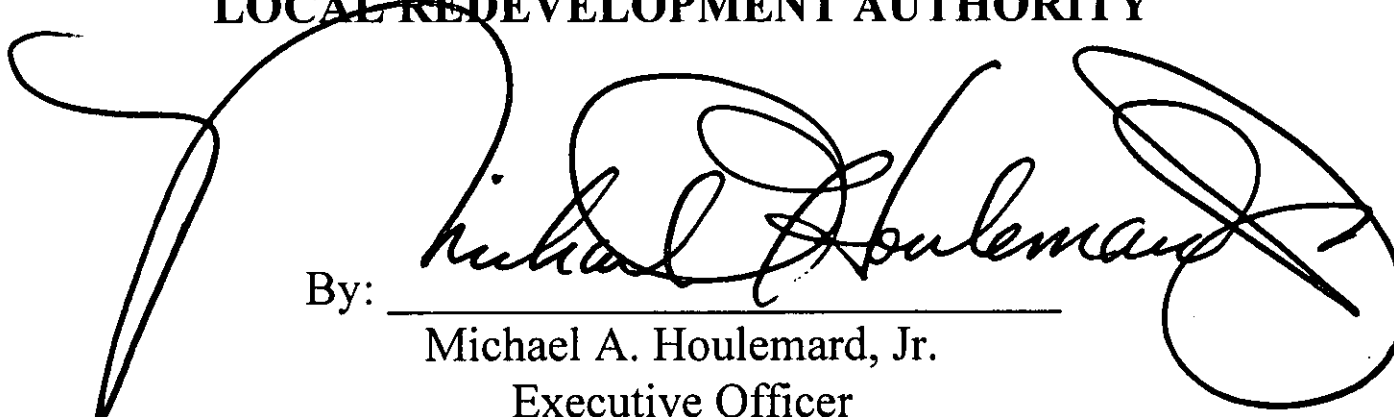
My commission expires: 31 March 2012



ACCEPTANCE:

In Testimony Whereof, witness the signature of the Fort Ord Reuse Authority ("Authority"), an organization organized and existing under the laws of the State of California under the Fort Ord Reuse Authority Act created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, et seq., and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, et seq., and Article 4, commencing with Section 33492.70, et seq., this 17th day of MARCH 2009 hereby accepts and approves this Quitclaim Deed for itself, its successors and assigns, and agrees to all the conditions, reservations, restrictions, and terms contained therein.

FORT ORD REUSE AUTHORITY
LOCAL REDEVELOPMENT AUTHORITY

By: 
Michael A. Houlemard, Jr.
Executive Officer

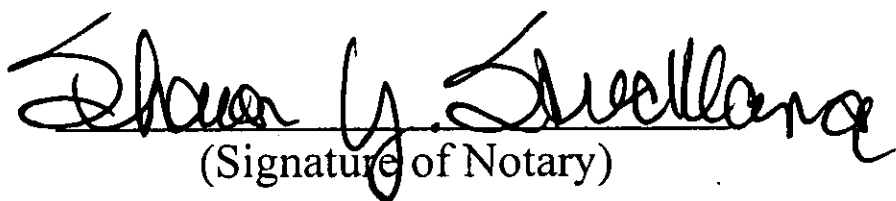
STATE OF CALIFORNIA

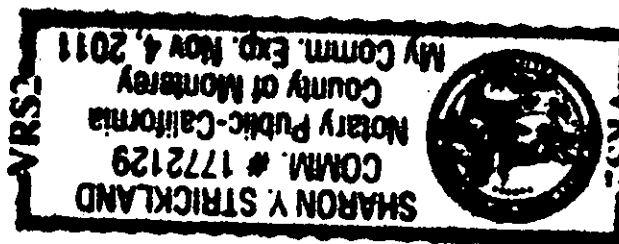
COUNTY OF Monterey

On 3-17-09 before me, Sharon Y. Strickland, (name of notary public) personally appeared Michael Houlemard, Jr. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me that he/she/they executed the same in their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


(Signature of Notary)



FOSET 5
Legal Description
Parcel E 29.1 W/EX

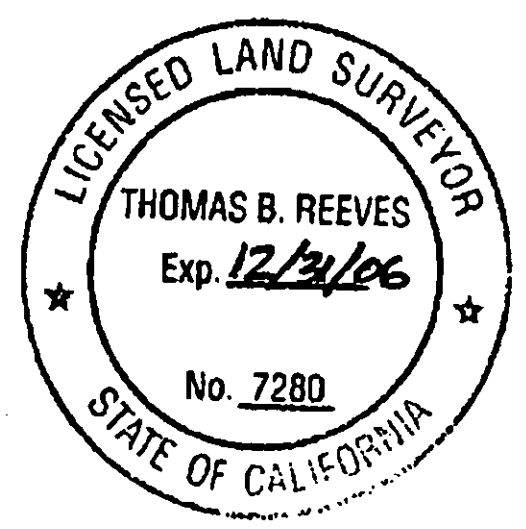
That portion of the former Fort Ord Military Reservation as shown on that certain map filed for record in Volume 19 of Surveys at Page 1 in the office of the County Recorder of Monterey County, being a portion of Parcel A in the City of Monterey, County of Monterey, State of California as shown on that certain map filed for record in Volume 25 of Surveys at page 3 in the office of the County Recorder of said County, described as follows:

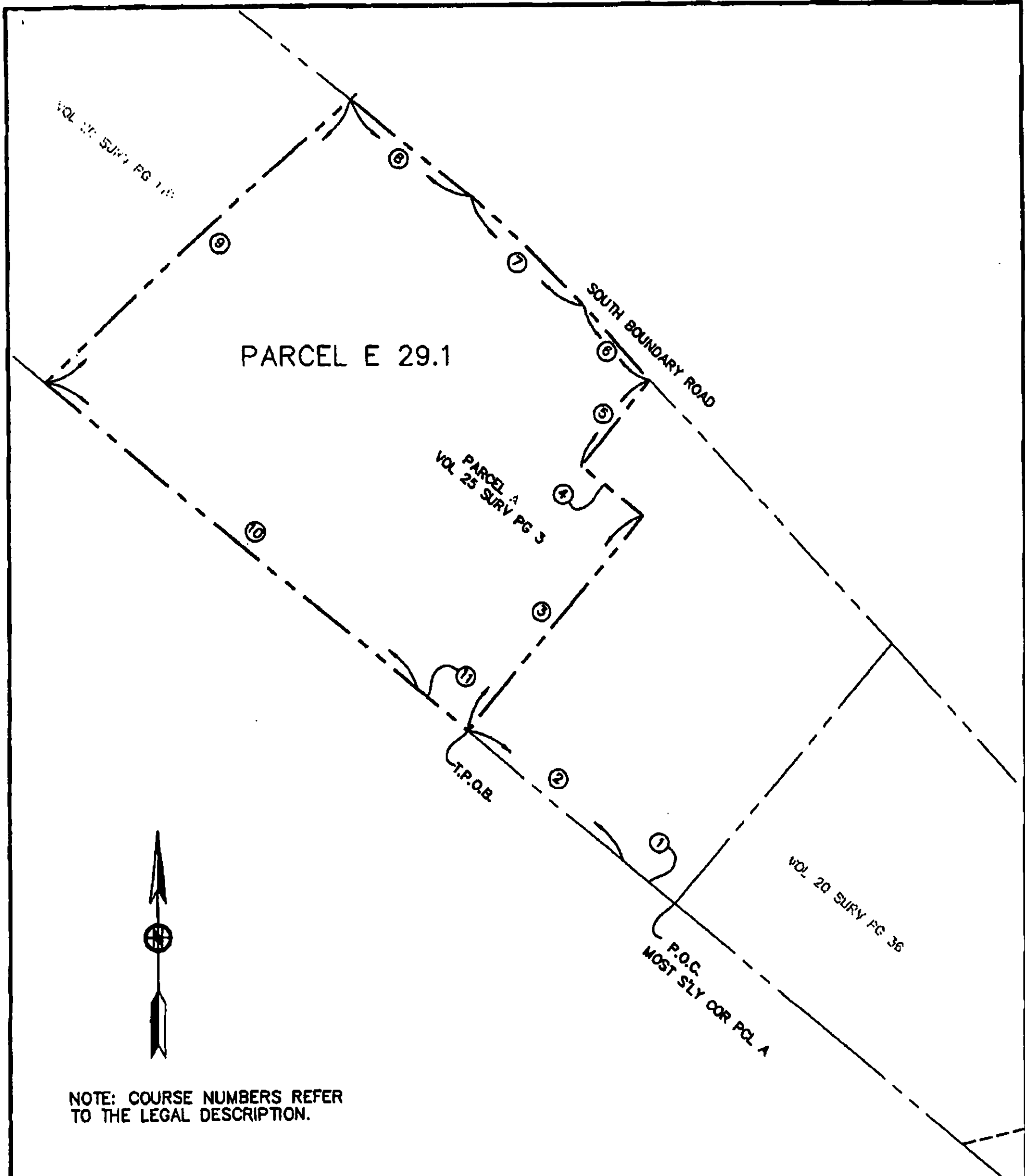
Commencing at the most southerly corner of said Parcel A; thence along the southwesterly line of said Parcel A the following 2 courses:

1. North 50°05'43" West 150.87 feet, And
2. North 50°05'33" West 453.00 feet to the **True Point of Beginning**; thence
3. North 39°54'27" East 616.76 feet; thence
4. North 51°14'48" West 176.71 feet; thence
5. North 39°17'34" East 244.15 feet to the northeasterly line of said Parcel A; thence along the northeasterly line of said Parcel A the following 3 courses:
6. North 42°17'00" West 219.74 feet; to the beginning of a curve concave southwesterly having a radius of 2370.00 feet;
7. Northwesterly 347.63 feet along said curve through a central angle of 8°24'15"; and
8. North 50°41'15" West 342.57 feet to the northwesterly line of said Parcel A; thence
9. South 47°25'32" West 913.49 feet along said northwesterly line to the southwesterly line of said Parcel A; thence along said southwesterly line the following 2 courses:
10. South 50°06'02" East 1061.00 feet; and
11. South 50°05'33" East 144.70 feet to the **True Point of Beginning**.

Contains an area of 22.457 Acres more or less.

Thomas B. Reeves
Thomas B. Reeves LS 7280





NOTE: COURSE NUMBERS REFER TO THE LEGAL DESCRIPTION.

CITY OF MONTEREY DEPARTMENT OF PUBLIC WORKS	
DRAWN:	SKETCH TO ACCOMPANY A LEGAL DESCRIPTION PARCEL E 29.1
BWM	
SCALE:	
1" = 300'	
DATE:	APPROVED
4-12-06	CITY ENGINEER REGIST. No. DATE

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
County of Monterey			
Parcel F1.7.2 – HA-35A	Lead (7439921); copper (7440508); antimony (7440360)	1975 to Present	Release of lead, copper and antimony associated with small arms ammunition use at the Combat Pistol Range (HA-35A). Because this range is still active, no action related to MC is recommended for HA-35A.
Parcel E4.7.2 – OUCTP	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the remedial alternative (<i>Army, 2006b</i>).
Parcel E11b.7.1.1 – IRP Site 41	Toluene (108883); pentachlorophenol (87865); dioxins; arsenic (7440382); beryllium (7440417); cadmium (7440439); total chromium (7440473); copper (7440508); lead (7439921); nickel (744020); selenium (7782492); silver (7440224); thallium (7440280); zinc (7440666)	Possibly the 1940s and 1950s	The interim action (IA) at IRP Site 41 (Crescent Bluff Fire Drill Area) included the excavation and removal of approximately 76 cubic yards of soil from three former burn pits. Results of the confirmation sampling indicated that soil with chemical concentrations above the target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1997a</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at IRP Site 41 in letters dated April 14, 1997 and March 10, 2006, respectively.
Parcel E19a.4 – IRP Site 8	Diesel; hydrocarbons	Unknown	The IA at IRP Site 8 (Range 49) included the excavation and removal of approximately 102 cubic yards of soil and debris from the former Molotov Cocktail Range. Results of the confirmation sampling indicated that soil with TPH concentrations above the target cleanup concentration of 500 mg/kg was removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1996c</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 8 in letters dated April 14, 1997 and October 20, 2006.
City of Marina			
Parcel	Benzene (71432); Carbon	1956-2002	Release of VOCs from OU2 Fort Ord Landfills; SWMU FTO-002. Migration of groundwater plume containing VOCs at

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
E4.3.2.2	tetrachloride (56235); Chloroform (67663); 1,1-dichloroethane (75343); 1,2-dichloroethane (107062); cis-1,2-dichloroethene (156605); 1,2-dichloropropene (78875); dichloromethane (75092); tetrachloroethene (127184); trichloroethene (79016); vinyl chloride (75014)		concentrations exceeding MCLs from the Fort Ord Landfills. Groundwater remediation system in place. USEPA concurrence that OU2 groundwater treatment system is operating properly and successfully 1/4/96.
Parcels E4.3.2.2, E4.7.1, E5a.1, L5.10.1	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the preferred remedial alternative (<i>Army, 2006b</i>).
City of Seaside			
Parcel E23.1	Lead (7439921); copper (7440508); antimony (7440360)	1960 to 1993	Remediation at IRP Site 39, Range 18 (HA-18D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E23.2	Lead (7439921); copper (7440508); antimony (7440360)	Early 1960s to 1993	Remediation at IRP Site 39, Ranges 18 and 46 (HA-18D and HA-46D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action at Range 18 included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. The remedial action at Range 46 included the removal of approximately 3,900 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 46 was 26 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E24	Lead (7439921); copper	1968 to	Remediation at IRP Site 39, Range 21 (HA-21D), was conducted to remove lead, copper, and antimony in soil from spent

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
	(7440508); antimony (7440360)	1993	small arms ammunition. The remedial action included the removal of approximately 9,600 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 21 was 35 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E34	Lead (7439921); copper (7440508); antimony (7440360)	1950s to 1993	Remediation at IRP Site Range 19 (HA-19D) was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 1,400 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
California State University, Monterey Bay			
Parcel S1.3.2 -- IRP Site 39B	Benzo(a)anthracene (56553); 1,4-dichlorobenzene (106467); total petroleum hydrocarbons	1950s to 1993	The IA at IRP Site 39B (Inter-Garrison Site) included the excavation and removal of approximately 164 cubic yards of soil mixed with debris from two locations. The soil contained semi-volatile organic compounds exceeding health based screening levels and total petroleum hydrocarbons exceeding the preliminary remediation goals. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health or the environment is expected and no further investigation or remediation was recommended (HLA, 1997b). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 39B in letters dated January 13, 1998 and October 20, 2006, respectively.

* The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or 'Superfund') 42 U.S.C. §9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substance's CERCLA reportable quantity (which ever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances CERCLA reportable quantity. See 40 CFR Part 373.

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>City of Monterey ESCA acreage – 23 (approximately)</p>				
<p>ESCA Parcel E29.1 – 23.31-acre development parcel that lies within MRS-43. No buildings are located on this parcel.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>Parcel E29.1 lies within IRP Site 39, the Inland Firing Ranges. An evaluation of IRP Site 39 for potential MC resulting from the use of military munitions was performed. Based on the results of sampling and characterization activities conducted in the parcel vicinity, it was determined that remediation was warranted at small arms ammunition firing Ranges (24 and 25) located to the north and to the east of the parcel. The selected remedial action for small arms firing ranges within Site 39 was presented in the Fort Ord Basewide Record of Decision (ROD; <i>Army, 1997</i>), and included the excavation and removal of soil containing accumulated spent ammunition and residual lead required to meet the remedial action objectives (RAOs) outlined in the ROD. The USEPA and the DTSC concurred that the area is protective of human health and the environment in letters dated September 7, 2000 and July 11, 2003, respectively.</p> <p>The investigation of HA-173 (MRS-43) included a literature review, site reconnaissance and sampling for MC in an area where fragments from 37mm projectiles were found. No explosive compounds were detected and no further action related to MC was recommended for HA-173 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>Parcel E29.1 lies within MRS-43 (Plate 9). According to the former Fort Ord Fire Chief, a portion of the ridge in MRS-43 was used as a backstop for rifle grenades and shoulder launched projectiles from 1942-1944. During a munitions response (investigation) by an UXO Safety Specialist, a 37mm fragment was discovered at the northwest end of the site. In 1999, nineteen 100-foot by 200-foot grids were investigated using SS/GS and 100% grid sampling, and 19 munitions debris items were recovered. Based on the sampling results a munitions response (removal) to a depth of 4 feet¹ was conducted at the northwest end of MRS-43 (Parcels E29.1 and L6.2). Upon completion of the removal, the removal area was investigated using digital geophysical equipment. The digital geophysical investigation of MRS-43 included the unpaved shoulder of South Boundary Road (Parcels L20.13.1.2 and L20.13.3.1; Plate 9). All munitions responses were conducted to a depth of 4 feet. According to the MMRP database 28 MEC items and 36 munitions debris items were removed during the munitions responses. Five of the 28 MEC items removed from MRS-43 were found in Parcels L20.13.3.1 and L6.2 and only one MEC item was found in Parcel E29.1. No MEC items were found within Parcel L23.13.1.2. Based on the results of the munitions responses, no further munitions response was recommended within the Del Rey Oaks (DRO) Group, which includes MRS-43 (<i>USA, 2001c</i>). No MEC is expected to remain at MRS-43. MRS-43 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Also see MRS-15 DRO 01.</p>	<p>MRS-43A and MRS-15 DRO 01 lie adjacent to Parcel E29.1 (Plate 9). MRS-43A was originally a part of MRS-43. A munitions response (sampling) was conducted over the site including MRS-43A. No MEC or munitions debris were found within the sample grids located within MRS-43A. MRS-43A was evaluated in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at MRS-43A and no further action related to MEC was recommended (<i>Army, 2006a</i>). The USEPA and the DTSC concurred in letters dated July 21 and July 26, 2006, respectively.</p> <p>Sites MRS-15 DRO 01, MRS-15 DRO 02, and MRS-43 are collectively called the DRO Group (Plate 9). The initial munitions responses (investigations) conducted at MRS-15 DRO 01 included random grid sampling, a removal to a depth of 4 feet along a fuel break on the east side of MRS-15 DRO 01, a removal to a depth of 4 feet on the roads and trails within the site, SS/GS sampling at MRS-15 DRO 01 and MRS-43, and removal of spent small arms ammunition in Ranges 24, 25 and 26 (HA-24, HA-25 and HA-26). MEC and munitions debris were identified within the eastern portion of MRS-15 DRO 01 and the area was subjected to a munitions response (removal) to a depth of 4 feet. Upon completion of the removal, the removal area and the rest of MRS-15 DRO 01 were resurveyed using digital geophysical equipment. The digital geophysical survey on the southern margin of MRS-15 DRO 01 included investigation up to the fence-line running parallel to South Boundary Road. According to the MMRP database 168 MEC items and 15,300 munitions debris items were removed from MRS-15 DRO 01. The removal at MRS-15 DRO 01 is complete and no MEC is expected to remain at MRS-15 DRO 01. MRS-15 DRO 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>

¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g., special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.

EXHIBIT D

ENVIRONMENTAL PROTECTION PROVISIONS

1. FEDERAL FACILITY AGREEMENT

The Grantor acknowledges that the former Fort Ord has been identified as a National Priorities List (NPL) Site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended. The Grantee acknowledges that the Grantor has provided it with a copy of the Fort Ord Federal Facility Agreement (FFA), as amended, entered into by the United States Environmental Protection Agency (USEPA) Region 9, the State of California Department of Toxic Substances Control (DTSC) and the State of California Regional Water Quality Control, Central Coast Region (RWQCB), and the Department of the Army (Army), effective on November 19, 1990, and will provide the Grantee with a copy of the First Amendment to the Federal Facility Agreement and any further amendments thereto. For so long as the Property remains subject to the FFA, the Grantee, its successors and assigns, agree that they will not interfere with United States Department of the Army activities required by the FFA, as amended. In addition, should any conflict arise between the FFA, as amended, and the deed provisions, the FFA provisions, as amended, will take precedence. The Grantor assumes no liability to the Grantee, its successors and assigns, should implementation of the FFA, as amended, interfere with their use of the Property.

2. LAND USE RESTRICTIONS

A. The Army has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the Property that would violate the land use restrictions contained herein.

B. Excavation Restriction. The Grantee, its successors and assigns, shall comply with City of Monterey City Code Chapter 9, Article 8 when conducting or permitting others to conduct any ground disturbing or intrusive activities (e.g. digging, drilling, etc.). The Grantee, its successors and assigns, or any approved contractor, shall not construct, make, or permit any alterations, additions, or improvements to the Property in any way that may violate this restriction.

C. Residential Use Restriction. The Grantee, its successors and assigns, shall not use the Property for residential purposes. The Army has agreed to enter into a Covenant to Restrict Use of Property (CRUP), which will include a Residential Use Restriction with the DTSC pursuant to California Health and Safety Code sections 25222.1 and 25355.5 and Civil Code Section 1471. The USEPA also believes any proposals for the residential reuse of the Property should be subject to regulatory review. The CRUP will place additional use restrictions on all of the transferring Property and will be signed prior to transfer. The Army and the DTSC agree that the use of the Property will be restricted as set forth in the CRUP. For purposes of this provision, residential use includes, but is not limited to: single family or multi-family residences; child care

facilities; nursing home or assisted living facilities; and any type of educational purpose for children/young adults in grades kindergarten through 12.

D. Access Restriction. Except as provided below, the Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. This Access Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

E. Modifying Restrictions. Nothing contained herein shall preclude the Grantee, its successors or assigns, from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such additional action necessary to allow for other less restrictive use of the Property. Prior to such use of the Property, Grantee shall consult with and obtain the approval of the Grantor, and, as appropriate, the State or federal regulators, or the local authorities in accordance with this EPP and the provisions of all applicable CRUP(s). Upon the Grantee's obtaining the approval of the Grantor and, as appropriate, state or federal regulators, or local authorities, the Grantor agrees to record an amendment hereto. This recordation shall be the responsibility of the Grantee and at no additional cost to the Grantor.

F. Submissions. The Grantee, its successors and assigns, shall submit any requests for modifications to the above restrictions to the Grantor, the USEPA and the DTSC, in accordance with the provisions of the applicable CRUP(s), by first class mail, postage prepaid, addressed as follows:

- 1) Grantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008
- 2) USEPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901
- 3) DTSC: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

3. NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

A. The Grantee is hereby notified that, due to the former use of the Property as a military installation, the Property may contain munitions and explosives of concern (MEC). The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes: (1) Unexploded Ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (3) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord and this EPP, MEC does not include small arms ammunition (i.e. ammunition with projectiles that do not contain explosives, other than tracers, that is .50 caliber or smaller, or ammunition for shotguns).

B. The Property was previously used for a variety of munitions-related and other military related purposes, including operational ranges for live-fire training; demolitions training; chemical, biological and radiological training; engineering training; and tactical training. Munitions responses were conducted on the Property. Any MEC discovered were disposed of by a variety of methods, including open detonation (blown in place (BIP)) or in a consolidated shot, or destroyed using contained detonation technology. A summary of MEC discovered on the Property is provided in Exhibit E. Site maps depicting the locations of munitions response sites are provided at Exhibit F.

C. After response actions are completed, if the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the local law enforcement agency having jurisdiction on the Property so that appropriate explosive ordnance disposal (EOD) personnel can be dispatched to address such MEC as required under applicable laws and regulations and at no expense to the Grantee. The Grantee hereby acknowledges receipt of the "Ordnance and Explosives Safety Alert" pamphlet.

D. Easement and Access Rights.

1) The Grantor reserves a perpetual and assignable right of access on, over, and through the Property, to access and enter upon the Property in any case in which a munitions response action is found to be necessary, or such access and entrance is necessary to carry out a munitions response action on adjoining property as a result of the ongoing Munitions Response Remedial Investigation/Feasibility Study. Such easement and right of access includes, without limitation, the right to perform any additional munitions response action (e.g. investigation, sampling, testing, test-pitting, surface and subsurface removal) necessary for the United States to meet its responsibilities under applicable laws and as provided for in this Deed. This right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

2) In exercising this easement and right of access, the Grantor shall give the Grantee or the then record owner, reasonable notice of the intent to enter on the Property, except

in emergency situations. Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid and/or minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property; however, the use and/or occupancy of the Property may be limited or restricted, as necessary, under the following scenarios: (a) to provide the required minimum separation distance employed during intrusive munitions response actions that may occur on or adjacent to the Property; and (b) if Army implemented prescribed burns are necessary for the purpose of a munitions response action (removal) in adjacent areas. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

3) In exercising this easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this Paragraph. In addition, the Grantee, its successors and assigns, shall not interfere with any munitions response action conducted by the Grantor on the Property.

E. The Grantee acknowledges receipt of the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Track 2 MR RI/FS) (August 2006).

4. NOTICE OF RARE, THREATENED AND ENDANGERED SPECIES MANAGEMENT

The Grantee acknowledges and agrees to implement the following provisions, as applicable, relative to listed species:

A. The Property is within a Habitat Management Plan (HMP) Development Area. No resource conservation requirements are associated with the HMP for these parcels. However, small pockets of habitat may be preserved within and around the Property.

B. The March 30, 1999, Biological and Conference Opinion on the Closure and Reuse of Fort Ord, Monterey County, California (1-8-99-F/C-39R), the Biological Opinion on the Closure and Reuse of Fort Ord, Monterey County, California, as it affects Monterey Spineflower Critical Habitat, (1-8-01-F-70R), and the Biological Opinion for the Cleanup and Reuse of Former Fort Ord, Monterey County, California, as it affects California Tiger Salamander and Critical Habitat for Contra Costa Goldfields Critical Habitat (1-8-04-F-25R) identify sensitive biological resources that may be salvaged for use in restoration activities within reserve areas, and allows for development of the Property.

C. The HMP does not exempt the Grantee from complying with environmental regulations enforced by Federal, State, or local agencies; however, CERCLA remedial actions undertaken by the Grantee will be conducted in accordance with the Army's requirements

identified in Chapter 3 of the HMP and in existing Biological Opinions. Reuse activities not involving CERCLA may require the Grantee to obtain Endangered Species Act (ESA) (16 U.S.C. §§ 1531 - 1544 et seq.) Section 7 or Section 10(a) permits from the U.S. Fish and Wildlife Service (USFWS); comply with prohibitions against take of listed animals under ESA Section 9; comply with prohibitions against the removal of listed plants occurring on federal land or the destruction of listed plants in violation of any state laws; comply with measures for conservation of state-listed threatened and endangered species and other special-status species recognized by California ESA, or California Environmental Quality Act (CEQA); and comply with local land use regulations and restrictions.

D. The HMP serves as a management plan for both listed and candidate species, and is a prelisting agreement between the USFWS and the local jurisdiction for candidate species that may need to be listed because of circumstances occurring outside the area covered by the HMP.

E. Implementation of the HMP would be considered suitable mitigation for impacts to HMP species within HMP prevalent areas and would facilitate the USFWS procedures to authorize incidental take of these species by participating entities as required under ESA Section 10. No further mitigation will be required to allow development on the Property unless species other than HMP target species are proposed for listing or are listed.

F. The HMP does not authorize incidental take of any species listed as threatened or endangered under the ESA by entities acquiring land at the former Fort Ord except for those lands undergoing a CERCLA remedial action. The USFWS has recommended that all non-federal entities acquiring land at former Fort Ord apply for ESA Section 10(a)(1)(B) incidental take permits for the species covered in the HMP. The definition of "take" under the ESA includes to harass, harm, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. Although the USFWS will not require further mitigation from these entities that are in conformation with the HMP, those entities without incidental take authorization would be in violation of the ESA if any of their actions resulted in the take of a listed animal species. To apply for a Section 10 (a)(1)(B) incidental take permit, an entity must submit an application form (Form 3-200), a complete description of the activity sought to be covered by the permit, and a conservation plan (50 CFR 17.22[b]).

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-3 Old Demolition Training Area, Range 49 (Parcel E19a.4)	Munitions Debris (MD) Munitions and Explosives of Concern (MEC)	Unknown	As noted in the Archives Search Report (ASR), the site served as a land mine warfare, anti-armor, Molotov Cocktail training and demolition area with a ¼ - pound explosive limit. Site is adjacent to MRS-37, MRS-53EXP and MRS-54. A munitions response (sampling investigation) at this site resulted in discovery of 153 inert 81mm practice mortars, 34 inert antitank (AT) training mines and miscellaneous firing devices, including two MEC items (a blasting cap and mine fuze). A munitions response (removal) to a depth of 4 feet was performed. According to the MMRP database 44 MEC items (firing devices, signals and practice grenades) and 794 munitions debris items were removed. Review of military munitions clearance grid records identified several ammunition burn pits and empty and burned 55-gallon drums. MRS-3 is included in the Parker Flats Munitions Response Area (MRA; Plate 6). The Parker Flats MRA was evaluated in the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Parker Flats MR RI/FS). No MEC is expected to remain at MRS-3 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-4A Chemical, Biological, and Radiological (CBR) Training Area (Parcels E18.1.3, E18.4 and E19a.1)	MD MEC	At least from 1957 to 1964	According to the ASR, the CBR Training Areas appear on the 1957 and 1958 Fort Ord Training Areas and Facilities Training maps. Three munitions responses were conducted on MRS-4A, including two phases of grid investigation and a removal over the entire site. All grid investigations and the removal were to a depth of 4 feet. According to the MMRP database 72 MEC items (mostly grenade fuzes) and 13 munitions debris items (mostly practice hand grenades) were removed. One MEC item was found in Parcel E18.1.3 and no MEC were found in Parcel E18.4. Three munitions debris items were found in Parcel E18.4 and no munitions debris was found in Parcel E18.1.3. No MEC is expected to remain at MRS-4A and no further munitions response was recommended (USA, 2000a). MRS-4A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-4B CBR Training Area (Parcel E19a.3)	MD MEC	At least from 1958	A CBR Training Area (MRS-4B) is shown on the 1958 Fort Ord Training Areas & Facilities map. The ASR noted classroom training using chemical agents similar to tear gas. A munitions response (sampling investigation) in 1993 found one MEC item (40mm practice cartridge), two munitions debris items and small arms ammunition. Additional sampling conducted in 1997 found three MEC items (smoke grenades) and munitions debris. In 1998, USA Environmental, Inc. performed a munitions response (removal) and found 293 MEC items, primarily blasting caps, simulators, smoke signals, and fuzes. The USA After Action Report notes nine burial pits, ranging in depth from 6 inches to 42 inches, containing grenades, grenade fuzes, simulators, pyrotechnics and blasting caps. Trash, including tires and wire, was found in one pit. A battery was found in a second pit. MRS-4B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-4B and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-11 Demolition Training Area (Parcel E11b.7.1.1)	MD MEC	At least from 1946 to 1957	As noted in the ASR, MRS-11 was identified as an old EOD range. The 1946 Historic Map Master Plan Fort Ord shows a live hand grenade training range. Additionally, the 1957 Fort Ord Training Areas & Facilities map shows a Frag Zone and Engineer Training Area "C". MRS-11 underwent a munitions response (removal) to a depth of 1 foot in the southern half of the site using geophysical equipment. Twenty MEC items, including nine MKII fragmentation hand grenades, and 2,316 munitions debris items (mostly hand grenade fuzes) were found and removed during the 1-foot removal. The northern half of MRS-11 was investigated (sampled) using SiteStats/GridStats (SS/GS) methodology. No MEC was found during SS/GS investigation. Based on the results of the munitions responses, additional munitions response (investigation) was recommended within MRS-11 and to the east of the site (<i>USA, 2001e</i>). MRS-11 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-13B Practice Mortar Range (Parcels E19a.2 and E19a.3)	CWM MD MEC	1950s	MRS-13B is labeled as Sinkhole Training Area and Sinkhole Practice Mortar on 1950s training maps. A munitions response (sampling) was conducted in 57 grids in 1993 and 1994. Based on the results of the investigation, MRS-13B underwent removal actions to a depth of 4 feet from August 1995 to April 1998 using geophysical equipment. According to the MMRP database, a total of 343 MEC items and 2,014 munitions debris items were found during investigation and removal actions. Numerous trash pits containing range-related debris were also observed at MRS-13B. Two chemical agent identification sets (CAIS) were found in a burial pit. The CAIS, chemical warfare materiel (CWM), were used to train soldiers to recognize and protect themselves from chemical agents. The CAIS contain dilute solutions of chemical agents in small (1-ounce) hermetically sealed glass containers. All glass containers were found to be intact and were removed by the Army's Technical Escort Unit from Dugway Proving Ground, Utah (<i>Army, 1997b</i>). No MEC items or trash pits were found in the portion of MRS-13B within Parcel E19a.2. MRS-13B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-13B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-13C CSU Footprint – Wedge (Parcel S1.3.2)	MD MEC	1940s through 1950s	MRS-13C is comprised of a wedge shaped strip of land lying between MRS-31 to the north and MRS-13B to the south. MRS-13C is located within a larger area identified as a Tactical Training Area on historical training maps. A portion of a mortar square (non-firing area) was also identified on historical training maps in the site vicinity. Based on the results of munitions responses (investigation) conducted in adjacent sites in 1994, a munitions response (removal) to a depth of 4 feet was conducted over all of MRS-13C in 1997 and all MEC and munitions debris found was removed. According to the Fort Ord MMRP database, 59 MEC items and 203 munitions debris items were recovered during the removal. No MEC is expected to remain at MRS-13C and no further munitions response was recommended (<i>USA, 2000c</i>). MRS-13C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-14A Lookout Ridge II (LOR2) (Parcel L20.5.1 and	MD MEC	At least since 1957	This site is part of MRS-14, which is divided into five areas, 14A through 14E. This site was believed to be an impact location for 7-inch to 8-inch naval gun projectiles that overshoot the Impact Area. As mentioned in the ASR, a 1957 Fort Ord Training Areas & Facilities map shows a mortar position in this area. MRS-14A has undergone munitions responses (one investigation and two removals). MEC found during investigation included 22mm sub-caliber cartridges, pyrotechnic signals, rifle-fired smoke grenades, and practice projectiles. To support the use of a portion of the parcel as a parking area for the Laguna Seca Raceway, a munitions response (removal) to a depth of 3 feet using geophysical equipment was performed over a portion of the parcel in 1994.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
L20.5.2)			All MEC detected was removed. Follow-up munitions responses (removals) to depths of 1 foot and 4 feet were performed in June 1997 through April 1998. The 1-foot removal was conducted in habitat reserve areas. A 4-foot removal was conducted in development areas (parking). The area where the 4-foot removal was performed included the area previously cleared to 3 feet. All MEC detected was removed. No high explosive MEC was encountered and no further munitions response was recommended (USA, 2001b). It was also recommended that grids not investigated due to vegetation and terrain constraints be investigated in a future munitions response. According to the MMRP database, 66 MEC items and 577 munitions debris items were recovered during the munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-14A. MEC is not expected to remain at MRS-14A. MRS-14A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-23 (Parcel E11b.7.1.1)	MEC MD		MRS-23 was formerly an Engineer Training Area and Field Expedient Area. A munitions response (removal) to a depth of 4 feet was completed in 1997. One MEC item (½ pound of TNT) and one munitions debris item (practice antitank mine) were found during the munitions response. Based on the results of the munitions response, no further munitions response was recommended within MRS-23 (USA, 2001d). MEC is not expected to remain at MRS-23. MRS-23 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27A Training Site 1 (Parcels E19a.2 and E19a.3)	MD MEC	1970s through facility closure	MRS-27A is one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The USACE conducted a munitions response (site walk) of MRS-27A in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27A. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. One MEC item (hand grenade fuze) was found and removed (Parsons, 2002a). The southern portion of MRS-27A overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27A underwent a munitions response (removal) to a depth of 4 feet. According to the former Fort Ord MMRP database, munitions debris and MEC were found within the portion of MRS-27A that overlaps the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27A and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27B Training Site 2 (Parcels E19a.2, E19a.3 and	MD MEC	1970s through facility closure	MRS-27B was one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The ASR also notes this site is located northeast of Parker Flats Training Area. The USACE conducted a munitions response (site walk) of MRS-27B in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27B. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.4)			munitions response contractors under the direction of the USACE in 2001 and 2002. No MEC items were found at MRS-27B during the visual surface removal (<i>Parsons, 2002a</i>). According to the MMRP database, one munitions debris item (a smoke grenade) was detected in a latrine within the site boundaries. Miscellaneous pyrotechnic items have also been discovered within the site boundaries. No MEC or munitions debris were found during the visual surface removal conducted within MRS-27B. The southern portion of MRS-27B overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27B underwent a munitions response (removal) to a depth of 4 feet. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27B will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27C Training Site 3 (Parcel E19a.4)	MD	1970s through facility closure	The ASR states that MRS-27C is located northeast of TS-2 (MRS-27B) and south of the Tactical Training Area (MRS-45; Plate 4). This area was used from the 1970s as an overnight bivouac area. Munitions responses (investigations) conducted within Parcel E19a.4 included a site walk of MRS-27C completed by the USACE in 1996 during the Archives Search (<i>USADEH, 1997</i>). Only spent blank small arms ammunition and expended pyrotechnics (munitions debris) were found at MRS-27C. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. No MEC items were found at MRS-27C (<i>Parsons, 2002a</i>). A reconnaissance of MRS-27C was also completed as part of the Basewide Range Assessment. No targets or range features were observed. Several fighting positions were mapped. An expended smoke grenade (munitions debris) was found in one of the fighting positions. No MEC is expected to be present at MRS-27C. MRS-27C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27E Training Site 5 (Parcel L20.2.1)	MD	1970s through facility closure	This area was used since the 1970s as an overnight bivouac area. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27E as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris including expended flares and illumination signals were found. No evidence of other types of training or use as an impact area was observed. No MEC is expected to be present at MRS-27E. MRS-27E will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27F Training Site 6 (Parcel L20.2.1)	MEC MD	1970s through facility closure	This site is located in the northern portion of MRS-59. This area was used as an overnight bivouac area since the 1970s. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27F and MRS-59 as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. Additionally, a review of Range Control files included the incomplete entry for an item reportedly located within Training Site 6. No other information in the entry was provided. MRS-27F was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at MRS-27F and no further action related to MEC was

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			recommended for the site (<i>Army, 2006b</i>). The USEPA and the DTSC concurred in letters dated July 21 and July 26, 2006, respectively.
MRS-27G Training Site 7 (Parcel E19a.5)	MD MEC	1970s through facility closure	This area was incorporated into Site MRS-53. See MRS-53.
MRS-27O Training Site 15 (Parcel L20.8)	MD MEC	1964 through facility closure	The northern portion of Barloy Canyon Road passes through MRS-27O (Plate 10). MRS-27O is identified as a former training site in the 1994 supplement to the ASR and was used as a bivouac area since at least 1964. In support of the ASR, a UXO Safety Specialist performed a munitions response (site walk) in March 1996 and found expended small arms blanks and expended pyrotechnic items (<i>USADEH, 1997</i>). A follow-up munitions response was performed by a munitions response contractor. This munitions response was completed in October 1999 and included a surface investigation conducted over a large portion of Barloy Canyon Road. No MEC or munitions debris were found on the parcel. Two MEC items (pyrotechnics) and munitions debris (expended grenade fuze) were found on a trail that parallels Parcel L20.8, south of MRS-27O. Additionally, a visual surface Time-Critical Removal Action (TCRA) was performed that included MRS-27O following an accidental fire in the area (Eucalyptus Fire Area). One MEC item (pyrotechnic signal) was found within MRS-27O (<i>Shaw, 2005b</i>). MEC is not expected to be present on Parcel L20.8. MRS-27O and the surrounding area will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-28 Military Operations on Urbanized Terrain (MOUT) Site (Parcel F1.7.2)	MD MEC	Ongoing	This site includes Impossible City, a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies. MRS-28 was investigated during two separate munitions responses. Additionally, a visual surface TCRA was performed following an accidental fire in the area (Eucalyptus Fire Area). According to the MMRP database, 118 MEC items and 293 munitions debris items were removed during the investigations and the TCRA. MEC is not expected to remain on the surface at MRS-28. MRS-28 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-29 Laguna Seca Bus Turn Around (Parcels L20.5.2 and L20.5.3)	MEC MD	Unknown	This area was believed to be an impact location for 7-inch to 8-inch naval gun projectiles. A munitions response (sampling investigation) that included over 50% of MRS-29 was conducted in 1995 (<i>HFA, 1995</i>). Following investigation, a munitions response (removal) to a depth of 4 feet using geophysical equipment was completed. According to the MMRP database, one MEC item (smoke grenade) and 208 munitions debris items were discovered during these munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-29 or in adjacent MRS-14A. Based on the results of the munitions responses, no further munitions responses were recommended within MRS-29 (<i>USA, 2000d</i>). MEC is not expected to remain at MRS-29. MRS-29 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			MMRP.
MRS-30 Laguna Seca Turn 11 (Parcels L20.3.1, L20.3.2 and L20.5.4)	MD MEC	At least since 1945	The December 1956 Training Areas map shows the area as a training site. The ASR notes this site is considered a military munitions site because it lies within the boundaries of the Impact Area and is adjacent to the Wolf Hill Training Area (Plate 11). A munitions response (removal) to a depth of 4 feet was conducted using geophysical equipment. According to the MMRP database, two MEC items and eight munitions debris items were removed. Based on the results of the munitions response, no further munitions response was recommended within MRS-30 (<i>UXB, 1995b</i>). Upon completion of the munitions response, approximately 30 feet to 40 feet of fill material was placed over most of MRS-30 in support of construction activities associated with the expansion of Turn 11 of Laguna Seca Raceway. MEC is not expected to be found at MRS-30. MRS-30 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-31 CSU Footprint (Parcel S1.3.2)	MD MEC	1940s through 1990s	MRS-31 encompasses MRS-4C, MRS-7, MRS-8, and MRS-18 (Plate 4). The boundary of MRS-31 was established to correspond to the boundary of transfer Parcel S1.3.2 and to include each of the MRSs. Initial munitions response (investigation) at MRS-31 was conducted in 1994. Based on the results, 3-foot and 4-foot removals were conducted throughout the site. According to the MMRP database, 1,831 MEC items and 2,485 munitions debris items were found during munitions responses at MRS-4C, MRS-7, MRS-8, MRS-18, and MRS-31. MEC is not expected to remain at MRS-31 and no further munitions response was recommended (<i>UXB, 1995c</i>). MRS-31, as well as the MRSs within MRS-31, will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-37 Parker Flats Practice Mortar Range (Parcel E19a.3 and E19a.4)	MD MEC	Unknown	According to the ASR, this site appeared on an undated map from the Fort Ord Fire Department. This area was most likely used for firing practice mortars or in non-firing drills (dry-fire). A munitions response (sampling investigations) were performed in March and June of 1998. All munitions responses were to a depth of 4 feet. According to the MMRP database, 58 MEC items and 994 munitions debris items were found and removed during munitions responses. MRS-37 is included in the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-37 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-40 Parker Flats Gas House (Parcel E18.1.2)	MD MEC	Unknown	MRS-40 is identified as the Parker Flats Gas House and included a facility to train troops in the use of gas masks. According to the ASR, this site has the same characteristics as Sites MRS-4A and MRS-4B. Tear gas agents (CS and CN) may have been used in the gas chambers. Based on a review of a 1983 U.S. Chemical Systems Laboratory document, classroom training occurred in Building 2820 on this site, and part of the training involved use of minute quantities of mustard gas. SiteStats/GridStats sampling investigation was performed at this site in October 1997. No MEC was found. Three munitions debris items (unknown fragments) were found. MRS-40 is included in the Parker Flats MRA and the entire site underwent a munitions response (removal) to a depth

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			<p>of 4 feet using geophysical equipment. The data associated with the removal at MRS-40 was included with the data for adjacent MRS-50 and MRS-50EXP (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-40 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p>
<p>MRS-42/MRS-42EXP Demolition Area-Rifle Grenade Area (Parcels E11b.7.1.1, E11b.8 and L20.19.1.1)</p>	<p>MD MEC</p>	<p>1940s</p>	<p>MRS-42 was formerly the Fort Ord Ammunition Supply Point (ASP) Rifle Grenade Area, as identified on a 1946 training map. This area includes the northern portion of the ASP (Plate 5). MRS-42 underwent a munitions response (removal) to a depth of 4 feet using geophysical equipment. Due to the presence of MEC and munitions debris at the edge of the site the munitions response extended beyond the original boundary of MRS-42. The extended area is identified as MRS-42EXP. According to the former Fort Ord MMRP database, 61 MEC items (primarily M9 series antitank rifle grenades) and 27 munitions debris items (mostly MKII hand grenade fragments and practice antitank rifle grenades) were removed. It was recommended additional investigations be conducted within MRS-42 (<i>USA, 2001f</i>). MRS-42 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
<p>MRS-43 South Boundary Area (Parcels E29.1, L6.2, L20.13.1.2 and L20.13.3.1)</p>	<p>MD MEC</p>	<p>1942 to 1944</p>	<p>According to the former Fort Ord Fire Chief, a portion of the ridge in this site was used as a backstop for rifle grenades and shoulder launched projectiles from 1942-1944. During a munitions response (investigation) by an UXO Safety Specialist, a 37mm fragment was discovered at the northwest end of the site. In 1999, nineteen 100-foot by 200-foot grids were investigated using SS/GS and 100% grid sampling, and 19 munitions debris items were recovered. Based on the sampling results a munitions response (removal) to a depth of 4 feet was conducted at the northwest end of MRS-43 (Parcels E29.1 and L6.2). Upon completion of the removal, the removal area was investigated using digital geophysical equipment. The digital geophysical investigation of MRS-43 included the unpaved shoulder of South Boundary Road (Parcels L20.13.1.2 and L20.13.3.1; Plate 9). All munitions responses were conducted to a depth of 4 feet. According to the MMRP database 28 MEC items and 36 munitions debris items were removed during the munitions responses. Five of the 28 MEC items removed from MRS-43 were found in Parcels L20.13.3.1 and L6.2 and only one MEC item was found in Parcel E29.1. No MEC items were found within Parcel L23.13.1.2. Based on the results of the munitions responses, no further munitions response was recommended within the Del Rey Oaks (DRO) Group, which includes MRS-43 (<i>USA, 2001c</i>). No MEC is expected to remain at MRS-43. MRS-43 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Also see MRS-15 DRO 01.</p>

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-44EDC (Parcels E18.1.1, E18.1.2 and E20c.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of the PA/SI (USAEDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigations) were conducted at the site. The sampling investigations were completed to a depth of 4 feet. According to the MMRP database, 11 MEC items and 53 munitions debris items were removed during investigation. It was recommended that a munitions response (removal) to 4 feet be conducted at MRS-44EDC (USA, 2001i). MRS-44EDC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-44PBC (Parcels L20.18 and L23.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigation and a removal action) were conducted at MRS-44PBC. All munitions responses were to a depth of 4 feet. According to the MMRP database, 16 MEC items and 73 munitions debris items were removed during munitions responses. MRS-44PBC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-45 Tactical Training Area-TTA (Parcels L20.2.1, L5.7, E19a.3, and E19a.4)	MD MEC	Unknown	A portion of MRS-45 lies within Parcel L20.2.1 (Plate 4). Munitions response (sampling investigation) of MRS-45 was conducted in 1997. According to the MMRP database, a total of 5 MEC items (all pyrotechnic or practice/training-related items) and 224 munitions debris items were found during the sampling investigation in MRS-45. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas, including the eastern portion of MRS-45, was performed by a munitions response contractor under the direction of the USACE. Three MEC items (pyrotechnic signals) and small arms ammunition were found and removed. None of these items were found in the portion of MRS-45 that lies within Parcel L20.2.1 (Parsons, 2002b). Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to remain at MRS-45. MRS-45 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-47 Wolf Hill (Parcels L20.3.1 and L20.3.2)	MD MEC	1950s	MRS-47 was identified on a 1957 training map as the Wolf Hill Training Area. MRS-47 has undergone munitions responses (two sampling investigations and a removal). During investigation, evidence that the site was used as an impact area was found. The MEC items found included high explosive mortars and projectiles. A removal to a depth of 4 feet using geophysical equipment was performed. According to the MMRP database, 261 MEC items and 127 munitions debris items were removed from MRS-47. Seventy of the MEC items were rifle-fired smoke grenades found intentionally buried in a pit at a depth of 3 feet. MEC is not expected to remain at MRS-47. No further military munitions investigation was recommended (USA, 2000b). MRS-47 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-48 Former Dummy Grenade Range (Parcel L20.19.1.1)	MD MEC	1940s through 1950s	MRS-48 lies on the west side of Barloy Canyon Road (Plate 5). The eastern boundary of MRS-48 overlaps portions of the right-of-way associated with Barloy Canyon Road. MRS-48 was identified on a 1946 Fort Ord Master Plan as a "Dummy Grenade Range." During a munitions response (investigation) by a UXO Safety Specialist, fragments from 4.2-inch mortars and other debris were discovered. A munitions response (grid sampling) was completed at the site in 1988. According to the MMRP database, 3 MEC items (practice hand grenade fuze, a rifle-fired signal, and a screening smoke pot) and 22 munitions debris items were removed. Additionally, over 100 pounds of fragments, mostly from 4.2-inch smoke mortars and smoke grenades, were removed. No sampling occurred within Parcel L20.19.1.1. It was concluded that a grenade and 4.2-inch mortar impact area existed within or near the site and that additional munitions responses be conducted within, to the north and to the south of the site (<i>USA, 2001h</i>). MRS-48 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-50 Artillery Hill (Parcels E18.1.1 and E18.1.2)	MD MEC	1940s through 1960s	This area was identified during interviews conducted as part of the ASR. Artillery Hill was reportedly used as a target area for rifle grenades and shoulder launched projectiles in the 1940s, 1950s and 1960s. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI. During the munitions response, fragments from 37mm projectiles and 75mm high explosive (HE) projectiles were discovered. A munitions response (removal) to a depth of 4 feet was completed over all of the Parker Flats MRA, including MRS-50, using digital geophysical equipment. According to the MMRP database, 442 MEC items and 724 munitions debris items were removed from the site. MRS-50 is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-50EXP (Parcels E18.1.1, E18.1.2 and E19a.1)	MD MEC	1940s through 1960s	MRS-50EXP was identified as a MRS due to the expansion of the removal area associated with MRS-50. MEC and munitions debris were found at the boundary of MRS-50, which warranted an expansion of the investigation area in all directions. The investigation of MRS-50 and its expansion areas included a munitions response (removal) conducted over the entire site to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 430 MEC items and 1,186 munitions debris items were found and removed from MRS-50EXP. MRS-50EXP is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50EXP and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-52 Rifle Grenade and Projectile Target Area (Parcel E19a.3 and E19a.4)	MD MEC	1950s	This site was identified during interviews conducted as part of the ASR and a 1958 map of Fort Ord Training Areas & Facilities shows a Rifle Grenade and Projectile Target Area. During a site inspection, a 37mm fragment and an AT mine (inert) were discovered. Because of the expansion of the removal area associated with adjacent MRS-53, MRS-52 is now part of MRS-53 and included in the Parker Flats MRA (Plate 6). The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. The munitions data for MRS-52 is reported with the MRS-53 data. The items found included both MEC and munitions debris. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-52 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-53 Shoulder-Launched Projectile Area (Parcel E19a.5)	MD MEC	1940s through 1960s	Parcel E19a.5 lies predominantly within MRS-53 and MRS-53 EXP (Plate 6). According to the ASR, MRS-53 was a Shoulder Launched Projectile Target Area from the 1940s through the 1960s. The hill between the two flats was a target area for rifle grenades and shoulder-launched projectiles. Rifle grenades and shoulder-launched projectiles were shot from the southeast at the hill. The hill south of the large flat at Parker Flats was a target area for rifle grenades and ground/tube launched projectiles. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEHD, 1997). During the munitions response, a 3-inch stokes mortar round was found and additional investigation was recommended. During a second munitions response (sampling investigation), a 75mm shrapnel projectile, two more 3-inch Stokes mortars and projectile fragments were found. Based on the sampling results, a 4-foot removal was conducted. Munitions responses (removals) resulted in discovery of MEC and live small arms ammunition. MRS-53 is included in the Parker Flats MRA. The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 465 MEC items and 5,163 munitions debris items were removed from MRS-53. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-53EXP (Parcels E19a.1, E19a.3, E19a.4, and E19a.5)	MD MEC	1940s - 1960s	MRS-53EXP was identified as a MRS due to the expansion of the removal area associated with MRS-53. MEC and munitions debris were found at the boundary of MRS-53, which warranted an expansion of the investigation area in all directions. MRS-53EXP and the adjacent sites now comprise the Parker Flats MRA (Plate 6). The munitions response at MRS-53 and its expansion areas included a removal conducted over the entire site to a depth of 4 feet below ground surface. According to the MMRP database, 803 MEC items and 4,500 munitions debris items were removed from MRS-53EXP. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53EXP and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-54EDC Canyon Target Area (Parcel E19a.4)	MD MEC	Unknown	MRS-54EDC is the portion of MRS-54 within Parcel E19a.4, which is slated for development. MRS-54 (Canyon Target Area) was identified during interviews conducted during the PA/SI Phase of the Archives Search. The area was reportedly used for flamethrowers, but was also a firing point and range for hand grenades (unknown type), rifle grenades (unknown type), and shoulder-launched projectiles (unknown type). During a munitions response (investigation) conducted in 1996 by a USACE UXO Safety Specialist, munitions debris was discovered, including a 2.36-inch practice rocket, two 75mm shrapnel projectiles, and three 81mm practice mortars. A munitions response (removal) to a depth of 4 feet over the entire site using digital geophysical equipment was performed in 1999. According to the MMRP database, 18 MEC items and 192 munitions debris items were removed from MRS-54EDC. MRS-54EDC is part of the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-54EDC and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-55 Parker Flats (Parcels)	MD MEC	Unknown	This area was identified during interviews conducted as part of the ASR and was reportedly a firing point and range for hand grenades, rifle grenades, shoulder-launched projectiles, and artillery. This site includes portions of MRS-27A and MRS-27B. During a munitions response (investigation) in 1996, an expended 75mm shrapnel projectile, and two fragments from 37mm

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.3 and E19a.4)			practice projectiles, and one mine fuze were discovered. SS/GS sampling investigation was conducted in March 1998. Following the investigation, a removal over the entire site using digital geophysical equipment was performed. All munitions responses were to a depth of 4 feet. According to the MMRP database, 144 MEC items and 1,608 munitions debris items were removed from MRS-55. Items removed include simulators, smoke pots, and grenades. MRS-55 is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-55 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-57 Unnamed (Parcel L20.2.1)	MD MEC	1940's – 1960's	MRS-57 was identified during interviews conducted as part of the ASR (Plate 4). This area was reportedly used in the 1940s, 1950s, and 1960s. The intersection of Hennekens Ranch Road and Watkins Gate Road was reportedly a firing point for machine guns, M-1, rifle grenades, smoke grenades, and shoulder-launched projectiles. Rifle grenades and bazooka rounds were reportedly found on the hill at Watkins Gate Road and Parker Flats Road intersection. This area was often burned to detonate the UXO. A munitions response (site walk) that included MRS-57 was conducted in January 1996 by a USACE UXO Safety Specialist as part of a PA/SI. Military munitions found included an expended 75mm shrapnel projectile, a smoke grenade, and illumination signals. The data was insufficient to determine if the smoke grenade and the illumination signals were MEC or munitions debris. Additionally, 4 expended smoke grenades were found on a dirt road adjacent to MRS-57 during a munitions response (investigation) completed in October 1999. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. The visual surface removal included MRS-57. No MEC items were found at MRS-57 (Parsons, 2002b). Historical research and field investigations identified past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. No evidence of other types of training or use as an impact area was observed. MEC is not expected to be found at MRS-57. MRS-57 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-59 Unnamed (Parcel L20.2.1)	MD	Unknown	A small portion of MRS-59 overlaps Parcel L20.2.1 (Plate 4). MRS-59 was identified during interviews conducted as part of the ASR and was reported to have included a 2.36-inch rocket range in the early 1940s. A munitions response (investigation) that included MRS-59 and MRS-27F was conducted by a USACE UXO Safety Specialist as part of a PA/SI (USADEH, 1997). Munitions debris (expended pyrotechnics) and two fragments from the incomplete detonation of a 60mm mortar were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. MEC is not expected to be present within MRS-59. MRS-59 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 DRO 01 (Parcels L20.13.1.2 and L20.13.3.1	MD MEC	Unknown	MRS-15 DRO 01 and Parcel L6.1 lie adjacent to Parcel L6.2 (Plate 9). Sites MRS-15 DRO 01, MRS-15 DRO 02, and MRS-43 are collectively called the DRO Group (Plate 9). The initial munitions responses (investigations) conducted at MRS-15 DRO 01 included random grid sampling, a removal to a depth of 4 feet along a fuel break on the east side of MRS-15 DRO 01, a removal to a depth of 4 feet on the roads and trails within the site, SS/GS sampling at MRS-15 DRO 01 and MRS-43, and removal of spent small arms ammunition in Ranges 24, 25 and 26 (HA-24, HA-25 and HA-26). MEC and munitions debris were identified within the eastern portion of MRS-15 DRO 01 and the area was subjected to a munitions response (removal) to a depth of 4 feet. Upon

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

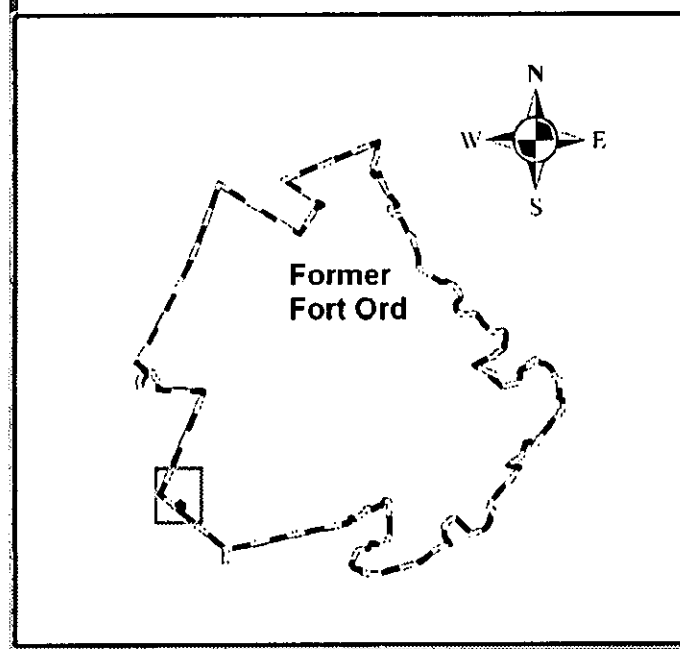
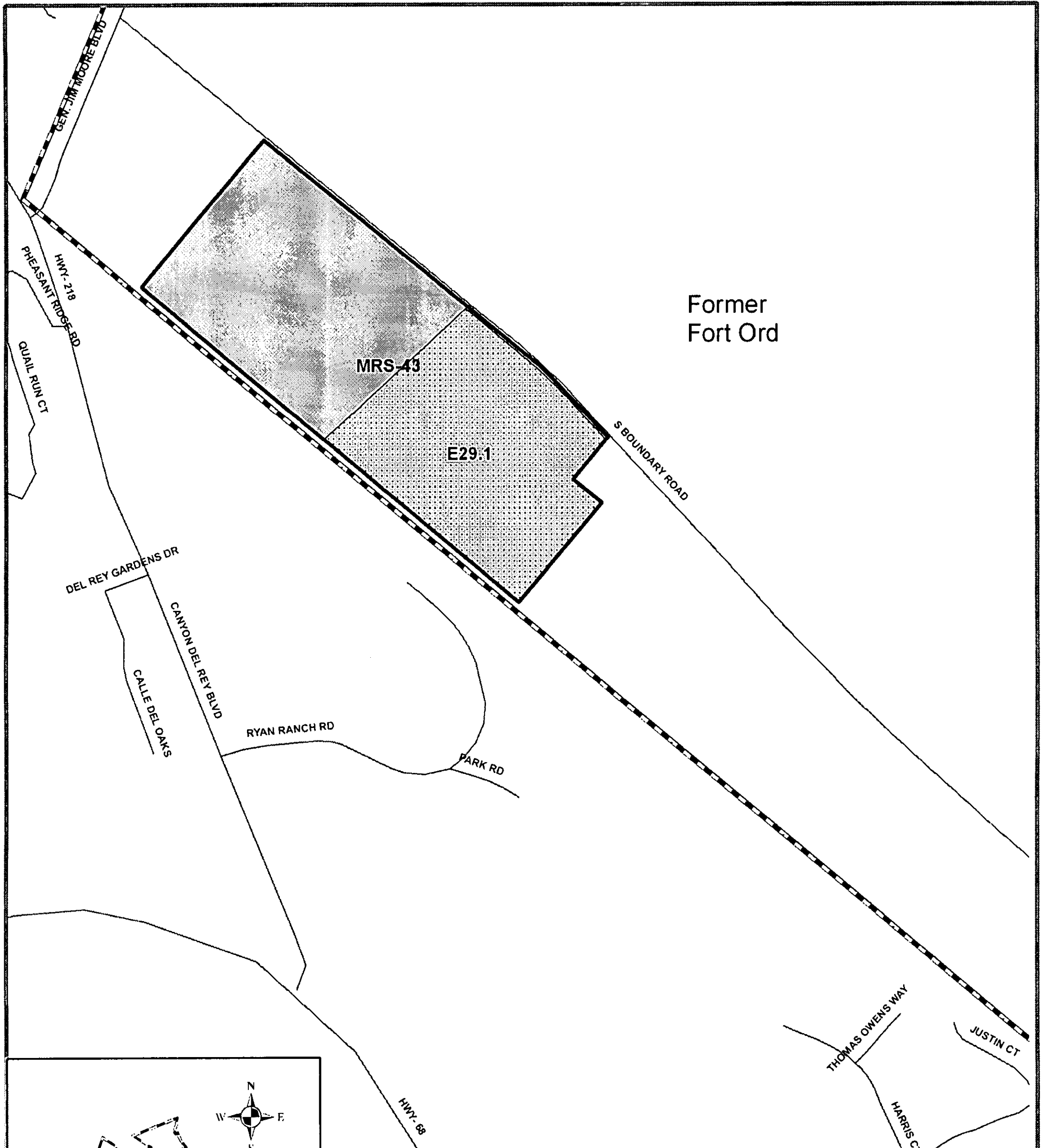
Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
and adjacent to Parcel L6.2)			completion of the removal, the removal area and the rest of MRS-15 DRO 01 were resurveyed using digital geophysical equipment. The digital geophysical survey on the southern margin of MRS-15 DRO 01 included investigation up to the fence-line running parallel to South Boundary Road (Parcels L20.13.3.1 and L20.13.1.2). According to the MMRP database 168 MEC items and 15,300 munitions debris items were removed from MRS-15 DRO 01. The removal at MRS-15 DRO 01 is complete and no MEC is expected to remain in the portions of MRS-15 DRO 01 overlapping Parcels L20.13.1.2 and L20.13.3.1. MRS-15 DRO 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 MOCO 02 (Parcel E21b.3)	MD MEC	Unknown	The boundary of MRS-15 MOCO 02 was developed to support the transfer of Parcel E21b.3 and not on evidence of munitions use. MRS-15 MOCO 02 lies within the boundary of the former Fort Ord Impact Area and contains the firing lines for Ranges 44 and 45. Range 44 was used for firing of antitank weapons and Range 45 was a 40mm grenade range. Munitions response (investigation) at the site was performed in 1999 and approximately 100 military munitions-related items (MEC and munitions debris) were found (<i>USA, 2001g</i>). To address the threat to human health associated with MEC at MRS-15 MOCO 02, a non-time critical removal action (NTCRA) to a depth of 4 feet was completed across the northern portion of the site. According to the MMRP database 663 MEC items and 3,964 munitions debris items were removed from the site. All accessible areas within the northern portion of MRS-15 MOCO 02 were investigated to a depth of 4 feet. Based on the results of the NTCRA the threat to the public posed by the presence of MEC at the site has been mitigated (<i>Parsons, 2006c</i>). MRS-15 MOCO 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-Ranges 43-48 (Parcels E38, E39, E40, E41, and E42)	MD MEC	1940s through 1990s	MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Range 43-48, several munitions responses were performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. Inaccessible SCAs ² (Plate 7, Attachment 1) and pending areas underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2007</i>). According to the MMRP database 1,955 MEC items and 28,840 munitions debris items were removed from the site. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 01 (Parcel E24)	MD MEC	Unknown	The boundary of MRS-15 SEA 01 was developed to support the transfer of Parcel E24 and not on evidence of munitions use. MRS-15 SEA 01 included the firing points and some of the targets associated with three small arms ranges (Ranges 21, 22, and 23) and a non-firing target detection range. Several munitions responses were conducted on MRS-15 SEA 01, including an investigation of field latrines, road clearances, grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 01 not covered by the NTCRA. According to the MMRP database, 203 MEC items and 17,845 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 01 have been conducted to a depth of 4 feet. Inaccessible SCAs ³ (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-15 SEA 02 (Parcel E34)	MD MEC	Unknown	<p>addressed in a follow-up investigation. MRS-15 SEA 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>The boundary of MRS-15 SEA 02 was developed to support the transfer of Parcel E34 and not on evidence of munitions use. MRS-15 SEA 02 included the firing points and some of the targets associated with two small arms ranges (Ranges 19 and 20). Several munitions responses were conducted on MRS-15 SEA 02, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 02 not covered by the NTCRA. According to the MMRP database, 12 MEC items and 1,390 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 02 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
MRS-15 SEA 03 (Parcel E23.1)	MD MEC	Unknown	<p>The boundary of MRS-15 SEA 03 was developed to support the transfer of Parcel E23.1 and not on evidence of munitions use. MRS-15 SEA 03 includes a portion of Range 18, a former small arms range. Features associated with Range 18 that lie within Parcel E23.1 include some of the firing points and some of the targets. Several munitions responses were conducted on MRS-15 SEA 03, including grid sampling, removals within the small arms range, roads and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 03 not covered by the NTCRA. According to the MMRP database, 124 MEC items and 220 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 03 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 03 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
MRS-15 SEA 04 (Parcel E23.2)	MD MEC	Unknown	<p>The boundary of MRS-15 SEA 04 was developed to support the transfer of Parcel E23.2 and not on evidence of munitions use. MRS-15 SEA 04 included the firing points and some of the targets associated with two small arms ranges (Ranges 18 and 46), and the firing points for a mortar and antitank weapons range (Range 48). Several munitions responses were conducted on MRS-15 SEA 04, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 04 not covered by the NTCRA. According to the MMRP database, 189 MEC items and 380 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 04 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 04 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
<p>*Munitions and Explosives of Concern (MEC)U. This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 101(e)(5); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.</p> <p>¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g. special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.</p> <p>² SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-Ranges 43-48 are high density munitions debris and range-related debris areas (Ranges 44 and 48); high density MEC and range-related debris (Range 47); target box trench (Range 45); non-completed areas; steel-reinforced concrete observation bunker; and metallic fence. See the <i>Final MRS-Ranges 43-48 Interim Action Technical Information Paper, Former Fort Ord, Monterey, California, Military Munitions Response Program</i>, January 26, 2007, for additional information.</p> <p>³ SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-15 SEA 01-4 are metallic fence; asphalt and concrete paved areas; non-completed backhoe excavation areas; heavy equipment excavation areas (concrete bunkers, fighting positions, flag poles, target boxes, tie downs, utility poles and wood stairs); berms (wood retaining walls with metal connectors); structures and latrines; former remote automated weather station (Range 46); and debris piles. See the <i>Final Technical Information Paper MRS-15 SEA 01-4, Time-Critical Removal Action and Geophysical Operations (Phase I), Former Fort Ord, Monterey, Military Munitions Response Program</i>, February 11, 2006, for additional information.</p>			



— Roads
 Parcel covered by this CRUP
 Munitions Response Sites
 Boundary of the Former Fort Ord

Exhibit F: City of Monterey Parcel E29.1 (FOSET 5)
 Locations of Munitions Response Sites
 Former Fort Ord, California

0 225 450 900 1,350 1,800 Feet

APPROVED: DSL
 DRAWN: Cary A. Stibel@usace.army.mil

PATH - DATE
 Exhibit F City_of_Monterey_CRUP_FOSET5.mxd - 11/20/2008 @ 2:11:43 PM

EXHIBIT G

UNRECORDED EASEMENTS AND ENCUMBRANCES

Existing utilities, if any, along South Boundary Road.

END OF DOCUMENT

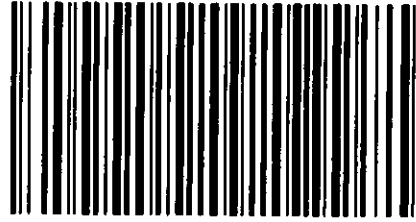
Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

CRMELISSA
5/08/2009
8:00:00

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

DOCUMENT: **2009028270**

Titles: 1/ Pages: 45



Fees.....

Taxes....

Other....

AMT PAID _____

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
DEL REY OAKS
MONTEREY PENINSULA REGIONAL PARK DISTRICT
COUNTY OF MONTEREY, CALIFORNIA
(Parcel L6.2)**

Documentary Transfer Tax \$0-government agency, exempt from DTT

____ Computed on full value of property conveyed

____ Computed on full value less liens and encumbrances
remaining at time of sale

Signature of Declarant or agent - Firm name

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
DEL REY OAKS
MONTEREY PENINSULA REGIONAL PARK DISTRICT
COUNTY OF MONTEREY, CALIFORNIA
(Parcel L6.2)**

THIS QUITCLAIM DEED, made and entered into between the **UNITED STATES OF AMERICA**, acting by and through the **SECRETARY OF THE ARMY (the "Grantor")**, under and pursuant to the power and authority contained in the Defense Base Closure and Realignment Act of 1990, as amended (Public Law No. 101-510, 10 U.S.C. § 2687) ("DBCRA"), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 101 *et seq.*); and the **FORT ORD REUSE AUTHORITY ("FORA") (the "Grantee")**, created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, *et seq.*, and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, *et seq.*, and Article 4, commencing with Section 33492.70, *et seq.*, and recognized as the Local Redevelopment Authority for the former Fort Ord Army Base, California, by the Office of Economic Adjustment on behalf of the Secretary of Defense.

WITNESSETH THAT:

WHEREAS, the Secretary of the Army may convey surplus property to a local redevelopment authority at a closing military installation for economic development purposes

pursuant to the power and authority provided by DBCRA and the implementing regulations of the Department of Defense (32 CFR 174-176);

WHEREAS, Grantee, by application, requested an economic development conveyance of portions of the former Fort Ord, California, consistent with the redevelopment plan prepared by the Grantee;

WHEREAS, Section 334 of Public Law 104-201 allows, with the concurrence of the Governor of the State of California and the approval of the Administrator of the EPA, for the deferral of the requirement of 42 U.S.C. § 9620 (h)(3)(A)(ii)(I) prior to completion of all the necessary environmental remediation actions required under the CERCLA, which approval and concurrence have been received.

WHEREAS, the Grantor and the State of California Department of Toxic Substances Control have entered into a Munitions and Explosives of Concern ("MEC") Covenant to Restrict Use of Property, dated 4/21/09 2009 and recorded on May 8 2009., Series Number 2009028269

NOW THEREFORE, the GRANTOR, for good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby REMISE, RELEASE, AND FOREVER QUITCLAIM unto the GRANTEE, its successors and assigns, all its right, title, and interest in the property situated, lying and being in the County of Monterey, in the State of California, Parcel L6.2 containing approximately 6.90 acres as shown on Exhibit A, attached hereto and made a part hereof (hereinafter referred to as the "Property").

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the GRANTEE, by its acceptance of this Deed, agrees that, as part of the consideration for this Deed, the GRANTEE covenants and agrees for itself, its successors and assigns, forever, that this Deed is made and accepted upon each of the following covenants, which covenants shall be binding upon and enforceable against the GRANTEE, its successors and assigns, in perpetuity by the United States and other interested parties as allowed by federal, state or local law; that the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS set forth herein are a binding servitude on the Property herein conveyed and shall be deemed to run with the land in perpetuity; and that the failure to include the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in subsequent conveyances does not abrogate the status of these restrictions as binding upon the parties, their successors and assigns:

I. PROPERTY DESCRIPTION:

The Property includes:

1. All buildings, facilities, roadways, and other improvements, including the storm drainage systems and the telephone system infrastructure, and any other improvements thereon;
2. All appurtenant easements and other rights appurtenant thereto, permits, licenses, and privileges not otherwise excluded herein; and
3. All hereditaments and tenements therein and reversions, remainders, issues, profits, privileges and other rights belonging or related thereto.

II. EXCLUSIONS AND RESERVATIONS

This conveyance is made subject to the following **EXCLUSIONS** and **RESERVATIONS**:

1. The Property is taken by the Grantee subject to any and all valid and existing recorded outstanding liens, leases, easements, and any other encumbrances made for the purpose of roads, streets, utility systems, rights-of-way, pipelines, and/or covenants, exceptions, interests, liens, reservations, and agreements of record; and any unrecorded easements and any other encumbrances made for the limited purpose of roads, streets, utility systems, and pipelines set forth in Exhibit G.

2. The reserved rights and easements set forth in this section are subject to the following terms and conditions:

A. The Grantee is to comply with all applicable Federal law and lawful existing regulations;

B. The Grantor is to allow the occupancy and use by the Grantee, its successors, assigns, permittees, or lessees of any part of the easement areas not actually occupied or required for the purpose of the full and safe utilization thereof by the Grantor, so long as such occupancy and use does not compromise the ability of the Grantor to use the easements for their intended purposes, as set forth herein;

C. The easements previously granted or granted herein shall be for the specific use described and may not be construed to include the further right to authorize any other use within the easements unless approved in writing by the fee holder of the land subject to the easement;

D. Any transfer of the easements by assignment, lease, operating agreement, or otherwise must include language that the transferee agrees to comply with and be bound by the terms and conditions of the original grant;

E. Unless otherwise provided, no interest reserved shall give the Grantor any right to remove any material, earth, or stone for consideration or other purpose except as necessary in exercising its rights hereunder; and

F. The Grantor is to restore the area of any easement or right of access so far as it is reasonably possible to do so upon abandonment or release of any easement as provided herein, unless this requirement is waived in writing by the then owner of the Property.

3. Grantor reserves mineral rights that Grantor owns with the right of surface entry in a manner that does not unreasonably interfere with Grantee's development and quiet enjoyment of the Property.

TO HAVE AND TO HOLD the Property granted herein to the GRANTEE and its successors and assigns, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, or claim whatsoever of the GRANTOR, either in law or in equity and subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed.

III. CERCLA NOTICE, ASSURANCES, WARRANTY, AND ACCESS PROVISIONS

1. CERCLA NOTICE

For the Property, the Grantor provides the following notice and description:

A. Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided in Exhibit B, attached hereto and made a part hereof. Additional information regarding the storage, release, and disposal of hazardous substances on the Property has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges

B. Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the Property is provided in Exhibit C, attached hereto and made a part hereof. Additional information regarding the remedial action taken, if any, has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges.

2. CERCLA RESPONSE ACTION ASSURANCES

For the Property, the Grantor provides the following description and assurances:

A. Pursuant to section 120(h)(3)(C)(ii)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(I) and (II)), the Environmental Protection Provisions located at Exhibit D, attached hereto and made a part hereof, provide the conditions, restrictions, and notifications necessary to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord.

B. Pursuant to section 120(h)(3)(C)(ii)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(III)), all corrective, remedial, or response actions necessary to protect human health and the environment will be taken with respect to any hazardous substance remaining on the Property as a result of storage, release, or disposal prior to the date of transfer, in accordance with the compliance schedule. The schedule will be developed in cooperation with the U.S. Environmental Protection Agency and the State of California. The schedules may be changed as provided by the Fort Ord Federal Facility Agreement (FFA), as amended, and the Administrative Order on Consent (AOC).

C. Any corrective, remedial, or response action found to be necessary after the date of transfer shall be conducted by the Grantor, except those actions conducted by the Grantee on behalf of the Grantor. This warranty shall not apply in any case in which the person or entity to whom the Property is transferred is a potentially responsible party with respect to such property. For purposes of this warranty, Grantee shall not be considered a potentially responsible party solely due to the presence of a hazardous substance remaining on the Property on the date of this instrument. Further, the Grantor shall not be relieved of any obligation under CERCLA to perform any remedial action found to be necessary after the date of this Deed with regard to any hazardous substances remaining on the Property as of the date of this Deed if the Grantee is subsequently determined to be a potentially responsible party with respect to hazardous substances placed on the Property after the date of this Deed.

D. Pursuant to section 120(h)(3)(C)(ii)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(IV)), the Grantor has submitted and will continue to submit through its established budget channels to the Director of the Office of Management and Budget a request for funds that adequately addresses schedules for investigation and completion of all response actions required. Expenditure of any federal funds for such investigations or response actions is subject to Congressional authorization and appropriation of funds for that purpose. The Grantor will submit its funding request for the projects needed to meet the schedule of necessary response actions.

3. RIGHT OF ACCESS

A. Pursuant to section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)), the United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which a remedial or corrective action is found to be necessary on the part of the United States, without regard to whether such remedial action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

B. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this covenant, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means, but without significant additional costs to the United States, to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

C. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the Grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act. In addition, the Grantee, its successors and assigns, shall not interfere with any response action or corrective action conducted by the Grantor on the Property.

IV. "AS IS"

A. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the subject Property. Except as otherwise provided herein, the Grantee understands and agrees that the Property and any part thereof is offered "AS IS" without any representation, warranty, or guaranty by the Grantor as to quantity, quality, title, character, condition, size, or kind, or that the same is in condition or fit to be used for the purpose(s) intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

B. No warranties either express or implied are given with regard to the condition of the Property, including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property, including, without limitation, any asbestos or lead-based paint. The failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of all or any portion of the Property offered, will not constitute grounds for any claim or demand against the United States.

C. Nothing in this "As Is" provision will be construed to modify or negate the Grantor's obligation under law.

V. HOLD HARMLESS

A. To the extent authorized by law, the Grantee, its successors and assigns, covenant and agree to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, and judgments arising out of, or in any manner predicated upon, exposure to asbestos or lead-based paint on any portion of the Property after the date of conveyance.

B. The Grantee, its successors and assigns, covenant and agree that the Grantor shall not be responsible for any costs associated with modification or termination of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed, including without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property.

C. Nothing in this Hold Harmless provision will be construed to modify or negate the Grantor's obligation under law.

VI. POST-TRANSFER DISCOVERY OF CONTAMINATION

Grantee, its successors and assigns, as consideration for the conveyance of the Property, agree to release Grantor from any liability or responsibility for any claims arising solely out of the release of any hazardous substance or petroleum product on the Property occurring after the date of the delivery and acceptance of this Deed, where such substance or product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the Grantor's responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations, or the Grantor's indemnification obligations under applicable laws.

VII. ENVIRONMENTAL PROTECTION PROVISIONS

The Environmental Protection Provisions are at Exhibit D, which is attached hereto and made a part hereof. These provisions are intended to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord. The Grantee shall not transfer or lease the Property or any portion thereof, or grant any interest, privilege, or license whatsoever in connection with the Property, or any portion thereof, without the inclusion of the Environmental Protection Provisions contained herein to the extent applicable to the Property or a portion thereof, and shall require the inclusion of applicable Environmental Protection Provisions in all further deeds, easements, transfers, leases, or grant of any interest, privilege, or license concerning the Property or the applicable portion thereof.

VIII. AIR NAVIGATION RESERVATION AND RESTRICTIONS

The Monterey Peninsula Airport and the former Fritzsche Army Airfield, now known as the Marina Municipal Airport, are in close proximity to the Property. Accordingly, in coordination with the Federal Aviation Administration, the Grantee covenants and agrees, on behalf of itself, its successors and assigns and every successor in interest to the Property herein described, or any part thereof, that there will be no construction or alteration unless a determination of no hazard to air navigation is issued by the Federal Aviation Administration in accordance with Title 14, Code of Federal Regulations, Part 77, entitled, "Objects Affecting Navigable Airspace," or under the authority of the Federal Aviation Act of 1958, as amended.

IX. ENFORCEMENT AND NOTICE REQUIREMENT

A. The provisions of this Deed benefit the governments of the United States of America, the State of California, acting on behalf of the public in general, the local governments, and the lands retained by the Grantor and, therefore, are enforceable, by resort to specific performance or legal process by the United States, the State of California, the local governments, and by the Grantor, and its successors and assigns. Enforcement of this Deed shall be at the discretion of

the parties entitled to enforcement hereof, and any forbearance, delay or omission to exercise their rights under this Deed in the event of a breach of any term of this Deed, shall not be deemed to be a waiver by any such party of such term or of any subsequent breach of the same or any other terms, or of any of the rights of said parties under this Deed. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. The enforcement rights set forth in this Deed against the Grantee, or its successors and assigns, shall only apply with respect to the Property conveyed herein and held by such Grantee, its successors or assigns, and only with respect to matters occurring during the period of time such Grantee, its successors or assigns, owned or occupied such Property or any portion thereof.

X. NOTICE OF NON-DISCRIMINATION

With respect to activities related to the Property, the Grantee covenants for itself, its successors and assigns, that the Grantee, and such successors and assigns, shall not discriminate upon the basis of race, color, religion, sex, age, handicap, or national origin in the use, occupancy, sale or lease of the Property, or in their employment practices conducted thereon in violation of the provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); and the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794). This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The Grantor shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the Property hereby conveyed, and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

XI. ANTI-DEFICIENCY ACT STATEMENT

The Grantor's obligation to pay or reimburse any money under this Deed is subject to the availability of appropriated funds to the Department of the Army, and nothing in this Deed shall be interpreted to require obligations or payments by the Grantor in violation of the Anti-Deficiency Act (Public Law 97-258, 31 U.S.C. § 1341).

XII. GENERAL PROVISIONS

A. SEVERABILITY. If any provision of this Deed, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this Deed, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

B. CAPTIONS. The captions in this Deed have been inserted solely for convenience of reference and are not a part of this Deed and shall have no effect upon construction or interpretation.

C. RIGHT TO PERFORM. Any right which is exercisable by the Grantee, and its successors and assigns, to perform under this Deed may also be performed, in the event of default by the Grantee, or its successors and assigns, by a lender of the Grantee and its successors and assigns.

XIII. OTHER CONDITIONS

Should the Property be considered for the proposed acquisition and construction of school properties utilizing State funding, at any time in the future, a separate environmental review process in compliance with the California Education Code Section 17210 *et seq.*, will need to be conducted and approved by DTSC.

XIV. THE CONDITIONS, RESTRICTIONS, AND COVENANTS

The conditions, restrictions, and covenants set forth in this deed are a binding servitude on the herein conveyed Property and will be deemed to run with the land in perpetuity. Restrictions, stipulations and covenants contained herein will be inserted by the Grantee verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any other lesser estate in the Property or any portion thereof. All rights and powers reserved to the Grantor, and all references in this deed to Grantor shall include its successor in interest and assigns. The Grantor may agree to waive, eliminate, or reduce the obligations contained in the covenants, **PROVIDED, HOWEVER**, that the failure of the Grantor or its successor to insist in any one or more instances upon complete performance of any of the said conditions shall not be construed as a waiver or a relinquishment of the future performance of any such conditions, but the obligations of the Grantee, its successors and assigns, with respect to such future performance shall be continued in full force and effect.

XV. LIST OF EXHIBITS

The following listed Exhibits are made a part of this Deed:

- Exhibit A: Legal Description of Property
- Exhibit B: FOSET Hazardous Substance, Storage, Release and Disposal Table
- Exhibit C: FOSET Description of Property Table
- Exhibit D: Environmental Protection Provisions
- Exhibit E: Notification of Munitions and Explosives of Concern (MEC)

Deed No. DACA05-9-07-504

Exhibit F: Site maps depicting the locations of munitions response sites

Exhibit G: Unrecorded Easements and Encumbrances

[Signature Pages Follow]

IN WITNESS WHEREOF, the Grantor, the UNITED STATES OF AMERICA, acting by and through the SECRETARY OF THE ARMY, has caused these presents to be executed on this 19th day of MARCH 2009.

UNITED STATES OF AMERICA

By [Signature]
Joseph F. Calcara
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA (I&E)

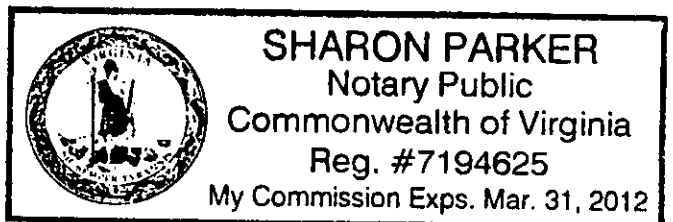
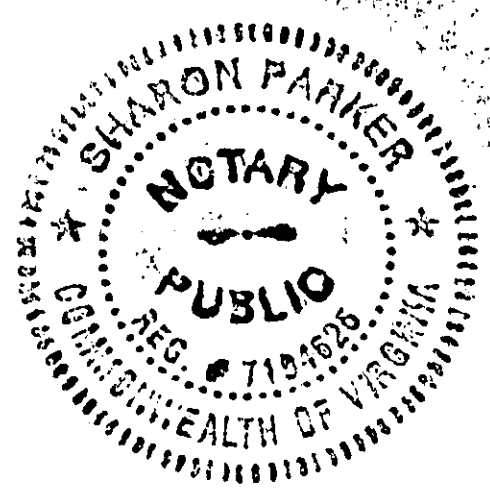
COMMONWEALTH OF VIRGINIA)
) ss
COUNTY OF ARLINGTON)

On 19 March 2009 before me, the undersigned, a Notary Public in and for said state, personally appeared Joseph F. Calcara, Deputy Assistant Secretary of the Army (Installations and Housing), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Notary Public, Commonwealth of Virginia

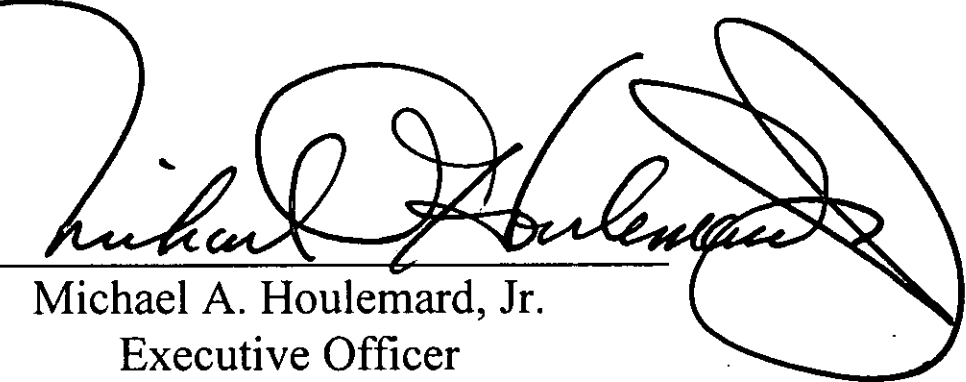
My commission expires: 31 March 2012



ACCEPTANCE:

In Testimony Whereof, witness the signature of the Fort Ord Reuse Authority ("Authority"), an organization organized and existing under the laws of the State of California under the Fort Ord Reuse Authority Act created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, et seq., and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, et seq., and Article 4, commencing with Section 33492.70, et seq., this ~~SEVENTEENTH~~ day of MARCH 2009 hereby accepts and approves this Quitclaim Deed for itself, its successors and assigns, and agrees to all the conditions, reservations, restrictions, and terms contained therein.

FORT ORD REUSE AUTHORITY
LOCAL REDEVELOPMENT AUTHORITY

By: 
Michael A. Houlemard, Jr.
Executive Officer

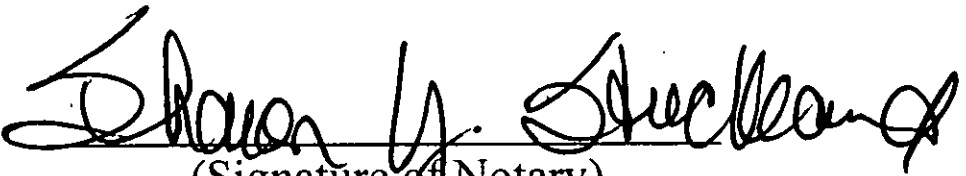
STATE OF CALIFORNIA

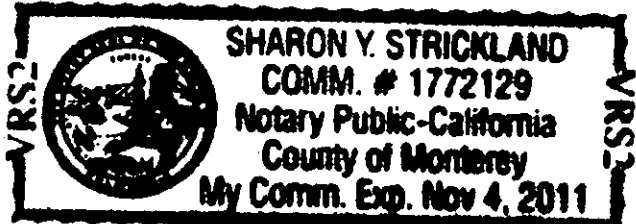
COUNTY OF MONTEREY

On 3-17-09 before me, Sharon Y. Strickland, (name of notary public) personally appeared Michael Houlemard, Jr. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me that he/she/they executed the same in their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


(Signature of Notary)



**Legal Description of
Parcel L6.2
For Monterey Peninsula Regional Park District**

Parcel L6.2:

That portion of the former Fort Ord, in the City of Del Rey Oaks, County of Monterey, State of California described as follows:

A portion of Parcel 1 as per map recorded in Volume 19, Page 1 of Surveys in the Office of the County Recorder of said county, more particularly described as follows:

Beginning at a point that bears South 50°05'20" East, 629.47 feet from a point on the westerly boundary of said Parcel 1, designated and shown as point two (2) on page 5 of 31 thereon; thence leaving said westerly boundary

- 1) North 39°54'40" East, 892.03 feet to a point on the southwesterly boundary of South Boundary Road as per map recorded in Volume 20, Page 110 of Surveys in the Office of said County; thence southeasterly along said boundary of South Boundary Road
- 2) South 50°41'04" East, 336.52 feet to a point on the northwesterly boundary of Parcel 1 as per map recorded in Volume 23, Page 103 of Surveys in the Office of said County; thence leaving said boundary of South Boundary Road and along said northwesterly boundary
- 1) South 39°54'40" West, 895.53 feet to a point on said westerly boundary of said Parcel 1 as per said map recorded in said Volume 19, Page 1 of Surveys; thence northwesterly along last said boundary
- 3) North 50°05'20" West, 336.50 feet to the POINT OF BEGINNING.

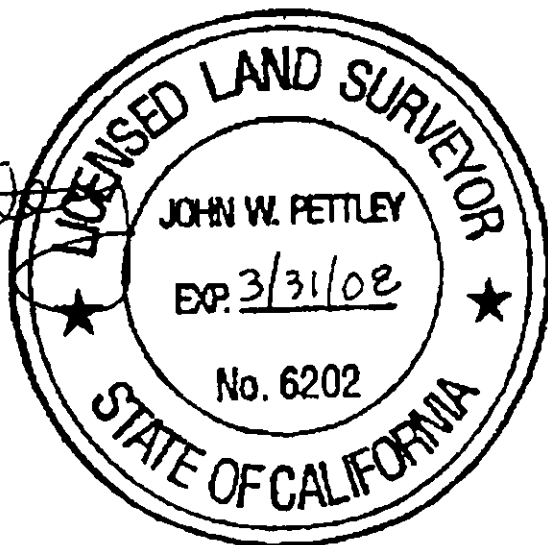
Containing 8.90 acres, more or less.

Bearings cited herein are based on monuments found along the westerly boundary of Parcel 1 as per map recorded in Volume 19, Page 1 of Surveys in the Office of the County Recorder, County of Monterey, California.

Dated: January 9, 2007

Bestor Engineers, Inc.

John W. Pettley
 John W. Pettley
 LS 6202
 Exp: 3/31/08
 W.O. 6640.00



THE BEARING OF S 50°05'20" E AS MEASURED BETWEEN THE MONUMENTS FOUND ALONG THE SOUTHWESTERLY BOUNDARY OF PARCEL 1 PER THE MAP FILED IN VOLUME 19, PAGE 1 OF SURVEYS, RECORDS OF MONTEREY COUNTY CALIFORNIA AND SHOWN HEREON, IS THE BASIS OF BEARINGS FOR THIS SURVEY.

1. DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
2. POINTS FOUND OR SET ARE SO NOTED. ALL OTHER POINTS ARE FOR REFERENCE ONLY.
3. EASEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT BE SHOWN.
4. THIS MAP HAS BEEN PREPARED FROM FIELD DATA COLLECTED IN NOVEMBER, 2006.

- SET 3/4" IRON PIPE ROE 29811
- FOUND 1" IRON PIPE ROE 15310 UNLESS NOTED OTHERWISE
- R1 VOLUME 19, PAGE 1 OF SURVEYS
- R2 VOLUME 20, PAGE 110 OF SURVEYS
- R3 VOLUME 23, PAGE 103 OF SURVEYS
- (R4) RECORD DATA
- (T) TOTAL DISTANCE
- N 01°02'03" E 45.67' = MEASURED DATA

FILED THIS _____ DAY OF _____ 20____
 AT _____ M. IN VOLUME _____ OF SURVEY MAPS AT PAGE _____
 RECORDS OF MONTEREY COUNTY, CALIFORNIA, AT THE
 REQUEST OF BESTOR ENGINEERS, INC.

STEPHEN L. VAGRINI
 COUNTY RECORDER
 MONTEREY COUNTY, CALIFORNIA
 BY: _____ DEPUTY
 SERIAL NO: _____
 FEE: \$ _____

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766
 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS
 DAY OF _____ 2007.

COUNTY SURVEYOR _____ BY: DEPUTY COUNTY SURVEYOR _____

SOUTH BOUNDARY ROAD

704.73' (R2)

S 50°41'04" E 1690.09' (1690.007) (R2) (T)

336.52'

648.84' (648.75') (R2) (R3)

13.27 AC.

6.90 AC.

S 39°54'40" W 892.03'

S 39°54'40" W 895.53' (R3)

N 23°14'55" E 842.90' (R2)

S 23°14'55" W 5734.15' (R1)

519.87'

S 50°05'20" E 1151.41' (T)

336.50'

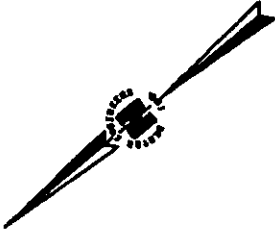
185.44'

REEL 1138 OR 361

PRELIMINARY

PARCEL 1
 VOLUME 23, PAGE 103
 OF SURVEYS

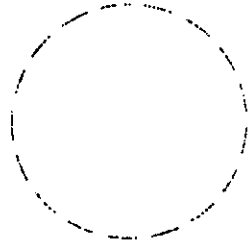
60' (R2)



PARCEL 1
 VOLUME 23, PAGE 103
 OF SURVEYS

FOUND 1" IRON PIPE WITH
 4 X 4 WITH BRASS PIN
 TOP BURIED OFF (R1)
 S 39°54'40" W
 200' FROM LINE (R1)

FOUND 1" IRON PIPE WITH
 4 X 4 WITH BRASS PIN
 TOP BURIED OFF (R1)
 S 50°05'20" E 344.09' (R1)



THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR
 UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS
 OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF
 MONTEREY PENINSULA REGIONAL PARK DISTRICT IN FEBRUARY, 2006.

H. PATRICK WARD
 RCE #28811
 STATE OF CALIFORNIA
 EXPIRES 31 MARCH 2007

DATE

RECORD OF SURVEY
 SHOWING

FOR _____
 BY _____



BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 8701 BILLY LARSEN DRIVE, MONTEREY, CALIFORNIA 93940
 SCALE: 1"=100' DATE: 2 NOVEMBER 2006 WO: 0640.00

SHEET 1 OF 1

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
County of Monterey			
Parcel F1.7.2 – HA-35A	Lead (7439921); copper (7440508); antimony (7440360)	1975 to Present	Release of lead, copper and antimony associated with small arms ammunition use at the Combat Pistol Range (HA-35A). Because this range is still active, no action related to MC is recommended for HA-35A.
Parcel E4.7.2 – OUCTP	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the remedial alternative (<i>Army, 2006b</i>).
Parcel E11b.7.1.1 – IRP Site 41	Toluene (108883); pentachlorophenol (87865); dioxins; arsenic (7440382); beryllium (7440417); cadmium (7440439); total chromium (7440473); copper (7440508); lead (7439921); nickel (744020); selenium (7782492); silver (7440224); thallium (7440280); zinc (7440666)	Possibly the 1940s and 1950s	The interim action (IA) at IRP Site 41 (Crescent Bluff Fire Drill Area) included the excavation and removal of approximately 76 cubic yards of soil from three former burn pits. Results of the confirmation sampling indicated that soil with chemical concentrations above the target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1997a</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at IRP Site 41 in letters dated April 14, 1997 and March 10, 2006, respectively.
Parcel E19a.4 – IRP Site 8	Diesel; hydrocarbons	Unknown	The IA at IRP Site 8 (Range 49) included the excavation and removal of approximately 102 cubic yards of soil and debris from the former Molotov Cocktail Range. Results of the confirmation sampling indicated that soil with TPH concentrations above the target cleanup concentration of 500 mg/kg was removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1996c</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 8 in letters dated April 14, 1997 and October 20, 2006.
City of Marina			
Parcel	Benzene (71432); Carbon	1956-2002	Release of VOCs from OU2 Fort Ord Landfills; SWMU FTO-002. Migration of groundwater plume containing VOCs at

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
E4.3.2.2	tetrachloride (56235); Chloroform (67663); 1,1-dichloroethane (75343); 1,2-dichloroethane (107062); cis-1,2-dichloroethene (156605); 1,2-dichloropropene (78875); dichloromethane (75092); tetrachloroethene (127184); trichloroethene (79016); vinyl chloride (75014)		concentrations exceeding MCLs from the Fort Ord Landfills. Groundwater remediation system in place. USEPA concurrence that OU2 groundwater treatment system is operating properly and successfully 1/4/96.
Parcels E4.3.2.2, E4.7.1, E5a.1, L5.10.1	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the preferred remedial alternative (<i>Army, 2006b</i>).
City of Seaside			
Parcel E23.1	Lead (7439921); copper (7440508); antimony (7440360)	1960 to 1993	Remediation at IRP Site 39, Range 18 (HA-18D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E23.2	Lead (7439921); copper (7440508); antimony (7440360)	Early 1960s to 1993	Remediation at IRP Site 39, Ranges 18 and 46 (HA-18D and HA-46D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action at Range 18 included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. The remedial action at Range 46 included the removal of approximately 3,900 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 46 was 26 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E24	Lead (7439921); copper	1968 to	Remediation at IRP Site 39, Range 21 (HA-21D), was conducted to remove lead, copper, and antimony in soil from spent

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
	(7440508); antimony (7440360)	1993	small arms ammunition. The remedial action included the removal of approximately 9,600 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 21 was 35 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E34	Lead (7439921); copper (7440508); antimony (7440360)	1950s to 1993	Remediation at IRP Site Range 19 (HA-19D) was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 1,400 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
California State University, Monterey Bay			
Parcel S1.3.2 – IRP Site 39B	Benzo(a)anthracene (56553); 1,4-dichlorobenzene (106467); total petroleum hydrocarbons	1950s to 1993	The IA at IRP Site 39B (Inter-Garrison Site) included the excavation and removal of approximately 164 cubic yards of soil mixed with debris from two locations. The soil contained semi-volatile organic compounds exceeding health based screening levels and total petroleum hydrocarbons exceeding the preliminary remediation goals. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health or the environment is expected and no further investigation or remediation was recommended (<i>HLA, 1997b</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 39B in letters dated January 13, 1998 and October 20, 2006, respectively.

* The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or ‘Superfund’) 42 U.S.C. §9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substance’s CERCLA reportable quantity (which ever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances CERCLA reportable quantity. See 40 CFR Part 373.

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
Monterey Peninsula Regional Park District ESCA acreage – 6 (approximately)				
<p>ESCA Parcel L6.2 – 5.6-acre habitat reserve parcel that lies within IRP Site 39 and MRS-43. No buildings are located on this parcel.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>Parcel L6.2 lies within IRP Site 39 (Inland Firing Ranges); however, none of the remedial activities associated with IRP Site 39 occurred on the parcel. See Adjacent Property Conditions.</p> <p>The investigation of HA-173 (MRS-43) included a literature review, site reconnaissance and sampling for MC in an area where fragments from 37mm projectiles were found. No explosive compounds were detected and no further action related to MC was recommended for HA-173 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>Parcel L6.2 lies within MRS-43 (Plate 9) According to the former Fort Ord Fire Chief, a portion of the ridge in MRS-43 was used as a backstop for rifle grenades and shoulder launched projectiles from 1942-1944. During a munitions response (investigation) by an UXO Safety Specialist, a 37mm fragment was discovered at the northwest end of the site. In 1999, nineteen 100-foot by 200-foot grids were investigated using SS/GS and 100% grid sampling, and 19 munitions debris items were recovered. Based on the sampling results a munitions response (removal) to a depth of 4 feet' was conducted at the northwest end of MRS-43 (Parcels E29.1 and L6.2). Upon completion of the removal, the removal area was investigated using digital geophysical equipment. The digital geophysical investigation of MRS-43 included the unpaved shoulder of South Boundary Road (Parcels L20.13.1.2 and L20.13.3.1; Plate 9). All munitions responses were conducted to a depth of 4 feet. According to the MMRP database 28 MEC items and 36 munitions debris items were removed during the munitions responses. Five of the 28 MEC items removed from MRS-43 were found in Parcels L20.13.3.1 and L6.2 and only one MEC item was found in Parcel E29.1. No MEC items were found within Parcel L23.13.1.2. Based on the results of the munitions responses, no further munitions</p>	<p>An evaluation of IRP Site 39 (Inland Firing Ranges) for potential MC resulting from military munitions-related activities was performed (Plate 9). Based on the results of sampling and characterization activities conducted in the parcel vicinity, it was determined that remediation was warranted at small arms ranges (Ranges 24 and 25) located east of the parcels. The selected remedial action for small arms ranges within Site 39 was presented in the Fort Ord Basewide ROD (<i>Army, 1997</i>), and included the excavation and removal of soil containing accumulated spent ammunition and residual lead required to meet the remedial action objectives (RAOs) outlined in the ROD. The USEPA and the DTSC concurred that the area is protective of human health and the environment in letters dated September 7, 2000 and July 11, 2003, respectively.</p> <p>MRS-15 DRO 01 and Parcel L6.1 lie adjacent to Parcel L6.2 (Plate 9). Sites MRS-15 DRO 01, MRS-15 DRO 02, and MRS-43 are collectively called the DRO Group (Plate 9). The initial munitions responses (investigations) conducted at MRS-15 DRO 01 included random grid sampling, a removal to a depth of 4 feet along a fuel break on the east side of MRS-15 DRO 01, a removal to a depth of 4 feet on the roads and trails within the site, SS/GS sampling at MRS-15 DRO 01 and MRS-43, and removal of spent small arms ammunition in Ranges 24, 25 and 26 (HA-24, HA-25 and HA-26). MEC and munitions debris were identified within the eastern portion of MRS-15 DRO 01 and the area was subjected to a munitions response (removal) to a depth of 4 feet. Upon completion of the removal, the removal area and the rest of MRS-15 DRO 01 were resurveyed using digital geophysical equipment (<i>USA, 2001a</i>). The digital geophysical survey on the southern margin of MRS-15 DRO 01 included investigation up to the fence-line running parallel to South Boundary Road (Parcels L20.13.3.1 and L20.13.1.2). According to the MMRP database 168 MEC items and 15,300 munitions debris items were removed from MRS-15 DRO 01. The removal at MRS-15 DRO 01 is complete and no MEC is expected to remain in the portions of MRS-15 DRO 01 overlapping Parcels L20.13.1.2 and L20.13.3.1. MRS-15 DRO 01 will be evaluated through the R/IFS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
			<p>response was recommended within the Del Rey Oaks (DRO) Group, which includes MRS-43 (<i>USA, 2001c</i>). No MEC is expected to remain at MRS-43. MRS-43 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Also see MRS-15 DRO 01.</p>	<p>MRS-15 DRO 01 was also evaluated for the potential presence of MC and expended small arms ammunition associated with military munitions-related activities as part of the BRA. For the BRA, MRS-15 DRO 01 was identified as HA-110. Additionally, two small arms ranges that lie partially within MRS-15 DRO 01 were identified as HA-24D and HA-25D. The investigation of HA-110 included an evaluation of the data gathered as part of the munitions response (MEC removal) at MRS-15 DRO 01 and the remediation (lead removal) at Ranges 24 and 25. Because the remediation of Ranges 24 and 25 is complete, no further action was recommended (<i>MACTEC/Shaw, 2006</i>).</p> <p>Parcel L6.1 lies adjacent to Parcels L6.2, L20.13.1.2, and L20.13.3.1. Historical records do not indicate use of Parcel L6.1 for military munitions-related training; however, items found as part of the munitions response (investigation and removal actions) indicate that adjacent MRS-43 was used as a target area for 37mm projectiles (see description of MRS-43). One of the sample grids associated with MRS-43 was located within Parcel L6.1. Neither MEC nor munitions debris was found within the sample grid located within Parcel L6.1. Parcel L6.1 was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at Parcel L6.1 and no further action related to MEC was recommended for the site (<i>Army, 2006a</i>). The USEPA and the DTSC concurred in letters dated July 21 and July 26, 2006, respectively.</p>

¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g., special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.

EXHIBIT D

ENVIRONMENTAL PROTECTION PROVISIONS

1. FEDERAL FACILITY AGREEMENT

The Grantor acknowledges that the former Fort Ord has been identified as a National Priorities List (NPL) Site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended. The Grantee acknowledges that the Grantor has provided it with a copy of the Fort Ord Federal Facility Agreement (FFA), as amended, entered into by the United States Environmental Protection Agency (USEPA) Region 9, the State of California Department of Toxic Substance Control (DTSC) and the State of California Regional Water Quality Control, Central Coast Region (RWQCB), and the Department of the Army (Army), effective on November 19, 1990, and will provide the Grantee with a copy of the First Amendment to the Federal Facility Agreement and any further amendments thereto. For so long as the Property remains subject to the FFA, the Grantee, its successors and assigns, agree that they will not interfere with United States Department of the Army activities required by the FFA, as amended. In addition, should any conflict arise between the FFA, as amended, and the deed provisions, the FFA provisions, as amended, will take precedence. The Grantor assumes no liability to the Grantee, its successors and assigns, should implementation of the FFA, as amended, interfere with their use of the Property.

2. LAND USE RESTRICTIONS

A. The Army has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the Property that would violate the land use restrictions contained herein.

B. Excavation Restriction. The Grantee, its successors and assigns, shall comply with City of Del Rey Oaks Municipal Code Chapter 15.48 when conducting or permitting others to conduct any ground disturbing or intrusive activities (e.g. digging, drilling, etc.). The Grantee, its successors and assigns, or any approved contractor, shall not construct, make, or permit any alterations, additions, or improvements to the Property in any way that may violate this restriction.

C. Residential Use Restriction. The Grantee, its successors and assigns, shall not use the Property for residential purposes. The Army has agreed to enter into a Covenant to Restrict Use of Property (CRUP), which will include a Residential Use Restriction, with the DTSC pursuant to California Health and Safety Code sections 25222.1 and 25.355.5 and Civil Code Section 1471. The USEPA also believes any proposals for the residential reuse of the Property should be subject to regulatory review. The CRUP will place additional use restrictions on all of the transferring Property and will be signed prior to transfer. The Army and the DTSC agree that the use of the Property will be restricted as set forth in the CRUP. For purposes of this provision, residential use includes, but is not limited to: single family or multi-family residences; child care

facilities; nursing home or assisted living facilities; and any type of educational purpose for children/young adults in grades kindergarten through 12.

D. Access Restriction. Except as provided below, the Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. This Access Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

E. Modifying Restrictions. Nothing contained herein shall preclude the Grantee, its successors or assigns, from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such additional action necessary to allow for other less restrictive use of the Property. Prior to such use of the Property, Grantee shall consult with and obtain the approval of the Grantor, and, as appropriate, the State or federal regulators, or the local authorities in accordance with this EPP and the provisions of all applicable CRUP(s). Upon the Grantee's obtaining the approval of the Grantor and, as appropriate, state or federal regulators, or local authorities, the Grantor agrees to record an amendment hereto. This recordation shall be the responsibility of the Grantee and at no additional cost to the Grantor.

F. Submissions. The Grantee, its successors and assigns, shall submit any requests for modifications to the above restrictions to the Grantor, the USEPA and the DTSC, in accordance with the provisions of the applicable CRUP(s), by first class mail, postage prepaid, addressed as follows:

- 1) Grantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008
- 2) USEPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901
- 3) DTSC: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

3. NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

A. The Grantee is hereby notified that, due to the former use of the Property as a military installation, the Property may contain munitions and explosives of concern (MEC). The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes: (1) Unexploded Ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (3) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord and this EPP, MEC does not include small arms ammunition (i.e. ammunition with projectiles that do not contain explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).

B. The Property was previously used for a variety of munitions-related and other military related purposes, including operational ranges for live-fire training; demolitions training; chemical, biological and radiological training; engineering training; and tactical training. Munitions responses were conducted on the Property. Any MEC discovered were disposed of by a variety of methods, including open detonation (blown in place (BIP)) or in a consolidated shot, or destroyed using contained detonation technology. A summary of MEC discovered on the Property is provided in Exhibit E. Site maps depicting the locations of munitions response sites are provided at Exhibit F.

C. After response actions are completed, if the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the local law enforcement agency having jurisdiction on the Property so that appropriate explosive ordnance disposal (EOD) personnel can be dispatched to address such MEC as required under applicable laws and regulations and at no expense to the Grantee. The Grantee hereby acknowledges receipt of the "Ordnance and Explosives Safety Alert" pamphlet.

D. Easement and Access Rights.

1) The Grantor reserves a perpetual and assignable right of access on, over, and through the Property, to access and enter upon the Property in any case in which a munitions response action is found to be necessary, or such access and entrance is necessary to carry out a munitions response action on adjoining property as a result of the ongoing Munitions Response Remedial Investigation/Feasibility Study. Such easement and right of access includes, without limitation, the right to perform any additional munitions response action (e.g. investigation, sampling, testing, test-pitting, surface and subsurface removal) necessary for the United States to meet its responsibilities under applicable laws and as provided for in this Deed. This right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

2) In exercising this easement and right of access, the Grantor shall give the Grantee or the then record owner, reasonable notice of the intent to enter on the Property, except in emergency situations. Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid and/or minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property; however, the use and/or occupancy of the Property may be limited or restricted, as necessary, under the following scenarios: (a) to provide the required minimum separation distance employed during intrusive munitions response actions that may occur on or adjacent to the Property; and (b) if Army implemented prescribed burns are necessary for the purpose of a munitions response action (removal) in adjacent areas. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

3) In exercising this easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this Paragraph. In addition, the Grantee, its successors and assigns, shall not interfere with any munitions response action conducted by the Grantor on the Property.

E. The Grantee acknowledges receipt of the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Track 2 MR RI/FS) (August 2006).

4. NOTICE OF RARE, THREATENED AND ENDANGERED SPECIES MANAGEMENT

The Grantee acknowledges and agrees to implement the following provisions, as applicable, relative to listed species:

A. The Property contains habitat occupied and/or potentially occupied by several sensitive wildlife and plant species, some of which are listed or proposed for listing as threatened or endangered under the Endangered Species Act (ESA). Applicable laws and regulations restrict activities that involve the potential loss of populations and habitats of listed species. To fulfill Grantor's commitment in the Fort Ord Disposal and Reuse Environmental Impact Statement Record of Decision, made in accordance with the National Environmental Policy Act of 1969, 42 U.S.C § 4321 et seq., this deed requires the conservation in perpetuity of these sensitive wildlife and plant species and their habitats consistent with the U.S. Fish and Wildlife Service Biological Opinions for disposal of the former Fort Ord lands issued pursuant to Section 7 of the ESA on March 30, 1999, October 22, 2002, and March 14, 2005 respectively. By requiring Grantee, and its successors and assigns to comply with the Installation-Wide Multispecies Habitat Management Plan (HMP), Grantor intends to fulfill its responsibilities under Section 7 of the ESA and to minimize future conflicts between species protection and economic development of portions of the Property.

B. Grantee acknowledges that it has received a copy of the HMP dated April 1997. The HMP, which is incorporated herein by reference, provides a basewide framework for disposal of lands within former Fort Ord wherein development and potential loss of species and/or habitat is anticipated to occur in certain areas of the former Fort Ord (the HMP Development Areas) while permanent species and habitat conservation is guaranteed within other areas of the former Fort Ord (i.e., the HMP Reserve and Corridor parcels). Disposal of former Fort Ord lands in accordance with and subject to the restrictions of the HMP is intended to satisfy the Army's responsibilities under Section 7 of the ESA.

C. The parcel of land within the Property hereby conveyed or otherwise transferred to Grantee is subject to the specific use restrictions and/or conservation, management, monitoring, and reporting requirements identified for the parcel in the HMP: Habitat Reserve Parcel L6.2.

D. Any boundary modifications to the Development with Reserve Areas or Development with Restrictions parcels or the Borderland Development Areas Along NRMA Interface must be approved in writing by the U.S. Fish and Wildlife Service (USFWS) and must maintain the viability of the HMP for permanent species and habitat conservation.

E. The HMP describes existing habitat and the likely presence of sensitive wildlife and plant species that are treated as target species in the HMP. Some of the target species are currently listed or proposed for listing as threatened or endangered under the ESA. The HMP establishes general conservation and management requirements applicable to the Property to conserve the HMP species. These requirements are intended to meet mitigation obligations applicable to the Property resulting from the Army disposal and development reuse actions. Under the HMP, all target species are treated as if listed under the ESA and are subject to avoidance, protection, conservations and restoration requirements. Grantee shall be responsible for implementing and funding each of the following requirements set forth in the HMP as applicable to the Property:

- 1) Grantee shall implement all avoidance, protection, conservation and restoration requirements identified in the HMP as applicable to the Property and shall cooperate with adjacent property owners in implementing mitigation requirements identified in the HMP for adjacent sensitive habitat areas.

- 2) Grantee shall protect and conserve the HMP target species and their habitats within the Property, and, other than those actions required to fulfill a habitat restoration requirement applicable to the Property, shall not remove any vegetation, cut any trees, disturb any soil, or undertake any other actions that would impair the conservation of the species or their habitats. Grantee shall accomplish the Resource Conservation Requirements and Management Requirements identified in Chapters 3 and 4 of the HMP as applicable to any portion of the Property.

- 3) Grantee shall manage, through an agency or entity approved by USFWS, each HMP parcel, or portion thereof, within the Property that is required in the HMP to be managed

for the conservation of the HMP species and their habitats, in accordance with the provisions of the HMP.

4) Grantee shall either directly, or indirectly through its USFWS approved habitat manager, implement the management guidelines applicable to the parcel through the development of a site-specific management plan. The site-specific habitat management plan must be developed and submitted to USFWS (and, for non-Federal recipients, California Department of Fish and Game (CDFG) as well) for approval within six months from the date the recipient obtains title to the parcel. Upon approval by USFWS (and, as appropriate, CDFG) the recipient shall implement the plan. Such plans may thereafter be modified through the Coordinated Resource Management and Planning (CRMP) process or with the concurrence of USFWS (and, as appropriate, CDFG) as new information or changed conditions indicate the need for adaptive management changes. The six-month deadline for development and submission of a site-specific management plan may be extended by mutual agreement of USFWS, CDFG (if appropriate), and the recipient.

5) Grantee shall restrict access to the Property in accordance with the HMP, but shall allow access to the Property, upon reasonable notice of not less than 48 hours, by USFWS and its designated agents, for the purpose of monitoring Grantee's compliance, and for such other purposes as are identified in the HMP.

6) Grantee shall comply with all monitoring and reporting requirements set forth in the HMP that are applicable to the Property, and shall provide an annual monitoring report, as provided for in the HMP, to the Bureau of Land Management (BLM) on or before November 1 of each year, or such other date as may be hereafter agreed to by USFWS and BLM.

7) Grantee shall not transfer, assign, or otherwise convey any portion of, or interest in, the Property subject to the habitat conservation, management or other requirements of the HMP, without the prior written consent of Grantor, acting by and through the USFWS (or designated successor agency), which consent shall not be unreasonably withheld. Grantee covenants for itself, its successors and assigns, that it shall include and otherwise make legally binding the provisions of the HMP in any deed, lease, right of entry, or other legal instrument by which Grantee divests itself of any interest in all or a portion of the Property. The covenants, conditions, restrictions and requirements of this deed and the provisions of the HMP shall run with the land. The covenants, conditions, restrictions and requirements of this deed and the HMP benefit the lands retained by the Grantor that formerly comprised Fort Ord, as well as the public generally. Management responsibility for the Property may only be transferred as a condition of the transfer of the Property, with the consent of the USFWS. USFWS may require the establishment of a perpetual trust fund to pay for the management of the Property as a condition of transfer of management responsibility from Grantee.

8) This conveyance is made subject to the following ENFORCEMENT PROVISIONS:

a) Grantor hereby reserves a reversionary interest in all of the Property. If Grantor (or its assigns), acting through the USFWS or a designated successor agency,

determines that those parcels identified in Paragraph 4.C. above or any other portion of the Property subject to a restriction or other requirement of the HMP is not being conserved and/or managed in accordance with the provisions of the HMP, then Grantor may, in its discretion, exercise a right to reenter the Property, or any portion thereof, in which case, the Property, or those portions thereof as to which the right of reentry is exercised, shall revert to Grantor. In the event that Grantor exercises its right of reentry as to all or portions of the Property, Grantee shall execute any and all documents that Grantor deems necessary to perfect or provide recordable notice of the reversion and for the complete transfer and reversion of all right, title and interest in the Property or portions thereof. Subject to applicable federal law, Grantee shall be liable for all costs and fees incurred by Grantor in perfecting the reversion and transfer of title. Any and all improvements on the Property, or those portions thereof reverting back to Grantor, shall become the property of Grantor and Grantee shall not be entitled to any payment therefore.

b) In addition to the right of reentry reserved in paragraph a. above, if Grantor (or its assigns), acting through the USFWS or a successor designated agency, determines that Grantee is violating or threatens to violate the provisions of Paragraph 4 of this deed exhibit or the provisions of the HMP, Grantor shall provide written notice to Grantee of such violation and demand corrective action sufficient to cure the violation, and where the violation involves injury to the Property resulting from any use or activity inconsistent with the provisions of Paragraph 4 of this deed exhibit or the provisions of the HMP, to restore the portion of the Property so injured. If Grantee fails to cure a violation within sixty (60) days after receipt of notice thereof from Grantor, or under circumstances where the violation cannot reasonably be cured within a sixty (60) day period, or fails to continue to diligently cure such violation until finally cured, Grantor may bring an action at law or in equity in a court of competent jurisdiction to enforce the covenants, conditions, reservations and restrictions of this deed and the provisions of the HMP, to enjoin the violation, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the covenants, conditions, reservations and restrictions of this deed or the provisions of the HMP, or injury to any conservation value protected by this deed or the HMP, and to require the restoration of the Property to the condition that existed prior to such injury. If Grantor, in its good faith and reasonable discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the species and habitat conservation values of the Property, Grantor may pursue its remedies under this paragraph without prior notice to Grantee, or without waiting for the period provided for the cure to expire. Grantor's rights under this paragraph apply equally in the event of either actual or threatened violations of covenants, conditions, reservations and restrictions of this deed or the provisions of the HMP, and Grantee acknowledges that Grantor's remedies at law for any of said violations are inadequate and Grantor shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantor may be entitled, including specific performance of the covenants, conditions, reservations and restrictions of this deed and the provisions of the HMP.

c) Enforcement of the covenants, conditions, reservations and restrictions in this deed and the provisions of the HMP shall be at the discretion of Grantor, and any forbearance by Grantor to exercise its rights under this deed and the HMP in the event of any such breach or violation of any provision of this deed or the HMP by Grantee shall not be deemed or construed to be a waiver by Grantor of such provision or of any subsequent breach or

violation of the same or any other provision of this deed or the HMP or of any of Grantor's rights under this deed or the HMP. No delay or omission by Grantor in the exercise of any right or remedy upon any breach or violation by Grantee shall impair such right or remedy or be construed as a waiver.

d) In addition to satisfying Army's responsibilities under Section 7 of the ESA, Grantee's compliance with the covenants, conditions, reservations and restrictions contained in this deed and with the provisions of the HMP are intended to satisfy mitigation obligations included in any future incidental take permit issued by USFWS pursuant to Section 10(a)(1)(B) of the Endangered Species Act which authorizes the incidental take of a target HMP species on the Property. Grantee acknowledges that neither this deed nor the HMP authorizes the incidental take of any species listed under the ESA except while conducting CERCLA remedial actions consistent with Chapter 3 of the HMP and in accordance with the existing biological opinions. Authorization to incidentally take any target HMP wildlife species as a result of reuse activities must be obtained by Grantee separately, or through participation in a broader habitat conservation plan and Section 10(a)(1)(B) permit based on the HMP and approved by USFWS.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-3 Old Demolition Training Area, Range 49 (Parcel E19a.4)	Munitions Debris (MD) Munitions and Explosives of Concern (MEC)	Unknown	As noted in the Archives Search Report (ASR), the site served as a land mine warfare, anti-armor, Molotov Cocktail training and demolition area with a ¼ - pound explosive limit. Site is adjacent to MRS-37, MRS-53EXP and MRS-54. A munitions response (sampling investigation) at this site resulted in discovery of 153 inert 81mm practice mortars, 34 inert antitank (AT) training mines and miscellaneous firing devices, including two MEC items (a blasting cap and mine fuze). A munitions response (removal) to a depth of 4 feet ¹ was performed. According to the MMRP database 44 MEC items (firing devices, signals and practice grenades) and 794 munitions debris items were removed. Review of military munitions clearance grid records identified several ammunition burn pits and empty and burned 55-gallon drums. MRS-3 is included in the Parker Flats Munitions Response Area (MRA; Plate 6). The Parker Flats MRA was evaluated in the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Parker Flats MR RI/FS). No MEC is expected to remain at MRS-3 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-4A Chemical, Biological, and Radiological (CBR) Training Area (Parcels E18.1.3, E18.4 and E19a.1)	MD MEC	At least from 1957 to 1964	According to the ASR, the CBR Training Areas appear on the 1957 and 1958 Fort Ord Training Areas and Facilities Training maps. Three munitions responses were conducted on MRS-4A, including two phases of grid investigation and a removal over the entire site. All grid investigations and the removal were to a depth of 4 feet. According to the MMRP database 72 MEC items (mostly grenade fuzes) and 13 munitions debris items (mostly practice hand grenades) were removed. One MEC item was found in Parcel E18.1.3 and no MEC were found in Parcel E18.4. Three munitions debris items were found in Parcel E18.4 and no munitions debris was found in Parcel E18.1.3. No MEC is expected to remain at MRS-4A and no further munitions response was recommended (USA, 2000a). MRS-4A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-4B CBR Training Area (Parcel E19a.3)	MD MEC	At least from 1958	A CBR Training Area (MRS-4B) is shown on the 1958 Fort Ord Training Areas & Facilities map. The ASR noted classroom training using chemical agents similar to tear gas. A munitions response (sampling investigation) in 1993 found one MEC item (40mm practice cartridge), two munitions debris items and small arms ammunition. Additional sampling conducted in 1997 found three MEC items (smoke grenades) and munitions debris. In 1998, USA Environmental, Inc. performed a munitions response (removal) and found 293 MEC items, primarily blasting caps, simulators, smoke signals, and fuzes. The USA After Action Report notes nine burial pits, ranging in depth from 6 inches to 42 inches, containing grenades, grenade fuzes, simulators, pyrotechnics and blasting caps. Trash, including tires and wire, was found in one pit. A battery was found in a second pit. MRS-4B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-4B and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-11 Demolition Training Area (Parcel E11b.7.1.1)	MD MEC	At least from 1946 to 1957	As noted in the ASR, MRS-11 was identified as an old EOD range. The 1946 Historic Map Master Plan Fort Ord shows a live hand grenade training range. Additionally, the 1957 Fort Ord Training Areas & Facilities map shows a Frag Zone and Engineer Training Area "C". MRS-11 underwent a munitions response (removal) to a depth of 1 foot in the southern half of the site using geophysical equipment. Twenty MEC items, including nine MKII fragmentation hand grenades, and 2,316 munitions debris items (mostly hand grenade fuzes) were found and removed during the 1-foot removal. The northern half of MRS-11 was investigated (sampled) using SiteStats/GridStats (SS/GS) methodology. No MEC was found during SS/GS investigation. Based on the results of the munitions responses, additional munitions response (investigation) was recommended within MRS-11 and to the east of the site (<i>USA, 2001e</i>). MRS-11 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-13B Practice Mortar Range (Parcels E19a.2 and E19a.3)	CWM MD MEC	1950s	MRS-13B is labeled as Sinkhole Training Area and Sinkhole Practice Mortar on 1950s training maps. A munitions response (sampling) was conducted in 57 grids in 1993 and 1994. Based on the results of the investigation, MRS-13B underwent removal actions to a depth of 4 feet from August 1995 to April 1998 using geophysical equipment. According to the MMRP database, a total of 343 MEC items and 2,014 munitions debris items were found during investigation and removal actions. Numerous trash pits containing range-related debris were also observed at MRS-13B. Two chemical agent identification sets (CAIS) were found in a burial pit. The CAIS, chemical warfare materiel (CWM), were used to train soldiers to recognize and protect themselves from chemical agents. The CAIS contain dilute solutions of chemical agents in small (1-ounce) hermetically sealed glass containers. All glass containers were found to be intact and were removed by the Army's Technical Escort Unit from Dugway Proving Ground, Utah (<i>Army, 1997b</i>). No MEC items or trash pits were found in the portion of MRS-13B within Parcel E19a.2. MRS-13B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-13B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-13C CSU Footprint – Wedge (Parcel S1.3.2)	MD MEC	1940s through 1950s	MRS-13C is comprised of a wedge shaped strip of land lying between MRS-31 to the north and MRS-13B to the south. MRS-13C is located within a larger area identified as a Tactical Training Area on historical training maps. A portion of a mortar square (non-firing area) was also identified on historical training maps in the site vicinity. Based on the results of munitions responses (investigation) conducted in adjacent sites in 1994, a munitions response (removal) to a depth of 4 feet was conducted over all of MRS-13C in 1997 and all MEC and munitions debris found was removed. According to the Fort Ord MMRP database, 59 MEC items and 203 munitions debris items were recovered during the removal. No MEC is expected to remain at MRS-13C and no further munitions response was recommended (<i>USA, 2000c</i>). MRS-13C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-14A Lookout Ridge II (LOR2) (Parcel L20.5.1 and	MD MEC	At least since 1957	This site is part of MRS-14, which is divided into five areas, 14A through 14E. This site was believed to be an impact location for 7-inch to 8-inch naval gun projectiles that overshoot the Impact Area. As mentioned in the ASR, a 1957 Fort Ord Training Areas & Facilities map shows a mortar position in this area. MRS-14A has undergone munitions responses (one investigation and two removals). MEC found during investigation included 22mm sub-caliber cartridges, pyrotechnic signals, rifle-fired smoke grenades, and practice projectiles. To support the use of a portion of the parcel as a parking area for the Laguna Seca Raceway, a munitions response (removal) to a depth of 3 feet using geophysical equipment was performed over a portion of the parcel in 1994.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
L20.5.2)			All MEC detected was removed. Follow-up munitions responses (removals) to depths of 1 foot and 4 feet were performed in June 1997 through April 1998. The 1-foot removal was conducted in habitat reserve areas. A 4-foot removal was conducted in development areas (parking). The area where the 4-foot removal was performed included the area previously cleared to 3 feet. All MEC detected was removed. No high explosive MEC was encountered and no further munitions response was recommended (USA, 2001b). It was also recommended that grids not investigated due to vegetation and terrain constraints be investigated in a future munitions response. According to the MMRP database, 66 MEC items and 577 munitions debris items were recovered during the munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-14A. MEC is not expected to remain at MRS-14A. MRS-14A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-23 (Parcel E11b.7.1.1)	MEC MD		MRS-23 was formerly an Engineer Training Area and Field Expedient Area. A munitions response (removal) to a depth of 4 feet was completed in 1997. One MEC item (½ pound of TNT) and one munitions debris item (practice antitank mine) were found during the munitions response. Based on the results of the munitions response, no further munitions response was recommended within MRS-23 (USA, 2001d). MEC is not expected to remain at MRS-23. MRS-23 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27A Training Site 1 (Parcels E19a.2 and E19a.3)	MD MEC	1970s through facility closure	MRS-27A is one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The USACE conducted a munitions response (site walk) of MRS-27A in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27A. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. One MEC item (hand grenade fuze) was found and removed (Parsons, 2002a). The southern portion of MRS-27A overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27A underwent a munitions response (removal) to a depth of 4 feet. According to the former Fort Ord MMRP database, munitions debris and MEC were found within the portion of MRS-27A that overlaps the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27A and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27B Training Site 2 (Parcels E19a.2, E19a.3 and	MD MEC	1970s through facility closure	MRS-27B was one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The ASR also notes this site is located northeast of Parker Flats Training Area. The USACE conducted a munitions response (site walk) of MRS-27B in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27B. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.4)			munitions response contractors under the direction of the USACE in 2001 and 2002. No MEC items were found at MRS-27B during the visual surface removal (<i>Parsons, 2002a</i>). According to the MMRP database, one munitions debris item (a smoke grenade) was detected in a latrine within the site boundaries. Miscellaneous pyrotechnic items have also been discovered within the site boundaries. No MEC or munitions debris were found during the visual surface removal conducted within MRS-27B. The southern portion of MRS-27B overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27B underwent a munitions response (removal) to a depth of 4 feet. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27B will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27C Training Site 3 (Parcel E19a.4)	MD	1970s through facility closure	The ASR states that MRS-27C is located northeast of TS-2 (MRS-27B) and south of the Tactical Training Area (MRS-45; Plate 4). This area was used from the 1970s as an overnight bivouac area. Munitions responses (investigations) conducted within Parcel E19a.4 included a site walk of MRS-27C completed by the USACE in 1996 during the Archives Search (<i>USADEH, 1997</i>). Only spent blank small arms ammunition and expended pyrotechnics (munitions debris) were found at MRS-27C. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. No MEC items were found at MRS-27C (<i>Parsons, 2002a</i>). A reconnaissance of MRS-27C was also completed as part of the Basewide Range Assessment. No targets or range features were observed. Several fighting positions were mapped. An expended smoke grenade (munitions debris) was found in one of the fighting positions. No MEC is expected to be present at MRS-27C. MRS-27C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27E Training Site 5 (Parcel L20.2.1)	MD	1970s through facility closure	This area was used since the 1970s as an overnight bivouac area. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27E as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris including expended flares and illumination signals were found. No evidence of other types of training or use as an impact area was observed. No MEC is expected to be present at MRS-27E. MRS-27E will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27F Training Site 6 (Parcel L20.2.1)	MEC MD	1970s through facility closure	This site is located in the northern portion of MRS-59. This area was used as an overnight bivouac area since the 1970s. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27F and MRS-59 as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. Additionally, a review of Range Control files included the incomplete entry for an item reportedly located within Training Site 6. No other information in the entry was provided. MRS-27F was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at MRS-27F and no further action related to MEC was

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			recommended for the site (<i>Army, 2006b</i>). The USEPA and the DTSC concurred in letters dated July 21 and July 26, 2006, respectively.
MRS-27G Training Site 7 (Parcel E19a.5)	MD MEC	1970s through facility closure	This area was incorporated into Site MRS-53. See MRS-53.
MRS-27O Training Site 15 (Parcel L20.8)	MD MEC	1964 through facility closure	The northern portion of Barloy Canyon Road passes through MRS-27O (Plate 10). MRS-27O is identified as a former training site in the 1994 supplement to the ASR and was used as a bivouac area since at least 1964. In support of the ASR, a UXO Safety Specialist performed a munitions response (site walk) in March 1996 and found expended small arms blanks and expended pyrotechnic items (<i>USADEH, 1997</i>). A follow-up munitions response was performed by a munitions response contractor. This munitions response was completed in October 1999 and included a surface investigation conducted over a large portion of Barloy Canyon Road. No MEC or munitions debris were found on the parcel. Two MEC items (pyrotechnics) and munitions debris (expended grenade fuze) were found on a trail that parallels Parcel L20.8, south of MRS-27O. Additionally, a visual surface Time-Critical Removal Action (TCRA) was performed that included MRS-27O following an accidental fire in the area (Eucalyptus Fire Area). One MEC item (pyrotechnic signal) was found within MRS-27O (<i>Shaw, 2005b</i>). MEC is not expected to be present on Parcel L20.8. MRS-27O and the surrounding area will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-28 Military Operations on Urbanized Terrain (MOUT) Site (Parcel F1.7.2)	MD MEC	Ongoing	This site includes Impossible City, a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies. MRS-28 was investigated during two separate munitions responses. Additionally, a visual surface TCRA was performed following an accidental fire in the area (Eucalyptus Fire Area). According to the MMRP database, 118 MEC items and 293 munitions debris items were removed during the investigations and the TCRA. MEC is not expected to remain on the surface at MRS-28. MRS-28 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-29 Laguna Seca Bus Turn Around (Parcels L20.5.2 and L20.5.3)	MEC MD	Unknown	This area was believed to be an impact location for 7-inch to 8-inch naval gun projectiles. A munitions response (sampling investigation) that included over 50% of MRS-29 was conducted in 1995 (<i>HFA, 1995</i>). Following investigation, a munitions response (removal) to a depth of 4 feet using geophysical equipment was completed. According to the MMRP database, one MEC item (smoke grenade) and 208 munitions debris items were discovered during these munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-29 or in adjacent MRS-14A. Based on the results of the munitions responses, no further munitions responses were recommended within MRS-29 (<i>USA, 2000d</i>). MEC is not expected to remain at MRS-29. MRS-29 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			MMRP.
MRS-30 Laguna Seca Turn 11 (Parcels L20.3.1, L20.3.2 and L20.5.4)	MD MEC	At least since 1945	The December 1956 Training Areas map shows the area as a training site. The ASR notes this site is considered a military munitions site because it lies within the boundaries of the Impact Area and is adjacent to the Wolf Hill Training Area (Plate 11). A munitions response (removal) to a depth of 4 feet was conducted using geophysical equipment. According to the MMRP database, two MEC items and eight munitions debris items were removed. Based on the results of the munitions response, no further munitions response was recommended within MRS-30 (<i>UXB, 1995b</i>). Upon completion of the munitions response, approximately 30 feet to 40 feet of fill material was placed over most of MRS-30 in support of construction activities associated with the expansion of Turn 11 of Laguna Seca Raceway. MEC is not expected to be found at MRS-30. MRS-30 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-31 CSU Footprint (Parcel S1.3.2)	MD MEC	1940s through 1990s	MRS-31 encompasses MRS-4C, MRS-7, MRS-8, and MRS-18 (Plate 4). The boundary of MRS-31 was established to correspond to the boundary of transfer Parcel S1.3.2 and to include each of the MRSs. Initial munitions response (investigation) at MRS-31 was conducted in 1994. Based on the results, 3-foot and 4-foot removals were conducted throughout the site. According to the MMRP database, 1,831 MEC items and 2,485 munitions debris items were found during munitions responses at MRS-4C, MRS-7, MRS-8, MRS-18, and MRS-31. MEC is not expected to remain at MRS-31 and no further munitions response was recommended (<i>UXB, 1995c</i>). MRS-31, as well as the MRSs within MRS-31, will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-37 Parker Flats Practice Mortar Range (Parcel E19a.3 and E19a.4)	MD MEC	Unknown	According to the ASR, this site appeared on an undated map from the Fort Ord Fire Department. This area was most likely used for firing practice mortars or in non-firing drills (dry-fire). A munitions response (sampling investigations) were performed in March and June of 1998. All munitions responses were to a depth of 4 feet. According to the MMRP database, 58 MEC items and 994 munitions debris items were found and removed during munitions responses. MRS-37 is included in the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-37 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-40 Parker Flats Gas House (Parcel E18.1.2)	MD MEC	Unknown	MRS-40 is identified as the Parker Flats Gas House and included a facility to train troops in the use of gas masks. According to the ASR, this site has the same characteristics as Sites MRS-4A and MRS-4B. Tear gas agents (CS and CN) may have been used in the gas chambers. Based on a review of a 1983 U.S. Chemical Systems Laboratory document, classroom training occurred in Building 2820 on this site, and part of the training involved use of minute quantities of mustard gas. SiteStats/GridStats sampling investigation was performed at this site in October 1997. No MEC was found. Three munitions debris items (unknown fragments) were found. MRS-40 is included in the Parker Flats MRA and the entire site underwent a munitions response (removal) to a depth

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			<p>of 4 feet using geophysical equipment. The data associated with the removal at MRS-40 was included with the data for adjacent MRS-50 and MRS-50EXP (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-40 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p>
<p>MRS-42/MRS-42EXP Demolition Area-Rifle Grenade Area (Parcels E11b.7.1.1, E11b.8 and L20.19.1.1)</p>	<p>MD MEC</p>	<p>1940s</p>	<p>MRS-42 was formerly the Fort Ord Ammunition Supply Point (ASP) Rifle Grenade Area, as identified on a 1946 training map. This area includes the northern portion of the ASP (Plate 5). MRS-42 underwent a munitions response (removal) to a depth of 4 feet using geophysical equipment. Due to the presence of MEC and munitions debris at the edge of the site the munitions response extended beyond the original boundary of MRS-42. The extended area is identified as MRS-42EXP. According to the former Fort Ord MMRP database, 61 MEC items (primarily M9 series antitank rifle grenades) and 27 munitions debris items (mostly MKII hand grenade fragments and practice antitank rifle grenades) were removed. It was recommended additional investigation be conducted within MRS-42 (<i>USA, 2001f</i>). MRS-42 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
<p>MRS-43 South Boundary Area (Parcels E29.1, L6.2, L20.13.1.2 and L20.13.3.1)</p>	<p>MD MEC</p>	<p>1942 to 1944</p>	<p>According to the former Fort Ord Fire Chief, a portion of the ridge in this site was used as a backstop for rifle grenades and shoulder launched projectiles from 1942-1944. During a munitions response (investigation) by an UXO Safety Specialist, a 37mm fragment was discovered at the northwest end of the site. In 1999, nineteen 100-foot by 200-foot grids were investigated using SS/GS and 100% grid sampling, and 19 munitions debris items were recovered. Based on the sampling results a munitions response (removal) to a depth of 4 feet was conducted at the northwest end of MRS-43 (Parcels E29.1 and L6.2). Upon completion of the removal, the removal area was investigated using digital geophysical equipment. The digital geophysical investigation of MRS-43 included the unpaved shoulder of South Boundary Road (Parcels L20.13.1.2 and L20.13.3.1; Plate 9). All munitions responses were conducted to a depth of 4 feet. According to the MMRP database 28 MEC items and 36 munitions debris items were removed during the munitions responses. Five of the 28 MEC items removed from MRS-43 were found in Parcels L20.13.3.1 and L6.2 and only one MEC item was found in Parcel E29.1. No MEC items were found within Parcel L23.13.1.2. Based on the results of the munitions responses, no further munitions response was recommended within the Del Rey Oaks (DRO) Group, which includes MRS-43 (<i>USA, 2001c</i>). No MEC is expected to remain at MRS-43. MRS-43 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Also see MRS-15 DRO 01.</p>

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-44EDC (Parcels E18.1.1, E18.1.2 and E20c.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of the PA/SI (USAEDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigations) were conducted at the site. The sampling investigations were completed to a depth of 4 feet. According to the MMRP database, 11 MEC items and 53 munitions debris items were removed during investigation. It was recommended that a munitions response (removal) to 4 feet be conducted at MRS-44EDC (USA, 2001i). MRS-44EDC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-44PBC (Parcels L20.18 and L23.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigation and a removal action) were conducted at MRS-44PBC. All munitions responses were to a depth of 4 feet. According to the MMRP database, 16 MEC items and 73 munitions debris items were removed during munitions responses. MRS-44PBC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-45 Tactical Training Area-TTA (Parcels L20.2.1, L5.7, E19a.3, and E19a.4)	MD MEC	Unknown	A portion of MRS-45 lies within Parcel L20.2.1 (Plate 4). Munitions response (sampling investigation) of MRS-45 was conducted in 1997. According to the MMRP database, a total of 5 MEC items (all pyrotechnic or practice/training-related items) and 224 munitions debris items were found during the sampling investigation in MRS-45. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas, including the eastern portion of MRS-45, was performed by a munitions response contractor under the direction of the USACE. Three MEC items (pyrotechnic signals) and small arms ammunition were found and removed. None of these items were found in the portion of MRS-45 that lies within Parcel L20.2.1 (Parsons, 2002b). Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to remain at MRS-45. MRS-45 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-47 Wolf Hill (Parcels L20.3.1 and L20.3.2)	MD MEC	1950s	MRS-47 was identified on a 1957 training map as the Wolf Hill Training Area. MRS-47 has undergone munitions responses (two sampling investigations and a removal). During investigation, evidence that the site was used as an impact area was found. The MEC items found included high explosive mortars and projectiles. A removal to a depth of 4 feet using geophysical equipment was performed. According to the MMRP database, 261 MEC items and 127 munitions debris items were removed from MRS-47. Seventy of the MEC items were rifle-fired smoke grenades found intentionally buried in a pit at a depth of 3 feet. MEC is not expected to remain at MRS-47. No further military munitions investigation was recommended (USA, 2000b). MRS-47 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-48 Former Dummy Grenade Range (Parcel L20.19.1.1)	MD MEC	1940s through 1950s	MRS-48 lies located on the west side of Barloy Canyon Road (Plate 5). The eastern boundary of MRS-48 overlaps portions of the right-of-way associated with Barloy Canyon Road. MRS-48 was identified on a 1946 Fort Ord Master Plan as a "Dummy Grenade Range." During a munitions response (investigation) by a UXO Safety Specialist, fragments from 4.2-inch mortars and other debris were discovered. A munitions response (grid sampling) was completed at the site in 1988. According to the MMRP database, 3 MEC items (practice hand grenade fuze, a rifle-fired signal, and a screening smoke pot) and 22 munitions debris items were removed. Additionally, over 100 pounds of fragments, mostly from 4.2-inch smoke mortars and smoke grenades, were removed. No sampling occurred within Parcel L20.19.1.1. It was concluded that a grenade and 4.2-inch mortar impact area existed within or near the site and that additional munitions responses be conducted within, to the north and to the south of the site (USA, 2001h). MRS-48 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-50 Artillery Hill (Parcels E18.1.1 and E18.1.2)	MD MEC	1940s through 1960s	This area was identified during interviews conducted as part of the ASR. Artillery Hill was reportedly used as a target area for rifle grenades and shoulder launched projectiles in the 1940s, 1950s and 1960s. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI. During the munitions response, fragments from 37mm projectiles and 75mm high explosive (HE) projectiles were discovered. A munitions response (removal) to a depth of 4 feet was completed over all of the Parker Flats MRA, including MRS-50, using digital geophysical equipment. According to the MMRP database, 442 MEC items and 724 munitions debris items were removed from the site. MRS-50 is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-50EXP (Parcels E18.1.1, E18.1.2 and E19a.1)	MD MEC	1940s through 1960s	MRS-50EXP was identified as a MRS due to the expansion of the removal area associated with MRS-50. MEC and munitions debris were found at the boundary of MRS-50, which warranted an expansion of the investigation area in all directions. The investigation of MRS-50 and its expansion areas included a munitions response (removal) conducted over the entire site to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 430 MEC items and 1,186 munitions debris items were found and removed from MRS-50EXP. MRS-50EXP is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50EXP and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-52 Rifle Grenade and Projectile Target Area (Parcel E19a.3 and E19a.4)	MD MEC	1950s	This site was identified during interviews conducted as part of the ASR and a 1958 map of Fort Ord Training Areas & Facilities shows a Rifle Grenade and Projectile Target Area. During a site inspection, a 37mm fragment and an AT mine (inert) were discovered. Because of the expansion of the removal area associated with adjacent MRS-53, MRS-52 is now part of MRS-53 and included in the Parker Flats MRA (Plate 6). The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. The munitions data for MRS-52 is reported with the MRS-53 data. The items found included both MEC and munitions debris. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-52 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-53 Shoulder-Launched Projectile Area (Parcel E19a.5)	MD MEC	1940s through 1960s	Parcel E19a.5 lies predominantly within MRS-53 and MRS-53 EXP (Plate 6). According to the ASR, MRS-53 was a Shoulder Launched Projectile Target Area from the 1940s through the 1960s. The hill between the two flats was a target area for rifle grenades and shoulder-launched projectiles. Rifle grenades and shoulder-launched projectiles were shot from the southeast at the hill. The hill south of the large flat at Parker Flats was a target area for rifle grenades and ground/tube launched projectiles. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEHDH, 1997). During the munitions response, a 3-inch stokes mortar round was found and additional investigation was recommended. During a second munitions response (sampling investigation), a 75mm shrapnel projectile, two more 3-inch Stokes mortars and projectile fragments were found. Based on the sampling results, a 4-foot removal was conducted. Munitions responses (removals) resulted in discovery of MEC and live small arms ammunition. MRS-53 is included in the Parker Flats MRA. The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 465 MEC items and 5,163 munitions debris items were removed from MRS-53. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-53EXP (Parcels E19a.1, E19a.3, E19a.4, and E19a.5)	MD MEC	1940s - 1960s	MRS-53EXP was identified as a MRS due to the expansion of the removal area associated with MRS-53. MEC and munitions debris were found at the boundary of MRS-53, which warranted an expansion of the investigation area in all directions. MRS-53EXP and the adjacent sites now comprise the Parker Flats MRA (Plate 6). The munitions response at MRS-53 and its expansion areas included a removal conducted over the entire site to a depth of 4 feet below ground surface. According to the MMRP database, 803 MEC items and 4,500 munitions debris items were removed from MRS-53EXP. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53EXP and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-54EDC Canyon Target Area (Parcel E19a.4)	MD MEC	Unknown	MRS-54EDC is the portion of MRS-54 within Parcel E19a.4, which is slated for development. MRS-54 (Canyon Target Area) was identified during interviews conducted during the PA/SI Phase of the Archives Search. The area was reportedly used for flamethrowers, but was also a firing point and range for hand grenades (unknown type), rifle grenades (unknown type), and shoulder-launched projectiles (unknown type). During a munitions response (investigation) conducted in 1996 by a USACE UXO Safety Specialist, munitions debris was discovered, including a 2.36-inch practice rocket, two 75mm shrapnel projectiles, and three 81mm practice mortars. A munitions response (removal) to a depth of 4 feet over the entire site using digital geophysical equipment was performed in 1999. According to the MMRP database, 18 MEC items and 192 munitions debris items were removed from MRS-54EDC. MRS-54EDC is part of the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-54EDC and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-55 Parker Flats (Parcels)	MD MEC	Unknown	This area was identified during interviews conducted as part of the ASR and was reportedly a firing point and range for hand grenades, rifle grenades, shoulder-launched projectiles, and artillery. This site includes portions of MRS-27A and MRS-27B. During a munitions response (investigation) in 1996, an expended 75mm shrapnel projectile, and two fragments from 37mm

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.3 and E19a.4)			practice projectiles, and one mine fuze were discovered. SS/GS sampling investigation was conducted in March 1998. Following the investigation, a removal over the entire site using digital geophysical equipment was performed. All munitions responses were to a depth of 4 feet. According to the MMRP database, 144 MEC items and 1,608 munitions debris items were removed from MRS-55. Items removed include simulators, smoke pots, and grenades. MRS-55 is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-55 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-57 Unnamed (Parcel L20.2.1)	MD MEC	1940's – 1960's	MRS-57 was identified during interviews conducted as part of the ASR (Plate 4). This area was reportedly used in the 1940s, 1950s, and 1960s. The intersection of Hennekens Ranch Road and Watkins Gate Road was reportedly a firing point for machine guns, M-1, rifle grenades, smoke grenades, and shoulder-launched projectiles. Rifle grenades and bazooka rounds were reportedly found on the hill at Watkins Gate Road and Parker Flats Road intersection. This area was often burned to detonate the UXO. A munitions response (site walk) that included MRS-57 was conducted in January 1996 by a USACE UXO Safety Specialist as part of a PA/SI. Military munitions found included an expended 75mm shrapnel projectile, a smoke grenade, and illumination signals. The data was insufficient to determine if the smoke grenade and the illumination signals were MEC or munitions debris. Additionally, 4 expended smoke grenades were found on a dirt road adjacent to MRS-57 during a munitions response (investigation) completed in October 1999. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. The visual surface removal included MRS-57. No MEC items were found at MRS-57 (Parsons, 2002b). Historical research and field investigations identified past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. No evidence of other types of training or use as an impact area was observed. MEC is not expected to be found at MRS-57. MRS-57 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-59 Unnamed (Parcel L20.2.1)	MD	Unknown	A small portion of MRS-59 overlaps Parcel L20.2.1 (Plate 4). MRS-59 was identified during interviews conducted as part of the ASR and was reported to have included a 2.36-inch rocket range in the early 1940s. A munitions response (investigation) that included MRS-59 and MRS-27F was conducted by a USACE UXO Safety Specialist as part of a PA/SI (USADEH, 1997). Munitions debris (expended pyrotechnics) and two fragments from the incomplete detonation of a 60mm mortar were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. MEC is not expected to be present within MRS-59. MRS-59 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 DRO 01 (Parcels L20.13.1.2 and L20.13.3.1	MD MEC	Unknown	MRS-15 DRO 01 and Parcel L6.1 lie adjacent to Parcel L6.2 (Plate 9). Sites MRS-15 DRO 01, MRS-15 DRO 02, and MRS-43 are collectively called the DRO Group (Plate 9). The initial munitions responses (investigations) conducted at MRS-15 DRO 01 included random grid sampling, a removal to a depth of 4 feet along a fuel break on the east side of MRS-15 DRO 01, a removal to a depth of 4 feet on the roads and trails within the site, SS/GS sampling at MRS-15 DRO 01 and MRS-43, and removal of spent small arms ammunition in Ranges 24, 25 and 26 (HA-24, HA-25 and HA-26). MEC and munitions debris were identified within the eastern portion of MRS-15 DRO 01 and the area was subjected to a munitions response (removal) to a depth of 4 feet. Upon

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
and adjacent to Parcel L6.2)			completion of the removal, the removal area and the rest of MRS-15 DRO 01 were resurveyed using digital geophysical equipment. The digital geophysical survey on the southern margin of MRS-15 DRO 01 included investigation up to the fence-line running parallel to South Boundary Road (Parcels L20.13.3.1 and L20.13.1.2). According to the MMRP database 168 MEC items and 15,300 munitions debris items were removed from MRS-15 DRO 01. The removal at MRS-15 DRO 01 is complete and no MEC is expected to remain in the portions of MRS-15 DRO 01 overlapping Parcels L20.13.1.2 and L20.13.3.1. MRS-15 DRO 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 MOCO 02 (Parcel E21b.3)	MD MEC	Unknown	The boundary of MRS-15 MOCO 02 was developed to support the transfer of Parcel E21b.3 and not on evidence of munitions use. MRS-15 MOCO 02 lies within the boundary of the former Fort Ord Impact Area and contains the firing lines for Ranges 44 and 45. Range 44 was used for firing of antitank weapons and Range 45 was a 40mm grenade range. Munitions response (investigation) at the site was performed in 1999 and approximately 100 military munitions-related items (MEC and munitions debris) were found (<i>USA, 2001g</i>). To address the threat to human health associated with MEC at MRS-15 MOCO 02, a non-time critical removal action (NTCRA) to a depth of 4 feet was completed across the northern portion of the site. According to the MMRP database 663 MEC items and 3,964 munitions debris items were removed from the site. All accessible areas within the northern portion of MRS-15 MOCO 02 were investigated to a depth of 4 feet. Based on the results of the NTCRA the threat to the public posed by the presence of MEC at the site has been mitigated (<i>Parsons, 2006c</i>). MRS-15 MOCO 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-Ranges 43-48 (Parcels E38, E39, E40, E41, and E42)	MD MEC	1940s through 1990s	MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Range 43-48, several munitions responses were performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. Inaccessible SCAs ² (Plate 7, Attachment 1) and pending areas underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2007</i>). According to the MMRP database 11,955 MEC items and 28,840 munitions debris items were removed from the site. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 01 (Parcel E24)	MD MEC	Unknown	The boundary of MRS-15 SEA 01 was developed to support the transfer of Parcel E24 and not on evidence of munitions use. MRS-15 SEA 01 included the firing points and some of the targets associated with three small arms ranges (Ranges 21, 22, and 23) and a non-firing target detection range. Several munitions responses were conducted on MRS-15 SEA 01, including an investigation of field latrines, road clearances, grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 01 not covered by the NTCRA. According to the MMRP database, 203 MEC items and 17,845 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 01 have been conducted to a depth of 4 feet. Inaccessible SCAs ³ (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-15 SEA 02 (Parcel E34)	MD MEC	Unknown	<p>addressed in a follow-up investigation. MRS-15 SEA 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>The boundary of MRS-15 SEA 02 was developed to support the transfer of Parcel E34 and not on evidence of munitions use. MRS-15 SEA 02 included the firing points and some of the targets associated with two small arms ranges (Ranges 19 and 20). Several munitions responses were conducted on MRS-15 SEA 02, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 02 not covered by the NTCRA. According to the MMRP database, 12 MEC items and 1,390 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 02 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
MRS-15 SEA 03 (Parcel E23.1)	MD MEC	Unknown	<p>The boundary of MRS-15 SEA 03 was developed to support the transfer of Parcel E23.1 and not on evidence of munitions use. MRS-15 SEA 03 includes a portion of Range 18, a former small arms range. Features associated with Range 18 that lie within Parcel E23.1 include some of the firing points and some of the targets. Several munitions responses were conducted on MRS-15 SEA 03, including grid sampling, removals within the small arms range, roads and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 03 not covered by the NTCRA. According to the MMRP database, 124 MEC items and 220 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 03 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 03 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
MRS-15 SEA 04 (Parcel E23.2)	MD MEC	Unknown	<p>The boundary of MRS-15 SEA 04 was developed to support the transfer of Parcel E23.2 and not on evidence of munitions use. MRS-15 SEA 04 included the firing points and some of the targets associated with two small arms ranges (Ranges 18 and 46), and the firing points for a mortar and antitank weapons range (Range 48). Several munitions responses were conducted on MRS-15 SEA 04, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 04 not covered by the NTCRA. According to the MMRP database, 189 MEC items and 380 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 04 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 04 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
<p>*Munitions and Explosives of Concern (MEC)U. This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 101(e)(5); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.</p> <p>¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g. special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.</p> <p>² SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-Ranges 43-48 are high density munitions debris and range-related debris (Ranges 44 and 48); high density MEC and range-related debris (Range 47); target box trench (Range 45); non-completed areas; steel-reinforced concrete observation bunker; and metallic fence. See the <i>Final MRS-Ranges 43-48 Interim Action Technical Information Paper, Former Fort Ord, Monterey, California, Military Munitions Response Program</i>, January 26, 2007, for additional information.</p> <p>³ SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-15 SEA 01-4 are metallic fence; asphalt and concrete paved areas; non-completed backhoe excavation areas; heavy equipment excavation areas (concrete bunkers, fighting positions, flag poles, target boxes, tie downs, utility poles and wood stairs); berms (wood retaining walls with metal connectors); structures and latrines; former remote automated weather station (Range 46); and debris piles. See the <i>Final Technical Information Paper MRS-15 SEA 01-4, Time-Critical Removal Action and Geophysical Operations (Phase I), Former Fort Ord, Monterey, Military Munitions Response Program</i>, February 11, 2006, for additional information.</p>			

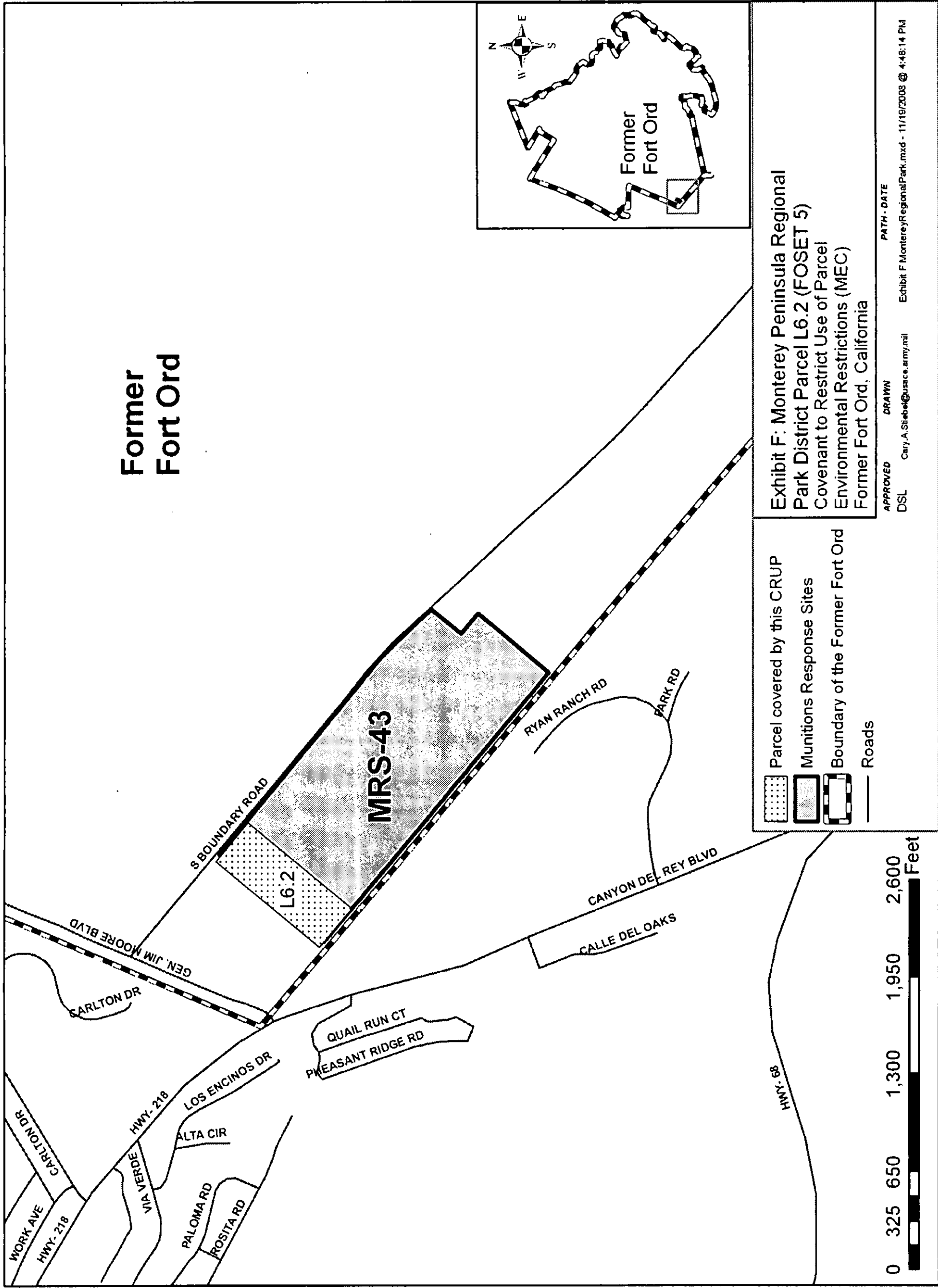


EXHIBIT G

UNRECORDED EASEMENTS AND ENCUMBRANCES

Existing utilities, if any, along South Boundary Road.

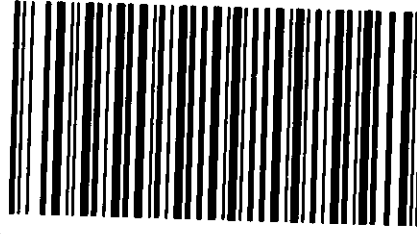
Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

CRMELISSA
5/08/2009
8:00:00

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

DOCUMENT: **2009028280**

Titles: 1/ Pages: 134



Fees....
Taxes...
Other...
AMT PAID _____

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
COUNTY OF MONTEREY, CALIFORNIA**

**(Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7,
L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and
L32.1)**

Documentary Transfer Tax \$0-government agency, exempt from DTT

____ Computed on full value of property conveyed
____ Computed on full value less liens and encumbrances
remaining at time of sale

Signature of Declarant or agent - Firm name

Deed No. DACA05-9-07-505

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
COUNTY OF MONTEREY, CALIFORNIA**

**(Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7,
L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and
L32.1)**

THIS QUITCLAIM DEED, made and entered into between the **UNITED STATES OF AMERICA**, acting by and through the **SECRETARY OF THE ARMY** (the "**Grantor**"), under and pursuant to the power and authority contained in the Defense Base Closure and Realignment Act of 1990, as amended (Public Law No. 101-510, 10 U.S.C. § 2687) ("**DBCRA**"), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 101 *et seq.*); and the **FORT ORD REUSE AUTHORITY** ("**FORA**") (the "**Grantee**"), created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, *et seq.*, and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, *et seq.*, and Article 4, commencing with Section 33492.70, *et seq.*, and recognized as the Local Redevelopment Authority for the former Fort Ord Army Base, California, by the Office of Economic Adjustment on behalf of the Secretary of Defense.

WITNESSETH THAT:

WHEREAS, the Secretary of the Army may convey surplus property to a local redevelopment authority at a closing military installation for economic development purposes pursuant to the power and authority provided by DBCRA and the implementing regulations of the Department of Defense (32 CFR 174 and 176);

WHEREAS, Grantee, by application, requested an economic development conveyance of portions of the former Fort Ord, California, consistent with the redevelopment plan prepared by the Grantee;

WHEREAS, Section 334 of Public Law 104-201 allows, with the approval of the Administrator of the EPA and the concurrence of the Governor of the State of California, for the deferral of the requirement of 42 U.S.C. § 9620 (h)(3)(A)(ii)(I) prior to completion of all the necessary environmental remediation actions required under the CERCLA, which approval and concurrence have been received.

WHEREAS, the Grantor and the State of California Department of Toxic Substances Control have entered into a Munitions and Explosives of Concern ("MEC") Covenant to Restrict Use of Property, dated 4/21/09 2009 and recorded on May 8th 2009, Series Number 2009028279 cr

NOW THEREFORE, the GRANTOR, for good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby REMISE, RELEASE, AND FOREVER QUITCLAIM unto the GRANTEE, its successors and assigns, all its right, title, and interest in the property situated, lying and being in the County of Monterey, in the State of California, Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1, containing approximately 1,767.261 acres as shown on Exhibit A, attached hereto and made a part hereof (hereinafter referred to as the "Property").

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the GRANTEE, by its acceptance of this Deed, agrees that, as part of the consideration for this Deed, the GRANTEE covenants and agrees for itself, its successors and assigns, forever, that this Deed is made and accepted upon each of the following covenants, which covenants shall be binding upon and enforceable against the GRANTEE, its successors and assigns, in perpetuity by the United States and other interested parties as allowed by federal, state or local law; that the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS set forth herein are a binding servitude on the Property herein conveyed and shall be deemed to run with the land in perpetuity; and that the failure to include the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in subsequent conveyances does not abrogate the status of these restrictions as binding upon the parties, their successors and assigns:

I. PROPERTY DESCRIPTION:

The Property includes:

1. All buildings, facilities, roadways, and other improvements, including the storm drainage systems and the telephone system infrastructure, and any other improvements thereon;
2. All appurtenant easements and other rights appurtenant thereto, permits, licenses, and privileges not otherwise excluded herein; and
3. All hereditaments and tenements therein and reversions, remainders, issues, profits, privileges and other rights belonging or related thereto.

II. EXCLUSIONS AND RESERVATIONS

This conveyance is made subject to the following **EXCLUSIONS** and **RESERVATIONS**:

1. The Property is taken by the Grantee subject to any and all valid and existing recorded outstanding liens, leases, easements, and any other encumbrances made for the purpose of roads, streets, utility systems, rights-of-way, pipelines, and/or covenants, exceptions, interests, liens, reservations, and agreements of record; and any unrecorded easements and any other encumbrances made for the limited purpose of roads, streets, utility systems, and pipelines set forth in Exhibit G.

2. The reserved rights and easements set forth in this section are subject to the following terms and conditions:

A. The Grantee is to comply with all applicable Federal law and lawful existing regulations;

B. The Grantor is to allow the occupancy and use by the Grantee, its successors, assigns, permittees, or lessees of any part of the easement areas not actually occupied or required for the purpose of the full and safe utilization thereof by the Grantor, so long as such occupancy and use does not compromise the ability of the Grantor to use the easements for their intended purposes, as set forth herein;

C. The easements previously granted or granted herein shall be for the specific use described and may not be construed to include the further right to authorize any other use

within the easements unless approved in writing by the fee holder of the land subject to the easement;

D. Any transfer of the easements by assignment, lease, operating agreement, or otherwise must include language that the transferee agrees to comply with and be bound by the terms and conditions of the original grant;

E. Unless otherwise provided, no interest reserved shall give the Grantor any right to remove any material, earth, or stone for consideration or other purpose except as necessary in exercising its rights hereunder; and

F. The Grantor is to restore the area of any easement or right of access so far as it is reasonably possible to do so upon abandonment or release of any easement as provided herein, unless this requirement is waived in writing by the then owner of the Property.

3. Grantor reserves mineral rights that Grantor owns with the right of surface entry in a manner that does not unreasonably interfere with Grantee's development and quiet enjoyment of the Property.

TO HAVE AND TO HOLD the Property granted herein to the GRANTEE and its successors and assigns, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, or claim whatsoever of the GRANTOR, either in law or in equity and subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed.

III. CERCLA NOTICE, ASSURANCES, WARRANTY, AND ACCESS PROVISIONS

1. CERCLA NOTICE

For the Property, the Grantor provides the following notice and description:

A. Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided in Exhibit B, attached hereto and made a part hereof. Additional information regarding the storage, release, and disposal of hazardous substances on the Property has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges.

B. Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the Property is provided in Exhibit C, attached hereto and made a part hereof. Additional information regarding the remedial action taken, if any, has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges.

2. CERCLA RESPONSE ACTION ASSURANCES

For the Property, the Grantor provides the following description and assurances:

A. Pursuant to section 120(h)(3)(C)(ii)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(I) and (II)), the Environmental Protection Provisions located at Exhibit D, attached hereto and made a part hereof, provide the conditions, restrictions, and notifications necessary to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord.

B. Pursuant to section 120(h)(3)(C)(ii)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(III)), all corrective, remedial, or response actions necessary to protect human health and the environment will be taken with respect to any hazardous substance remaining on the Property as a result of storage, release, or disposal prior to the date of transfer, in accordance with the compliance schedule. The schedule will be developed in cooperation with the U.S. Environmental Protection Agency and the State of California. The schedules may be changed as provided by the Fort Ord Federal Facility Agreement (FFA), as amended, and the Administrative Order on Consent (AOC).

C. Any corrective, remedial, or response action found to be necessary after the date of transfer shall be conducted by the Grantor, except those actions conducted by the Grantee on behalf of the Grantor. This warranty shall not apply in any case in which the person or entity to whom the Property is transferred is a potentially responsible party with respect to such property. For purposes of this warranty, Grantee shall not be considered a potentially responsible party solely due to the presence of a hazardous substance remaining on the Property on the date of this instrument. Further, the Grantor shall not be relieved of any obligation under CERCLA to perform any remedial action found to be necessary after the date of this Deed with regard to any hazardous substances remaining on the Property as of the date of this Deed if the Grantee is subsequently determined to be a potentially responsible party with respect to hazardous substances placed on the Property after the date of this Deed.

D. Pursuant to section 120(h)(3)(C)(ii)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(IV)), the

Grantor has submitted and will continue to submit through its established budget channels to the Director of the Office of Management and Budget a request for funds that adequately addresses schedules for investigation and completion of all response actions required. Expenditure of any federal funds for such investigations or response actions is subject to Congressional authorization and appropriation of funds for that purpose. The Grantor will submit its funding request for the projects needed to meet the schedule of necessary response actions.

3. RIGHT OF ACCESS

A. Pursuant to section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)), the United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which a remedial or corrective action is found to be necessary on the part of the United States, without regard to whether such remedial action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

B. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this covenant, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means, but without significant additional costs to the United States, to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

C. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause provided, however, that nothing in this paragraph shall be considered as a waiver by the Grantee and its successors and assigns of any remedy available to

them under the Federal Tort Claims Act. In addition, the Grantee, its successors and assigns, shall not interfere with any response action or corrective action conducted by the Grantor on the Property.

IV. "AS IS"

A. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the subject Property. Except as otherwise provided herein, the Grantee understands and agrees that the Property and any part thereof is offered "AS IS" without any representation, warranty, or guaranty by the Grantor as to quantity, quality, title, character, condition, size, or kind, or that the same is in condition or fit to be used for the purpose(s) intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

B. No warranties, either express or implied, are given with regard to the condition of the Property, including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property, including, without limitation, any asbestos or lead-based paint. The failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of all or any portion of the Property offered will not constitute grounds for any claim or demand against the United States.

C. Nothing in this "As Is" provision will be construed to modify or negate the Grantor's obligation under law.

V. HOLD HARMLESS

A. To the extent authorized by law, the Grantee, its successors and assigns, covenant and agree to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, and judgments arising out of, or in any manner predicated upon, exposure to asbestos or lead-based paint on any portion of the Property after the date of conveyance.

B. The Grantee, its successors and assigns, covenant and agree that the Grantor shall not be responsible for any costs associated with modification or termination of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed, including without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property.

C. Nothing in this Hold Harmless provision will be construed to modify or negate the Grantor's obligation under law.

VI. POST-TRANSFER DISCOVERY OF CONTAMINATION

Grantee, its successors and assigns, as consideration for the conveyance of the Property, agree to release Grantor from any liability or responsibility for any claims arising solely out of the release of any hazardous substance or petroleum product on the Property occurring after the date of the delivery and acceptance of this Deed, where such substance or product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the Grantor's responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations, or the Grantor's indemnification obligations under applicable laws.

VII. ENVIRONMENTAL PROTECTION PROVISIONS

The Environmental Protection Provisions are at Exhibit D, which is attached hereto and made a part hereof. These provisions are intended to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord. The Grantee shall not transfer or lease the Property or any portion thereof, or grant any interest, privilege, or license whatsoever in connection with the Property, or any portion thereof, without the inclusion of the Environmental Protection Provisions contained herein to the extent applicable to the Property or a portion thereof, and shall require the inclusion of applicable Environmental Protection Provisions in all further deeds, easements, transfers, leases, or grant of any interest, privilege, or license concerning the Property or the applicable portion thereof.

VIII. AIR NAVIGATION RESERVATION AND RESTRICTIONS

The Monterey Peninsula Airport and the former Fritzsche Army Airfield, now known as the Marina Municipal Airport, are in close proximity to the Property. Accordingly, in coordination with the Federal Aviation Administration, the Grantee covenants and agrees, on behalf of itself, its successors and assigns and every successor in interest to the Property herein described, or any part thereof, that there will be no construction or alteration unless a determination of no hazard to air navigation is issued by the Federal Aviation Administration in accordance with Title 14, Code of Federal Regulations, Part 77, entitled, "Objects Affecting Navigable Airspace," or under the authority of the Federal Aviation Act of 1958, as amended.

IX. ENFORCEMENT AND NOTICE REQUIREMENT

A. The provisions of this Deed benefit the governments of the United States of America, the State of California, acting on behalf of the public in general, the local governments, and the

lands retained by the Grantor and, therefore, are enforceable, by resort to specific performance or legal process by the United States, the State of California, the local governments, and by the Grantor, and its successors and assigns. Enforcement of this Deed shall be at the discretion of the parties entitled to enforcement hereof, and any forbearance, delay or omission to exercise their rights under this Deed in the event of a breach of any term of this Deed, shall not be deemed to be a waiver by any such party of such term or of any subsequent breach of the same or any other terms, or of any of the rights of said parties under this Deed. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. The enforcement rights set forth in this Deed against the Grantee, or its successors and assigns, shall only apply with respect to the Property conveyed herein and held by such Grantee, its successors or assigns, and only with respect to matters occurring during the period of time such Grantee, its successors or assigns, owned or occupied such Property or any portion thereof.

X. NOTICE OF NON-DISCRIMINATION

With respect to activities related to the Property, the Grantee covenants for itself, its successors and assigns, that the Grantee, and such successors and assigns, shall not discriminate upon the basis of race, color, religion, sex, age, handicap, or national origin in the use, occupancy, sale or lease of the Property, or in their employment practices conducted thereon in violation of the provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); and the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794). This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The Grantor shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the Property hereby conveyed, and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

XI. ANTI-DEFICIENCY ACT STATEMENT

The Grantor's obligation to pay or reimburse any money under this Deed is subject to the availability of appropriated funds to the Department of the Army, and nothing in this Deed shall be interpreted to require obligations or payments by the Grantor in violation of the Anti-Deficiency Act (Public Law 97-258, 31 U.S.C. § 1341).

XII. GENERAL PROVISIONS

A. SEVERABILITY. If any provision of this Deed, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this Deed, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

B. CAPTIONS. The captions in this Deed have been inserted solely for convenience of reference and are not a part of this Deed and shall have no effect upon construction or interpretation.

C. RIGHT TO PERFORM. Any right which is exercisable by the Grantee, and its successors and assigns, to perform under this Deed may also be performed, in the event of default by the Grantee, or its successors and assigns, by a lender of the Grantee and its successors and assigns.

XIII. OTHER CONDITIONS

Should the Property be considered for the proposed acquisition and construction of school properties utilizing State funding, at any time in the future, a separate environmental review process in compliance with the California Education Code Section 17210 *et seq.*, will need to be conducted and approved by DTSC.

XIV. THE CONDITIONS, RESTRICTIONS, AND COVENANTS

The conditions, restrictions, and covenants set forth in this deed are a binding servitude on the herein conveyed Property and will be deemed to run with the land in perpetuity. Restrictions, stipulations and covenants contained herein will be inserted by the Grantee verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any other lesser estate in the Property or any portion thereof. All rights and powers reserved to the Grantor, and all references in this deed to Grantor shall include its successor in interest and assigns. The Grantor may agree to waive, eliminate, or reduce the obligations contained in the covenants, **PROVIDED, HOWEVER**, that the failure of the Grantor or its successor to insist in any one or more instances upon complete performance of any of the said conditions shall not be construed as a waiver or a relinquishment of the future performance of any such conditions, but the obligations of the Grantee, its successors and assigns, with respect to such future performance shall be continued in full force and effect.

XV. LIST OF EXHIBITS

The following listed Exhibits are made a part of this Deed:

- Exhibit A: Legal Description of Property
- Exhibit B: FOSET Hazardous Substance, Storage, Release and Disposal Table
- Exhibit C: FOSET Description of Property Table
- Exhibit D: Environmental Protection Provisions

- Exhibit E: Notification of Munitions and Explosives of Concern (MEC)
- Exhibit F: Site maps depicting the locations of munitions response sites
- Exhibit G: Unrecorded Easements and Encumbrances

[Signature Pages Follow]

IN WITNESS WHEREOF, the Grantor, the UNITED STATES OF AMERICA, acting by and through the SECRETARY OF THE ARMY, has caused these presents to be executed on this 19TH day of MARCH 2009.

UNITED STATES OF AMERICA

By [Signature]
Joseph F. Calcara
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA (I&E)

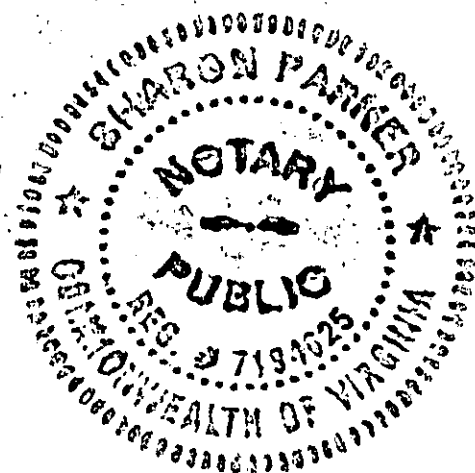
COMMONWEALTH OF VIRGINIA)
) ss
COUNTY OF ARLINGTON)

On 19 March 2009 before me, the undersigned, a Notary Public in and for said state, personally appeared Joseph F. Calcara, Deputy Assistant Secretary of the Army (Installations and Housing), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Notary Public, Commonwealth of Virginia

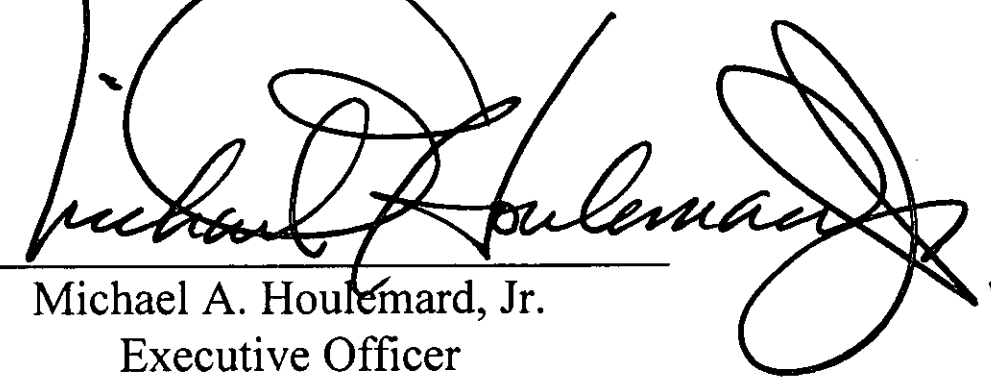
My commission expires: 31 Mar 2012



ACCEPTANCE:

In Testimony Whereof, witness the signature of the Fort Ord Reuse Authority ("Authority"), an organization organized and existing under the laws of the State of California under the Fort Ord Reuse Authority Act created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, et seq., and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, et seq., and Article 4, commencing with Section 33492.70, et seq., this ~~SEVENTEENTH~~ day of MARCH 2009 hereby accepts and approves this Quitclaim Deed for itself, its successors and assigns, and agrees to all the conditions, reservations, restrictions, and terms contained therein.

FORT ORD REUSE AUTHORITY
LOCAL REDEVELOPMENT AUTHORITY

By: 
Michael A. Houlemard, Jr.
Executive Officer

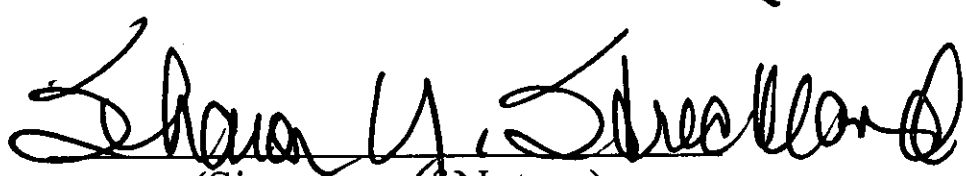
STATE OF CALIFORNIA

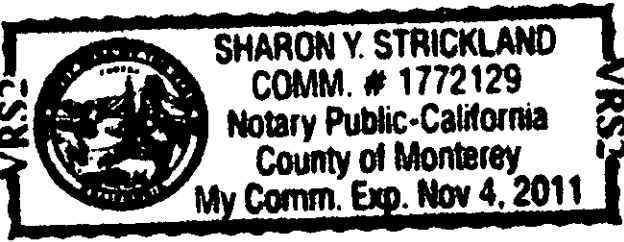
COUNTY OF MONTEREY

On 3-17-09 before me, Sharon Y. Strickland, (name of notary public) personally appeared Michael Houlemard, Jr. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me that he/she/they executed the same in their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


(Signature of Notary)



FOSET 5

Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of Parcel 1, "Monterey County IV", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 104, also being a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the most westerly corner of Parcel C, as said parcel is shown on that certain map recorded in Volume 28 of Surveys at Page 143; thence from said Point of Beginning along the southerly boundary of said Parcel C

1. South 79° 42' 05" East for a distance of 266.22 feet; thence
2. North 86° 28' 56" East for a distance of 234.92 feet; thence
3. North 55° 08' 30" East for a distance of 263.54 feet; thence
4. North 68° 58' 45" East for a distance of 222.12 feet; thence
5. North 79° 25' 03" East for a distance of 234.60 feet to the beginning of a non-tangential curve on the westerly boundary of Parcel 17, as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said westerly boundary
6. Along a curve to the right, through a central angle of 12° 44' 31", having a radius of 730.00 feet, for an arc length of 162.34 feet, and whose long chord bears North 58° 46' 04" East for a distance of 162.01 feet to a point of intersection with a tangent line; thence
7. North 65° 08' 20" East for a distance of 762.95 feet to the beginning of a tangent curve; thence
8. Along a curve to the left, through a central angle of 09° 18' 32", having a radius of 300.00 feet, for an arc length of 48.74 feet, and whose long chord bears North 60° 29' 04" East for a distance of 48.69 feet to a point of intersection with a non-tangential line; thence leaving said westerly boundary of Parcel 17 and continuing along said southerly boundary of Parcel C

9. South 64° 20' 35" East for a distance of 194.33 feet; thence
10. North 80° 57' 08" East for a distance of 995.89 feet; thence
11. North 73° 39' 30" East for a distance of 310.00 feet; thence
12. North 53° 57' 45" East for a distance of 128.65 feet; thence
13. North 11° 41' 33" East for a distance of 114.45 feet; thence
14. North 40° 57' 32" East (shown on said map recorded in Volume 28 of Surveys at Page 143 as North 40° 50' 58" East) for a distance of 37.76 feet; thence leaving said southerly boundary of Parcel C and following the westerly boundary of Parcel E11b.7.1.2
15. South 24° 38' 38" East for a distance of 213.55 feet; thence
16. South 27° 21' 27" East for a distance of 230.78 feet; thence
17. South 38° 10' 16" East for a distance of 24.19 feet; thence
18. North 57° 19' 19" East for a distance of 251.86 feet; thence
19. South 37° 46' 00" East for a distance of 411.32 feet; thence
20. South 77° 51' 15" East for a distance of 246.61 feet; thence
21. South 00° 02' 57" West for a distance of 332.86 feet to the boundary of said Parcel 1, "Monterey County IV"; thence leaving said westerly boundary of Parcel E11b.7.1.2 and running along the boundary of said Parcel 1, "Monterey County IV"
22. South 19° 51' 16" West for a distance of 162.04 feet; thence
23. North 75° 57' 30" West for a distance of 907.03 feet; thence
24. South 78° 04' 37" West for a distance of 109.65 feet; thence
25. South 51° 30' 12" West for a distance of 239.89 feet; thence
26. South 16° 31' 14" West for a distance of 243.69 feet; thence
27. South 03° 52' 00" West for a distance of 302.09 feet; thence
28. South 45° 19' 32" West for a distance of 429.04 feet; thence

FOSET 5

Fort Ord Military Reservation

Monterey County, California

29. South 04° 20' 02" East for a distance of 194.19 feet; thence
30. South 05° 11' 18" East for a distance of 103.37 feet; thence
31. South 14° 03' 06" West for a distance of 409.72 feet; thence
32. South 10° 25' 47" East for a distance of 165.34 feet; thence
33. South 05° 47' 54" East for a distance of 151.56 feet; thence
34. South 70° 02' 49" West for a distance of 107.15 feet; thence
35. South 76° 48' 38" West for a distance of 103.38 feet; thence
36. South 33° 59' 13" West for a distance of 71.97 feet; thence
37. South 05° 40' 51" West for a distance of 170.80 feet; thence
38. South 19° 10' 09" West for a distance of 317.20 feet; thence
39. South 79° 08' 31" West for a distance of 165.10 feet; thence
40. South 66° 07' 20" West for a distance of 227.73 feet; thence
41. South 78° 18' 26" West for a distance of 426.71 feet; thence
42. South 37° 24' 04" West for a distance of 405.24 feet; thence
43. South 60° 11' 20" West for a distance of 157.83 feet; thence
44. South 77° 37' 10" West for a distance of 604.84 feet; thence
45. North 86° 39' 21" West for a distance of 300.78 feet; thence
46. North 81° 43' 15" West for a distance of 60.02 feet to the beginning of a non-tangential curve on the westerly boundary of said Parcel 17; thence following said westerly boundary
47. Along a curve to the left, through a central angle of 16° 10' 12", having a radius of 445.00 feet, for an arc length of 125.59 feet, and whose long chord bears North 01° 23' 04" West for a distance of 125.17 feet to a point of intersection with a tangent line; thence
48. North 09° 28' 10" West for a distance of 304.65 feet to the beginning of a tangent curve; thence

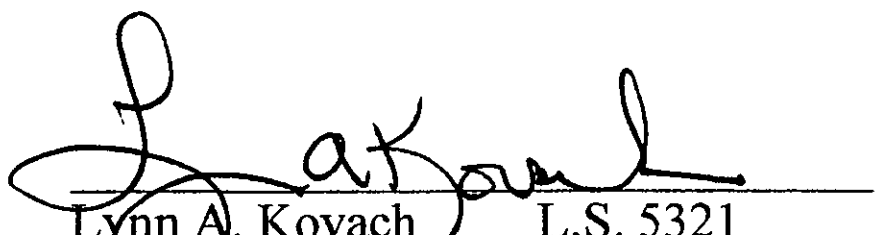
FOSET 5

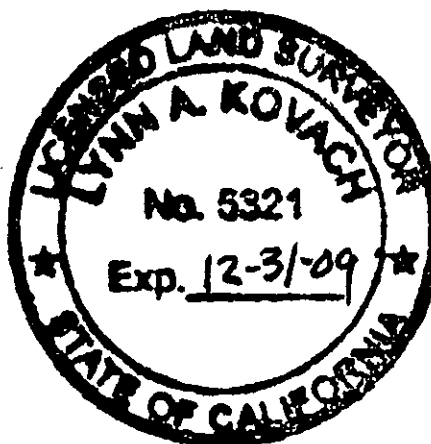
Fort Ord Military Reservation
Monterey County, California

- 49. Along a curve to the right, through a central angle of 30° 30' 23", having a radius of 680.00 feet, for an arc length of 362.06 feet, and whose long chord bears North 05° 47' 08" East for a distance of 357.80 feet to a point of intersection with a tangent line; thence
- 50. North 21° 02' 20" East for a distance of 453.89 feet; thence leaving said westerly boundary of Parcel 17 and continuing along the boundary of said Parcel 1, "Monterey County IV"
- 51. South 42° 37' 56" West for a distance of 161.20 feet; thence
- 52. South 74° 32' 59" West for a distance of 127.14 feet; thence
- 53. North 80° 11' 35" West for a distance of 143.17 feet; thence
- 54. South 87° 14' 25" West for a distance of 200.49 feet; thence
- 55. North 84° 29' 14" West for a distance of 236.48 feet; thence
- 56. North 23° 00' 40" West for a distance of 115.19 feet; thence
- 57. North 55° 12' 30" West for a distance of 237.06 feet; thence
- 58. North 09° 00' 50" East for a distance of 533.04 feet; thence
- 59. North 08° 24' 49" East for a distance of 814.99 feet; thence
- 60. North 09° 05' 29" East for a distance of 208.24 feet; thence
- 61. North 24° 06' 33" East for a distance of 86.18 feet (shown on said map as South 24° 18' 40" West, 86.40 feet); thence
- 62. North 41° 48' 01" East a distance of 335.44 feet to the POINT OF BEGINNING;

Containing an area of 251.797 acres, more or less.

This legal description was prepared by

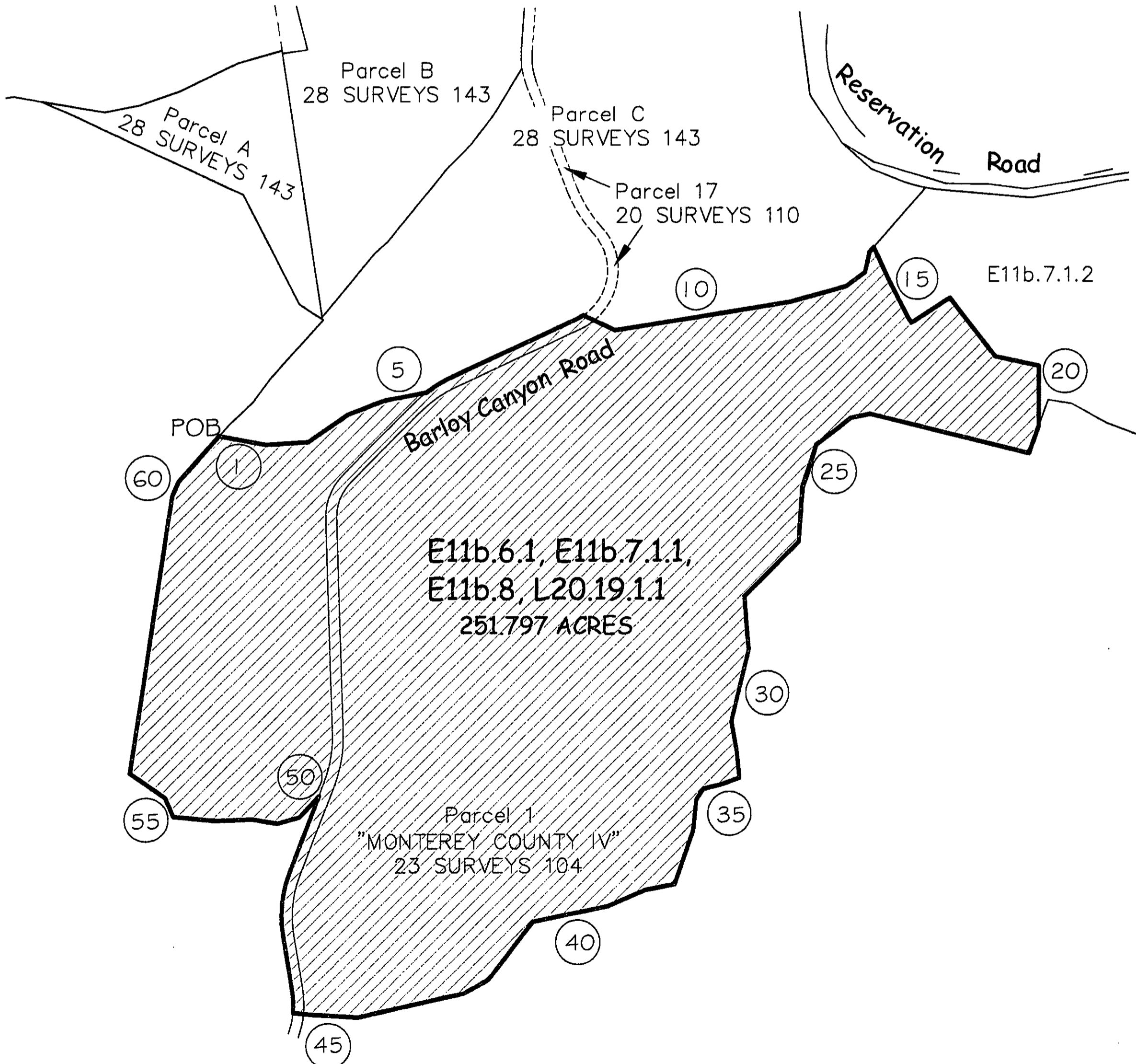

 Lynn A. Kovach L.S. 5321
 My license expires December 31, 2007



LAND
 of
 EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
 Being a Portion of
 Parcel 1 "Monterey County IV" as shown on Vol. 23 of Surveys at Page 104
 Monterey County Jurisdiction
 Fort Ord FOSET 5
 Lying within the Fort Ord Military Reservation
 as shown on Vol. 19 of Surveys at Page 1
 Being also within Monterey City Lands Tract No. 1
 Monterey County, California



Not To Scale



Note: Course Numbers Refer to the Legal Description.

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North $18^{\circ} 59' 35''$ East (shown on said map as North $18^{\circ} 59' 46''$ East), 298.43 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

1. North $18^{\circ} 59' 35''$ East for a distance of 4944.59 feet; thence leaving said common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A"
2. North $56^{\circ} 06' 54''$ East for a distance of 80.01 feet to a point on the southerly boundary of Parcel 1, L23.4.2, as it is shown on that certain map recorded in Volume 27 of Surveys at Page 17; thence along the southerly boundary of said Parcel 1, L23.4.2
3. South $86^{\circ} 42' 26''$ East (shown on said map as South $86^{\circ} 35' 49''$ East) for a distance of 59.64 feet to the southeast corner of said Parcel 1, L23.4.2 at Gigling Road, being also corner numbered 13 in the southerly boundary of Parcel 3 as it is shown on that certain map recorded in Volume 25 of Surveys at Page 54; thence along the southerly boundary of said Parcel 3,
4. South $86^{\circ} 45' 00''$ East for a distance of 492.62 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of $12^{\circ} 17' 46''$, having a radius of 532.00 feet, for an arc length of 114.17 feet, and whose long chord bears South $80^{\circ} 36' 07''$ East for a distance of 113.95 feet to the beginning of a tangent curve at an angle point in the southerly boundary of said Parcel 1, L23.4.2; thence along the southerly boundary of said Parcel 1, L23.4.2
6. Along a curve to the right, through a central angle of $14^{\circ} 16' 14''$, having a radius of 532.00 feet, for an arc length of 132.50 feet, and whose long chord bears South $67^{\circ} 19' 07''$ East for a distance of 132.16 feet to a point of intersection with a tangent line; thence
7. South $60^{\circ} 11' 00''$ East for a distance of 153.83 feet to the beginning of a tangent curve, at 2.05 feet, leaving the southerly boundary of said Parcel 1, L23.4.2 and following the

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
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- common boundary of said "Monterey County III" and "MST Parcel 2" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; thence continuing along the boundary of said "Monterey County III"
8. Along a curve to the left, through a central angle of $31^{\circ} 35' 00''$, having a radius of 418.00 feet, for an arc length of 230.42 feet, and whose long chord bears South $75^{\circ} 58' 30''$ East for a distance of 227.51 feet to a point of intersection with a tangent line; thence
 9. North $88^{\circ} 14' 00''$ East for a distance of 107.55 feet to the beginning of a tangent curve; thence
 10. Along a curve to the left, through a central angle of $26^{\circ} 00' 00''$, having a radius of 568.00 feet, for an arc length of 257.75 feet, and whose long chord bears North $75^{\circ} 14' 00''$ East for a distance of 255.54 feet to a point of intersection with a tangent line; thence
 11. North $62^{\circ} 14' 00''$ East for a distance of 25.58 feet to the beginning of a tangent curve; thence
 12. Along a curve to the right, through a central angle of $19^{\circ} 25' 00''$, having a radius of 482.00 feet, for an arc length of 163.34 feet, and whose long chord bears North $71^{\circ} 56' 30''$ East for a distance of 162.56 feet to the beginning of a tangent curve; thence
 13. Along a curve to the right, through a central angle of $14^{\circ} 13' 51''$, having a radius of 1632.00 feet, for an arc length of 405.35 feet, and whose long chord bears North $88^{\circ} 45' 56''$ East for a distance of 404.31 feet to a point of intersection with a non-tangent line; thence
 14. North $04^{\circ} 50' 13''$ East for a distance of 768.48 feet to a point on the common boundary of "Monterey County III" and Parcel 7 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence along said common boundary
 15. South $83^{\circ} 34' 21''$ East for a distance of 382.09 feet to the southeasterly corner of said Parcel 7; thence
 16. North $06^{\circ} 30' 01''$ East for a distance of 985.25 feet to a point on the common boundary of said "Monterey County III" and Parcel 3C as it is shown on that certain map recorded in Volume 19 of Surveys at Page 86; thence along said common boundary
 17. North $06^{\circ} 27' 43''$ East for a distance of 66.72 feet to a point on the common boundary of said "Monterey County III" and Parcel 3 as it is shown on that certain map recorded in Volume 19 of Surveys at Page 15; thence leaving said common boundary of "Monterey County III" and Parcel 3C and following said common boundary of "Monterey County III" and Parcel 3
 18. South $87^{\circ} 45' 00''$ East for a distance of 4,791.91 feet; thence

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19. North 02° 15' 00" East for a distance of 645.13 feet to a point on the common boundary of said "Monterey County III" and Parcel 1 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 64; thence leaving said common boundary of "Monterey County III" and Parcel 3 and following said common boundary of "Monterey County III" and Parcel 1
20. North 87° 27' 00" East for a distance of 577.00 feet; thence
21. North 79° 00' 00" East for a distance of 351.00 feet; thence
22. South 82° 51' 00" East for a distance of 359.00 feet; thence
23. South 89° 38' 00" East for a distance of 244.00 feet; thence
24. North 84° 00' 00" East for a distance of 199.00 feet; thence
25. North 68° 44' 00" East for a distance of 163.00 feet to a point on the common boundary of said "Monterey County III" and Parcel 1 "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89; thence along said common boundary of "Monterey County III" and Parcel 1 "Travel Camp"
26. South 07° 51' 00" East for a distance of 198.34 feet; thence
27. South 13° 25' 00" East for a distance of 206.15 feet; thence
28. South 26° 14' 00" East for a distance of 145.60 feet; thence
29. South 24° 41' 00" West for a distance of 96.00 feet; thence
30. South 30° 56' 00" East for a distance of 170.50 feet; thence
31. South 14° 47' 00" East for a distance of 137.30 feet; thence
32. South 38° 48' 00" East for a distance of 112.50 feet; thence
33. South 13° 07' 00" East for a distance of 170.90 feet; thence
34. South 28° 52' 00" East for a distance of 253.18 feet (shown on said map of "Monterey County III" as 253.20 feet); thence
35. South 34° 13' 00" West for a distance of 24.50 feet; thence

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36. South 55° 46' 46" East for a distance of 60.00 feet (shown on said map of Parcel 1 "Travel Camp" as South 54° 47' 00" East, 60.00 feet) (shown on said map of "Monterey County III" as South 54° 40' 49" East, 59.38 feet); thence leaving said common boundary of "Monterey County III" and Parcel 1 "Travel Camp" and following the boundary of said "Monterey County III"
37. South 52° 45' 14" West for a distance of 85.69 feet (shown on said map as 85.68 feet); thence
38. South 57° 36' 32" West for a distance of 133.91 feet (shown on said map as 133.90 feet); thence
39. South 62° 57' 50" West for a distance of 427.70 feet (shown on said map as 427.67 feet); thence
40. South 61° 05' 51" West for a distance of 584.54 feet (shown on said map as 584.50 feet); thence
41. South 63° 53' 31" West for a distance of 221.98 feet (shown on said map as 221.96 feet); thence
42. South 65° 18' 13" West for a distance of 428.37 feet (shown on said map as 428.34 feet); thence
43. South 38° 21' 27" West for a distance of 78.55 feet (shown on said map as 78.54 feet); thence
44. South 20° 57' 08" West for a distance of 89.62 feet (shown on said map as 89.61 feet); thence
45. South 19° 29' 14" West for a distance of 673.04 feet (shown on said map as 672.99 feet); thence
46. South 31° 41' 09" West for a distance of 132.84 feet (shown on said map as 132.83 feet); thence
47. South 46° 19' 42" West for a distance of 160.39 feet (shown on said map as 160.38 feet); thence
48. South 61° 30' 46" West for a distance of 508.42 feet (shown on said map as 508.39 feet); thence
49. South 50° 40' 25" West for a distance of 223.70 feet (shown on said map as 223.68 feet); thence

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50. South 49° 16' 25" West for a distance of 135.48 feet (shown on said map as 135.47 feet);
thence
51. South 36° 37' 42" West for a distance of 162.54 feet (shown on said map as 162.53 feet);
thence
52. South 33° 25' 09" West for a distance of 265.19 feet (shown on said map as 265.17 feet);
thence
53. South 49° 49' 05" West for a distance of 123.54 feet (shown on said map as 123.53 feet);
thence
54. South 62° 19' 42" West for a distance of 168.15 feet (shown on said map as 168.14 feet);
thence
55. South 43° 50' 29" West for a distance of 115.37 feet (shown on said map as 115.36 feet);
thence
56. South 38° 11' 13" West for a distance of 200.82 feet (shown on said map as 200.81 feet);
thence
57. South 40° 27' 38" West for a distance of 271.06 feet (shown on said map as 271.04 feet);
thence
58. South 53° 08' 07" West for a distance of 144.59 feet (shown on said map as 144.58 feet);
thence
59. South 69° 49' 08" West for a distance of 193.33 feet (shown on said map as 193.32 feet);
thence
60. South 54° 59' 05" West for a distance of 72.44 feet; thence
61. South 41° 12' 49" West for a distance of 81.00 feet (shown on said map as 80.99 feet);
thence
62. South 24° 33' 59" West for a distance of 55.05 feet; thence
63. South 05° 54' 51" West for a distance of 88.85 feet (shown on said map as 88.84 feet);
thence
64. South 08° 19' 42" East for a distance of 329.24 feet (shown on said map as 329.22 feet);
thence

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65. South 00° 05' 57" West for a distance of 78.53 feet (shown on said map as 78.52 feet);
thence
66. South 08° 37' 33" West for a distance of 97.39 feet (shown on said map as 97.38 feet);
thence
67. South 18° 58' 46" West for a distance of 165.56 feet (shown on said map as 165.55 feet);
thence
68. South 44° 37' 32" West for a distance of 95.78 feet (shown on said map as 95.77 feet);
thence
69. South 60° 52' 39" West for a distance of 254.56 feet (shown on said map as 254.54 feet);
thence
70. South 37° 26' 54" West for a distance of 126.63 feet (shown on said map as 126.62 feet);
thence
71. South 10° 48' 03" West for a distance of 68.50 feet; thence
72. South 29° 22' 04" West for a distance of 156.15 feet (shown on said map as 156.14 feet);
thence
73. South 34° 57' 59" West for a distance of 139.63 feet (shown on said map as 139.62 feet);
thence
74. South 56° 21' 39" West for a distance of 59.71 feet; thence
75. South 82° 29' 44" West for a distance of 194.59 feet (shown on said map as 194.58 feet);
thence
76. North 83° 42' 42" West for a distance of 287.16 feet (shown on said map as 287.14 feet);
thence
77. North 66° 01' 20" West for a distance of 147.40 feet (shown on said map as 147.39 feet);
thence
78. North 79° 00' 34" West for a distance of 251.38 feet (shown on said map as 251.36 feet);
thence
79. South 77° 12' 53" West for a distance of 55.92 feet; thence
80. South 46° 42' 29" West for a distance of 87.19 feet (shown on said map as 87.18 feet);
thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
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81. South 58° 47' 57" West for a distance of 75.86 feet (shown on said map as 75.85 feet);
thence
82. South 80° 55' 21" West for a distance of 132.37 feet (shown on said map as 132.36 feet);
thence
83. South 87° 12' 11" West for a distance of 112.48 feet (shown on said map as 112.47 feet);
thence
84. South 71° 38' 58" West for a distance of 176.74 feet (shown on said map as 176.73 feet);
thence
85. South 56° 09' 46" West for a distance of 97.72 feet (shown on said map as 97.71 feet);
thence
86. South 37° 48' 47" East for a distance of 90.92 feet (shown on said map as 90.91 feet);
thence
87. South 17° 07' 11" East for a distance of 62.89 feet; thence
88. South 02° 33' 03" West for a distance of 88.27 feet (shown on said map as 88.26 feet);
thence
89. South 18° 58' 47" West for a distance of 63.58 feet; thence
90. South 36° 47' 12" West for a distance of 201.49 feet (shown on said map as 201.48 feet);
thence
91. South 31° 02' 57" West for a distance of 121.85 feet (shown on said map as 121.84 feet);
thence
92. South 51° 55' 07" West for a distance of 113.24 feet (shown on said map as 113.23 feet);
thence
93. South 61° 32' 12" West for a distance of 269.69 feet (shown on said map as 269.67 feet);
thence
94. South 75° 50' 25" West for a distance of 66.11 feet; thence
95. South 59° 39' 37" West for a distance of 1066.26 feet; thence
96. North 52° 52' 17" East for a distance of 1103.36 feet to a 5/8" rebar with cap stamped LS
5321; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
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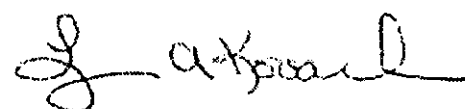
97. North 12° 53' 13" West for a distance of 90.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
98. North 23° 03' 02" West for a distance of 1755.77 feet to a 5/8" rebar with cap stamped LS 5321; thence
99. North 20° 08' 36" West for a distance of 268.73 feet to a 5/8" rebar with cap stamped LS 5321; thence
100. North 06° 42' 03" East for a distance of 153.53 feet to a 5/8" rebar with cap stamped LS 5321; thence
101. North 17° 38' 14" East for a distance of 226.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
102. North 48° 03' 46" West for a distance of 283.49 feet; thence
103. North 55° 11' 28" West for a distance of 278.91 feet to a 5/8" rebar with cap stamped LS 5321; thence
104. North 62° 41' 36" West for a distance of 227.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
105. North 65° 01' 11" West for a distance of 250.60 feet; thence
106. North 71° 11' 51" West for a distance of 335.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
107. North 79° 30' 16" West for a distance of 483.47 feet to a 5/8" rebar with cap stamped LS 5321; thence
108. North 84° 57' 11" West for a distance of 320.10 feet; thence
109. South 89° 14' 18" West for a distance of 321.74 feet to a 5/8" rebar with cap stamped LS 5321; thence
110. South 85° 32' 01" West for a distance of 169.80 feet; thence
111. South 04° 34' 26" East for a distance of 338.58 feet; thence
112. South 14° 47' 14" East for a distance of 1369.35 feet; thence
113. South 20° 28' 20" West for a distance of 520.37 feet; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
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114. South 30° 46' 05" West for a distance of 753.57 feet; thence
115. South 25° 53' 24" West for a distance of 427.12 feet; thence
116. South 01° 39' 30" West for a distance of 156.63 feet to the beginning of a non-tangent curve; thence
117. Along a curve to the left, the center of which bears South 00° 33' 41" East for a distance of 280.00 feet, through a central angle of 22° 52' 50", having a radius of 280.00 feet, for an arc length of 111.82 feet, and whose long chord bears South 77° 59' 54" West for a distance of 111.07 feet to the beginning of a non-tangent curve; thence
118. Along a curve to the left, the center of which bears South 41° 45' 33" West for a distance of 1,370.00 feet, through a central angle of 04° 10' 37", having a radius of 1,370.00 feet, for an arc length of 99.87 feet, and whose long chord bears North 50° 19' 45" West for a distance of 99.85 feet to a point on a curve, being the most easterly corner of "Plant Reserve #3, EDC Parcel L23.2; thence continuing along said curve and along the northerly boundary of said "Plant Reserve #3"
119. Along a compound curve to the left, through a central angle of 16° 36' 37", having a radius of 1,370.00 feet, for an arc length of 397.17 feet, and whose long chord bears North 60° 43' 22" West for a distance of 395.78 feet to the beginning of a tangent curve; thence
120. Along a reverse curve to the right, through a central angle of 10° 50' 30", having a radius of 1,430.00 feet, for an arc length of 270.59 feet, and whose long chord bears North 63° 36' 25" West for a distance of 270.19 feet to the beginning of a tangent curve; thence
121. Along a reverse curve to the left, through a central angle of 16° 42' 49", having a radius of 970.00 feet, for an arc length of 282.96 feet, and whose long chord bears North 66° 32' 34" West for a distance of 281.95 feet to the POINT OF BEGINNING.

Containing an area of 896.981 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

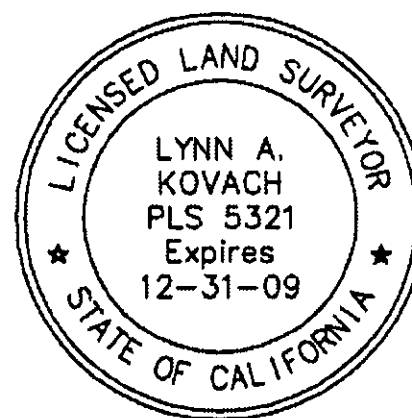
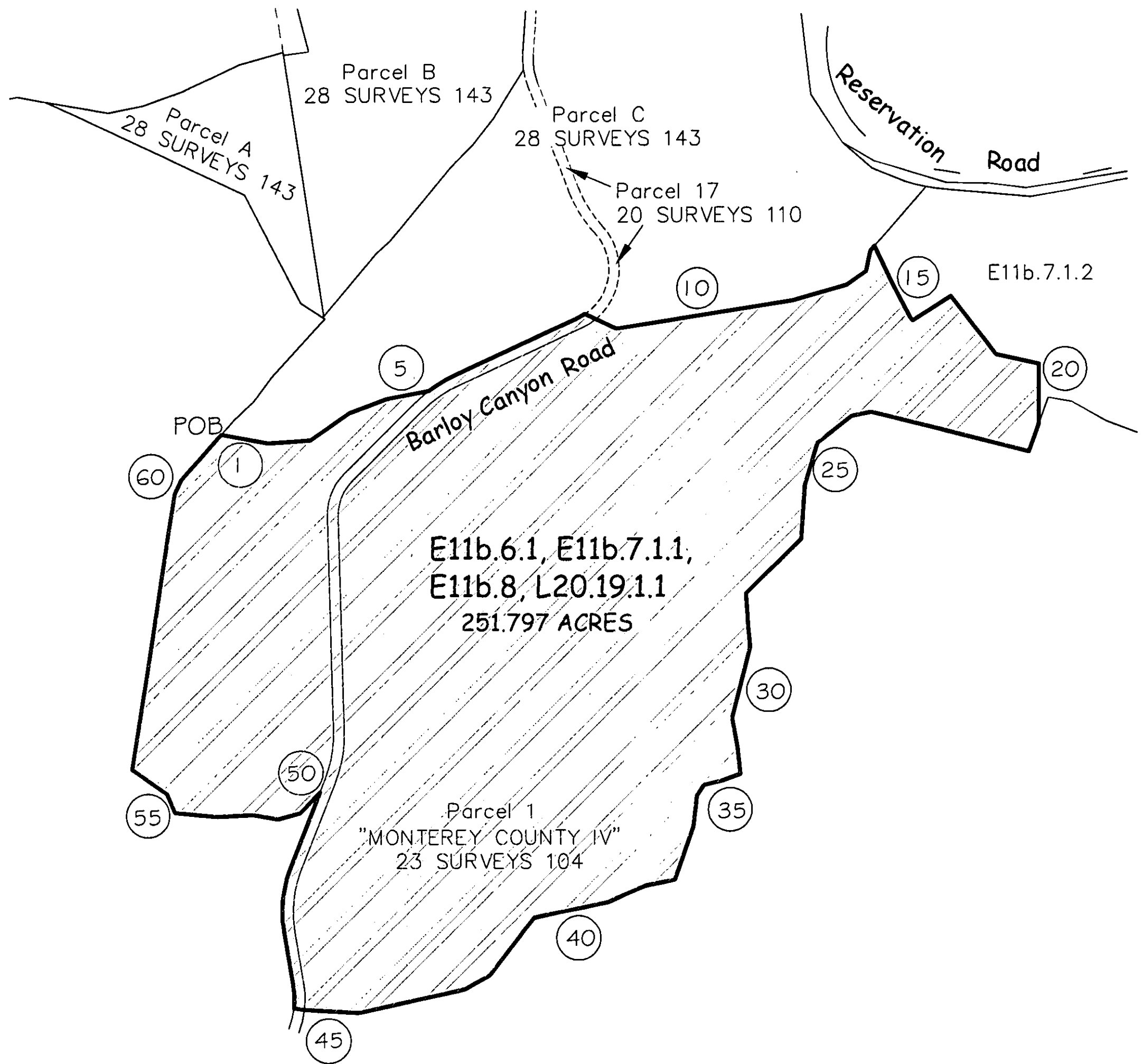


EXHIBIT
 of
 EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
 Being a Portion of
 Parcel 1 "Monterey County IV" as shown on Vol. 23 of Surveys at Page 104
 Monterey County Jurisdiction
 Fort Ord FOSET 5
 Lying within the Fort Ord Military Reservation
 as shown on Vol. 19 of Surveys at Page 1
 Being also within Monterey City Lands Tract No. 1
 Monterey County, California



Not To Scale



Note: Course Numbers Refer to the Legal Description.

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North 18° 59' 35" East (shown on said map as North 18° 59' 46" East), 298.43 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

1. North 18° 59' 35" East for a distance of 4944.59 feet; thence leaving said common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A"
2. North 56° 06' 54" East for a distance of 80.01 feet to a point on the southerly boundary of Parcel 1, L23.4.2, as it is shown on that certain map recorded in Volume 27 of Surveys at Page 17; thence along the southerly boundary of said Parcel 1, L23.4.2
3. South 86° 42' 26" East (shown on said map as South 86° 35' 49" East) for a distance of 59.64 feet to the southeast corner of said Parcel 1, L23.4.2 at Gigling Road, being also corner numbered 13 in the southerly boundary of Parcel 3 as it is shown on that certain map recorded in Volume 25 of Surveys at Page 54; thence along the southerly boundary of said Parcel 3,
4. South 86° 45' 00" East for a distance of 492.62 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of 12° 17' 46", having a radius of 532.00 feet, for an arc length of 114.17 feet, and whose long chord bears South 80° 36' 07" East for a distance of 113.95 feet to the beginning of a tangent curve at an angle point in the southerly boundary of said Parcel 1, L23.4.2; thence along the southerly boundary of said Parcel 1, L23.4.2
6. Along a curve to the right, through a central angle of 14° 16' 14", having a radius of 532.00 feet, for an arc length of 132.50 feet, and whose long chord bears South 67° 19' 07" East for a distance of 132.16 feet to a point of intersection with a tangent line; thence
7. South 60° 11' 00" East for a distance of 153.83 feet to the beginning of a tangent curve, at 2.05 feet, leaving the southerly boundary of said Parcel 1, L23.4.2 and following the

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
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common boundary of said "Monterey County III" and "MST Parcel 2" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; thence continuing along the boundary of said "Monterey County III"

8. Along a curve to the left, through a central angle of $31^{\circ} 35' 00''$, having a radius of 418.00 feet, for an arc length of 230.42 feet, and whose long chord bears South $75^{\circ} 58' 30''$ East for a distance of 227.51 feet to a point of intersection with a tangent line; thence
9. North $88^{\circ} 14' 00''$ East for a distance of 107.55 feet to the beginning of a tangent curve; thence
10. Along a curve to the left, through a central angle of $26^{\circ} 00' 00''$, having a radius of 568.00 feet, for an arc length of 257.75 feet, and whose long chord bears North $75^{\circ} 14' 00''$ East for a distance of 255.54 feet to a point of intersection with a tangent line; thence
11. North $62^{\circ} 14' 00''$ East for a distance of 25.58 feet to the beginning of a tangent curve; thence
12. Along a curve to the right, through a central angle of $19^{\circ} 25' 00''$, having a radius of 482.00 feet, for an arc length of 163.34 feet, and whose long chord bears North $71^{\circ} 56' 30''$ East for a distance of 162.56 feet to the beginning of a tangent curve; thence
13. Along a curve to the right, through a central angle of $14^{\circ} 13' 51''$, having a radius of 1632.00 feet, for an arc length of 405.35 feet, and whose long chord bears North $88^{\circ} 45' 56''$ East for a distance of 404.31 feet to a point of intersection with a non-tangent line; thence
14. North $04^{\circ} 50' 13''$ East for a distance of 768.48 feet to a point on the common boundary of "Monterey County III" and Parcel 7 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence along said common boundary
15. South $83^{\circ} 34' 21''$ East for a distance of 382.09 feet to the southeasterly corner of said Parcel 7; thence
16. North $06^{\circ} 30' 01''$ East for a distance of 985.25 feet to a point on the common boundary of said "Monterey County III" and Parcel 3C as it is shown on that certain map recorded in Volume 19 of Surveys at Page 86; thence along said common boundary
17. North $06^{\circ} 27' 43''$ East for a distance of 66.72 feet to a point on the common boundary of said "Monterey County III" and Parcel 3 as it is shown on that certain map recorded in Volume 19 of Surveys at Page 15; thence leaving said common boundary of "Monterey County III" and Parcel 3C and following said common boundary of "Monterey County III" and Parcel 3
18. South $87^{\circ} 45' 00''$ East for a distance of 4,791.91 feet; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
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19. North 02° 15' 00" East for a distance of 645.13 feet to a point on the common boundary of said "Monterey County III" and Parcel 1 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 64; thence leaving said common boundary of "Monterey County III" and Parcel 3 and following said common boundary of "Monterey County III" and Parcel 1
20. North 87° 27' 00" East for a distance of 577.00 feet; thence
21. North 79° 00' 00" East for a distance of 351.00 feet; thence
22. South 82° 51' 00" East for a distance of 359.00 feet; thence
23. South 89° 38' 00" East for a distance of 244.00 feet; thence
24. North 84° 00' 00" East for a distance of 199.00 feet; thence
25. North 68° 44' 00" East for a distance of 163.00 feet to a point on the common boundary of said "Monterey County III" and Parcel 1 "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89; thence along said common boundary of "Monterey County III" and Parcel 1 "Travel Camp"
26. South 07° 51' 00" East for a distance of 198.34 feet; thence
27. South 13° 25' 00" East for a distance of 206.15 feet; thence
28. South 26° 14' 00" East for a distance of 145.60 feet; thence
29. South 24° 41' 00" West for a distance of 96.00 feet; thence
30. South 30° 56' 00" East for a distance of 170.50 feet; thence
31. South 14° 47' 00" East for a distance of 137.30 feet; thence
32. South 38° 48' 00" East for a distance of 112.50 feet; thence
33. South 13° 07' 00" East for a distance of 170.90 feet; thence
34. South 28° 52' 00" East for a distance of 253.18 feet (shown on said map of "Monterey County III" as 253.20 feet); thence
35. South 34° 13' 00" West for a distance of 24.50 feet; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
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Monterey County, California

36. South 55° 46' 46" East for a distance of 60.00 feet (shown on said map of Parcel 1 "Travel Camp" as South 54° 47' 00" East, 60.00 feet) (shown on said map of "Monterey County III" as South 54° 40' 49" East, 59.38 feet); thence leaving said common boundary of "Monterey County III" and Parcel 1 "Travel Camp" and following the boundary of said "Monterey County III"
37. South 52° 45' 14" West for a distance of 85.69 feet (shown on said map as 85.68 feet); thence
38. South 57° 36' 32" West for a distance of 133.91 feet (shown on said map as 133.90 feet); thence
39. South 62° 57' 50" West for a distance of 427.70 feet (shown on said map as 427.67 feet); thence
40. South 61° 05' 51" West for a distance of 584.54 feet (shown on said map as 584.50 feet); thence
41. South 63° 53' 31" West for a distance of 221.98 feet (shown on said map as 221.96 feet); thence
42. South 65° 18' 13" West for a distance of 428.37 feet (shown on said map as 428.34 feet); thence
43. South 38° 21' 27" West for a distance of 78.55 feet (shown on said map as 78.54 feet); thence
44. South 20° 57' 08" West for a distance of 89.62 feet (shown on said map as 89.61 feet); thence
45. South 19° 29' 14" West for a distance of 673.04 feet (shown on said map as 672.99 feet); thence
46. South 31° 41' 09" West for a distance of 132.84 feet (shown on said map as 132.83 feet); thence
47. South 46° 19' 42" West for a distance of 160.39 feet (shown on said map as 160.38 feet); thence
48. South 61° 30' 46" West for a distance of 508.42 feet (shown on said map as 508.39 feet); thence
49. South 50° 40' 25" West for a distance of 223.70 feet (shown on said map as 223.68 feet); thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

50. South 49° 16' 25" West for a distance of 135.48 feet (shown on said map as 135.47 feet);
thence
51. South 36° 37' 42" West for a distance of 162.54 feet (shown on said map as 162.53 feet);
thence
52. South 33° 25' 09" West for a distance of 265.19 feet (shown on said map as 265.17 feet);
thence
53. South 49° 49' 05" West for a distance of 123.54 feet (shown on said map as 123.53 feet);
thence
54. South 62° 19' 42" West for a distance of 168.15 feet (shown on said map as 168.14 feet);
thence
55. South 43° 50' 29" West for a distance of 115.37 feet (shown on said map as 115.36 feet);
thence
56. South 38° 11' 13" West for a distance of 200.82 feet (shown on said map as 200.81 feet);
thence
57. South 40° 27' 38" West for a distance of 271.06 feet (shown on said map as 271.04 feet);
thence
58. South 53° 08' 07" West for a distance of 144.59 feet (shown on said map as 144.58 feet);
thence
59. South 69° 49' 08" West for a distance of 193.33 feet (shown on said map as 193.32 feet);
thence
60. South 54° 59' 05" West for a distance of 72.44 feet; thence
61. South 41° 12' 49" West for a distance of 81.00 feet (shown on said map as 80.99 feet);
thence
62. South 24° 33' 59" West for a distance of 55.05 feet; thence
63. South 05° 54' 51" West for a distance of 88.85 feet (shown on said map as 88.84 feet);
thence
64. South 08° 19' 42" East for a distance of 329.24 feet (shown on said map as 329.22 feet);
thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

65. South 00° 05' 57" West for a distance of 78.53 feet (shown on said map as 78.52 feet);
thence
66. South 08° 37' 33" West for a distance of 97.39 feet (shown on said map as 97.38 feet);
thence
67. South 18° 58' 46" West for a distance of 165.56 feet (shown on said map as 165.55 feet);
thence
68. South 44° 37' 32" West for a distance of 95.78 feet (shown on said map as 95.77 feet);
thence
69. South 60° 52' 39" West for a distance of 254.56 feet (shown on said map as 254.54 feet);
thence
70. South 37° 26' 54" West for a distance of 126.63 feet (shown on said map as 126.62 feet);
thence
71. South 10° 48' 03" West for a distance of 68.50 feet; thence
72. South 29° 22' 04" West for a distance of 156.15 feet (shown on said map as 156.14 feet);
thence
73. South 34° 57' 59" West for a distance of 139.63 feet (shown on said map as 139.62 feet);
thence
74. South 56° 21' 39" West for a distance of 59.71 feet; thence
75. South 82° 29' 44" West for a distance of 194.59 feet (shown on said map as 194.58 feet);
thence
76. North 83° 42' 42" West for a distance of 287.16 feet (shown on said map as 287.14 feet);
thence
77. North 66° 01' 20" West for a distance of 147.40 feet (shown on said map as 147.39 feet);
thence
78. North 79° 00' 34" West for a distance of 251.38 feet (shown on said map as 251.36 feet);
thence
79. South 77° 12' 53" West for a distance of 55.92 feet; thence
80. South 46° 42' 29" West for a distance of 87.19 feet (shown on said map as 87.18 feet);
thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

81. South 58° 47' 57" West for a distance of 75.86 feet (shown on said map as 75.85 feet);
thence
82. South 80° 55' 21" West for a distance of 132.37 feet (shown on said map as 132.36 feet);
thence
83. South 87° 12' 11" West for a distance of 112.48 feet (shown on said map as 112.47 feet);
thence
84. South 71° 38' 58" West for a distance of 176.74 feet (shown on said map as 176.73 feet);
thence
85. South 56° 09' 46" West for a distance of 97.72 feet (shown on said map as 97.71 feet);
thence
86. South 37° 48' 47" East for a distance of 90.92 feet (shown on said map as 90.91 feet);
thence
87. South 17° 07' 11" East for a distance of 62.89 feet; thence
88. South 02° 33' 03" West for a distance of 88.27 feet (shown on said map as 88.26 feet);
thence
89. South 18° 58' 47" West for a distance of 63.58 feet; thence
90. South 36° 47' 12" West for a distance of 201.49 feet (shown on said map as 201.48 feet);
thence
91. South 31° 02' 57" West for a distance of 121.85 feet (shown on said map as 121.84 feet);
thence
92. South 51° 55' 07" West for a distance of 113.24 feet (shown on said map as 113.23 feet);
thence
93. South 61° 32' 12" West for a distance of 269.69 feet (shown on said map as 269.67 feet);
thence
94. South 75° 50' 25" West for a distance of 66.11 feet; thence
95. South 59° 39' 37" West for a distance of 1066.26 feet; thence
96. North 52° 52' 17" East for a distance of 1103.36 feet to a 5/8" rebar with cap stamped LS
5321; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

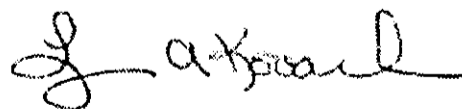
97. North 12° 53' 13" West for a distance of 90.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
98. North 23° 03' 02" West for a distance of 1755.77 feet to a 5/8" rebar with cap stamped LS 5321; thence
99. North 20° 08' 36" West for a distance of 268.73 feet to a 5/8" rebar with cap stamped LS 5321; thence
100. North 06° 42' 03" East for a distance of 153.53 feet to a 5/8" rebar with cap stamped LS 5321; thence
101. North 17° 38' 14" East for a distance of 226.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
102. North 48° 03' 46" West for a distance of 283.49 feet; thence
103. North 55° 11' 28" West for a distance of 278.91 feet to a 5/8" rebar with cap stamped LS 5321; thence
104. North 62° 41' 36" West for a distance of 227.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
105. North 65° 01' 11" West for a distance of 250.60 feet; thence
106. North 71° 11' 51" West for a distance of 335.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
107. North 79° 30' 16" West for a distance of 483.47 feet to a 5/8" rebar with cap stamped LS 5321; thence
108. North 84° 57' 11" West for a distance of 320.10 feet; thence
109. South 89° 14' 18" West for a distance of 321.74 feet to a 5/8" rebar with cap stamped LS 5321; thence
110. South 85° 32' 01" West for a distance of 169.80 feet; thence
111. South 04° 34' 26" East for a distance of 338.58 feet; thence
112. South 14° 47' 14" East for a distance of 1369.35 feet; thence
113. South 20° 28' 20" West for a distance of 520.37 feet; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

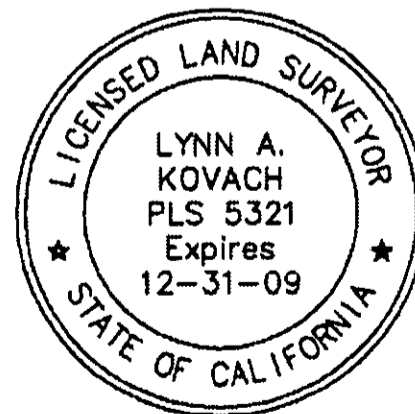
114. South 30° 46' 05" West for a distance of 753.57 feet; thence
115. South 25° 53' 24" West for a distance of 427.12 feet; thence
116. South 01° 39' 30" West for a distance of 156.63 feet to the beginning of a non-tangent curve; thence
117. Along a curve to the left, the center of which bears South 00° 33' 41" East for a distance of 280.00 feet, through a central angle of 22° 52' 50", having a radius of 280.00 feet, for an arc length of 111.82 feet, and whose long chord bears South 77° 59' 54" West for a distance of 111.07 feet to the beginning of a non-tangent curve; thence
118. Along a curve to the left, the center of which bears South 41° 45' 33" West for a distance of 1,370.00 feet, through a central angle of 04° 10' 37", having a radius of 1,370.00 feet, for an arc length of 99.87 feet, and whose long chord bears North 50° 19' 45" West for a distance of 99.85 feet to a point on a curve, being the most easterly corner of "Plant Reserve #3, EDC Parcel L23.2; thence continuing along said curve and along the northerly boundary of said "Plant Reserve #3"
119. Along a compound curve to the left, through a central angle of 16° 36' 37", having a radius of 1,370.00 feet, for an arc length of 397.17 feet, and whose long chord bears North 60° 43' 22" West for a distance of 395.78 feet to the beginning of a tangent curve; thence
120. Along a reverse curve to the right, through a central angle of 10° 50' 30", having a radius of 1,430.00 feet, for an arc length of 270.59 feet, and whose long chord bears North 63° 36' 25" West for a distance of 270.19 feet to the beginning of a tangent curve; thence
121. Along a reverse curve to the left, through a central angle of 16° 42' 49", having a radius of 970.00 feet, for an arc length of 282.96 feet, and whose long chord bears North 66° 32' 34" West for a distance of 281.95 feet to the POINT OF BEGINNING.

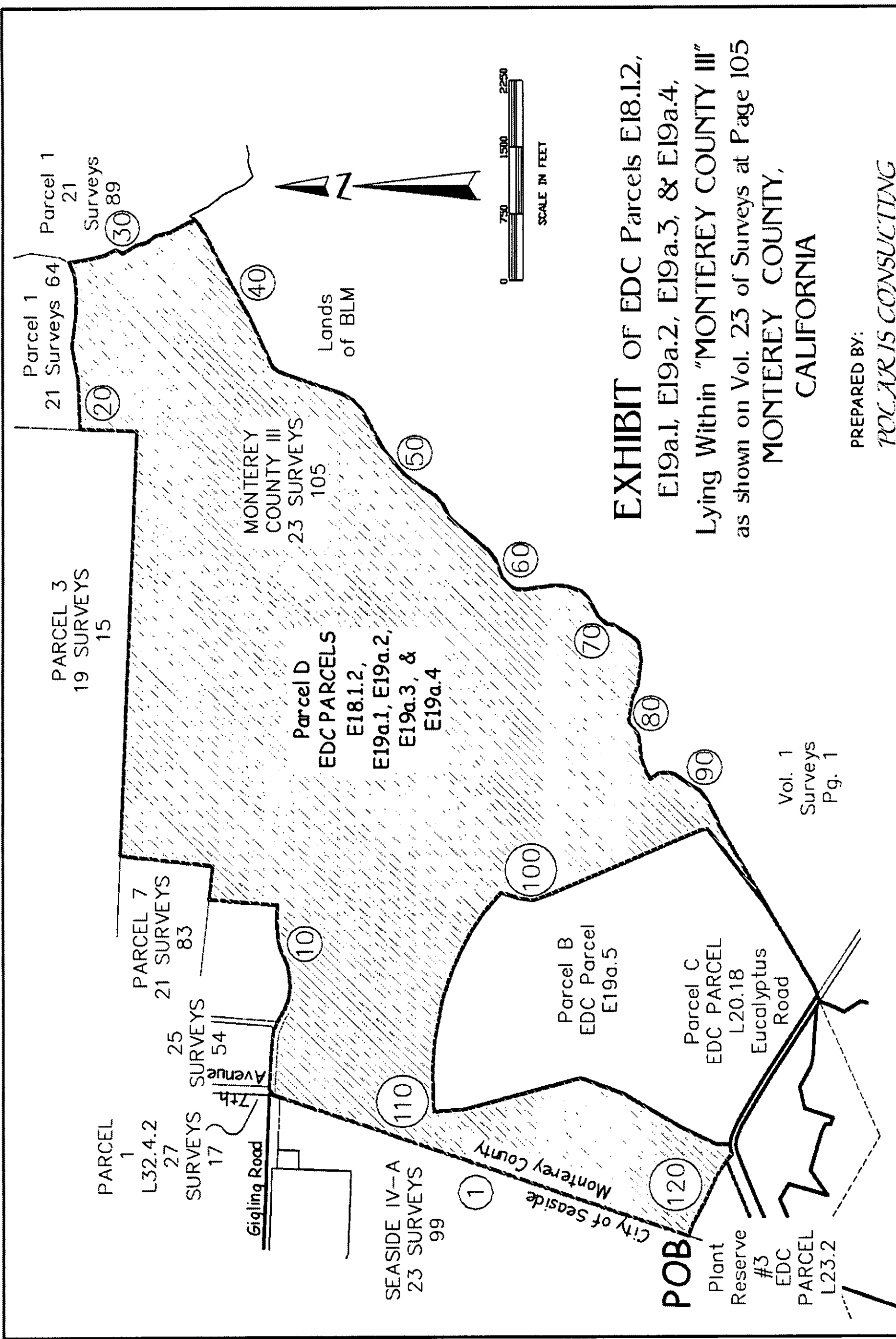
Containing an area of 896.981 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007





**EXHIBIT OF EDC Parcels E18.1.2,
E19a.1, E19a.2, E19a.3, & E19a.4,
Lying Within "MONTEREY COUNTY III"
as shown on Vol. 23 of Surveys at Page 105
MONTEREY COUNTY,
CALIFORNIA**

PREPARED BY:
POCARIS CONSULTING
 P.O. BOX 1378
 CARMEL VALLEY, CA 93924
 SCALE: 1" = 1500' VIEW: E19.a1 DATE: 10-26-2007
 FILE NAME: FORA FOSSET5 MPC2.DWG 26114

Vol. 1
 Surveys
 Pg. 1

PBC Parcel L5.7
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being all of Parcel 1 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 64; being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1 being also the southeast corner of Parcel 6 and the southwest corner of Parcel 9, as said parcels are shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning


1. North 88° 53' 00" East along the common boundary of said Parcels 1 and 9 for a distance of 1237.33 feet; thence
2. North 88° 50' 07" East for a distance of 722.04 feet to the northeast corner of said Parcel 1 being also the northwest corner of Parcel 1, "Travel Camp," as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89; thence leaving said common boundary with said Parcel 9 and continuing along the common boundary of said Parcel 1 and said "Travel Camp" the following courses
3. South 19° 18' 00" West for a distance of 473.58 feet; thence
4. South 4° 09' 00" East for a distance of 474.00 feet; thence
5. South 14° 40' 00" East for a distance of 277.00 feet; thence
6. South 7° 43' 00" West for a distance of 345.00 feet; thence
7. South 28° 16' 00" West for a distance of 121.00 feet to the southwest corner of said "Travel Camp" being also the northeasterly corner of Parcel 1, Monterey County III (Parker Flats)" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; thence leaving said common boundary with said "Travel Camp" and continuing along the common boundary of said Parcel 1 and said "Monterey County III (Parker Flats)"
8. South 68° 45' 00" West for a distance of 163.00 feet; thence
9. South 84° 00' 00" West for a distance of 199.00 feet; thence
10. North 89° 38' 00" West for a distance of 244.00 feet; thence

PBC Parcel L5.7
FOSET 5
Fort Ord Military Reservation
Monterey County, California

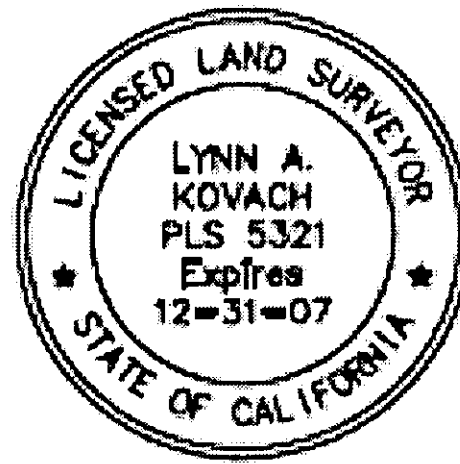
11. North 82° 51' 00" West for a distance of 359.00 feet; thence
12. South 79° 00' 00" West for a distance of 351.00 feet; thence
13. South 87° 27' 00" West for a distance of 577.00 feet to the southwest corner of said Parcel 1 being also a point on the east boundary of Parcel 3 B as said parcel is shown on that certain map recorded in Volume 19 of Surveys at Page 86; thence along the common boundary of said Parcels 1 and 3 B
14. North 2° 15' 00" East for a distance of 1725.01 feet to the POINT OF BEGINNING

Containing an area of 73.444 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EXHIBIT

of

PBC Parcel L5.7

Being Parcel 1 as shown on Vol. 21 of Surveys at Page 64

Monterey County Jurisdiction

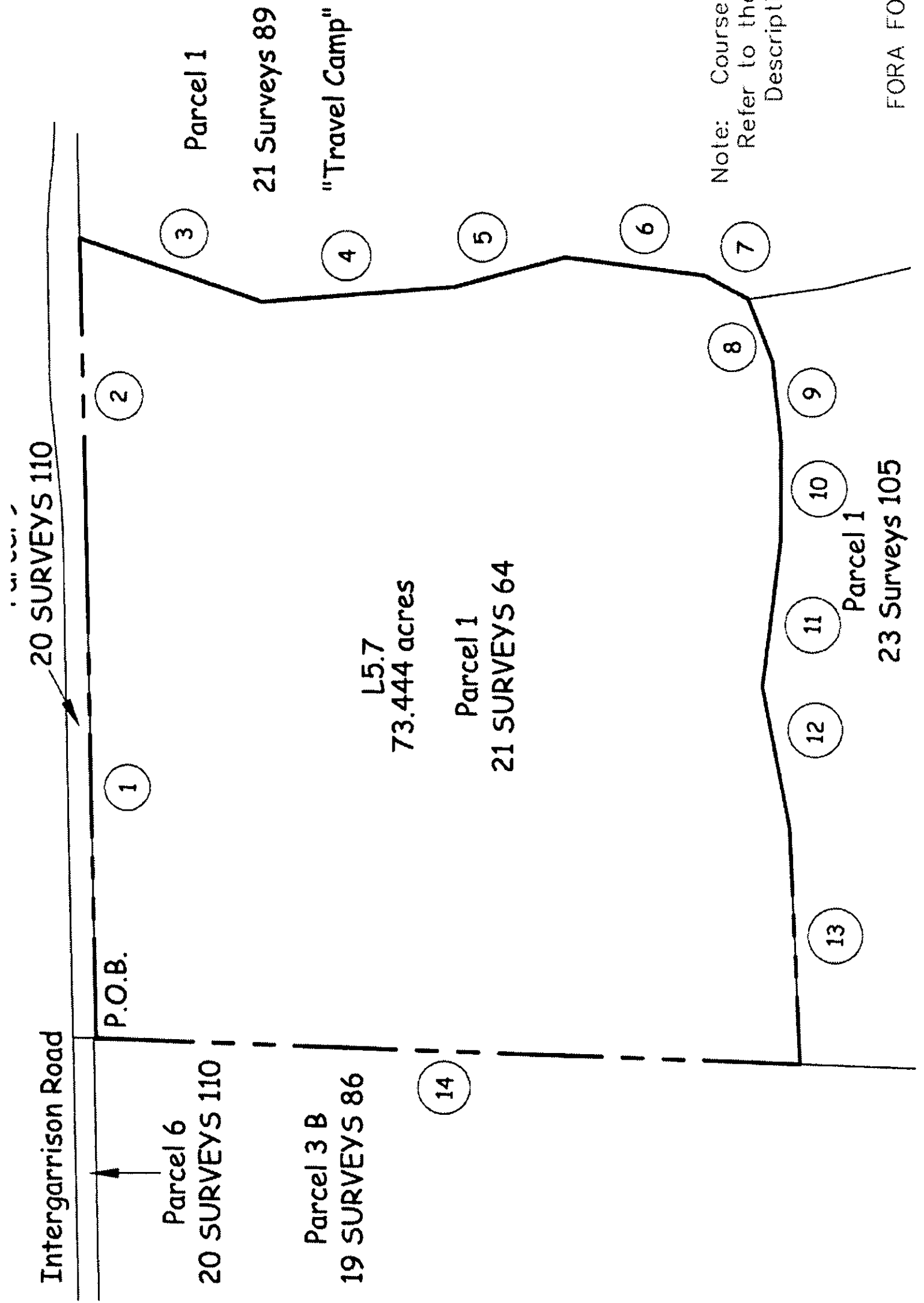
Fort Ord FOSET 5

Lying within the Fort Ord Military Reservation

as shown on Vol. 19 of Surveys at Page 1

Being also within Monterey City Lands Tract No. 1

Monterey County, California



EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of Parcel 1, "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1, "Travel Camp," being also a point on the southerly boundary of Parcel 9 as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning, along said southerly boundary of Parcel 9

1. North 88° 50' 07" East for a distance of 255.92 feet; thence
2. North 88° 53' 00" East for a distance of 84.43 feet, at 5.21 feet a point being the southeast corner of said Parcel 9 and the southwest corner of Parcel 10, as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence leaving said southerly boundary of Parcel 9 and following the southerly boundary of said Parcel 10 a distance of 79.22 feet to the beginning of a tangent curve; thence
3. Along a curve to the right, through a central angle of 02° 48' 30", having a radius of 4906.00 feet, for an arc length of 240.47 feet, and whose long chord bears South 89° 42' 45" East for a distance of 240.44 feet to a point of intersection with a tangent line; thence
4. South 88° 18' 30" East for a distance of 2351.06 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of 01° 14' 07", having a radius of 6770.00 feet, for an arc length of 145.96 feet, and whose long chord bears South 87° 41' 26" East for a distance of 145.96 feet to a point of intersection with a non-tangential line, point also being the northwest corner of EDC Parcel L20.2.2; thence leaving said southerly boundary of Parcel 10 and following the westerly boundary of said EDC Parcel L20.2.2 & L20.2.3.1
6. South 00° 14' 04" East for a distance of 593.48 feet to the beginning of a non-tangential curve, said point also being on the perimeter boundary of EDC Parcel L35.4; thence leaving said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1 and following said perimeter boundary of EDC Parcel L35.4

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

7. Along a curve to the left, the center of which bears South 31°47'11" West for a distance of 75.00 feet, through a central angle of 145° 56' 11", having a radius of 75.00 feet, for an arc length of 191.03 feet, and whose long chord bears South 48° 49' 06" West for a distance of 143.42 feet to a point of intersection with a tangent line; thence
8. South 24° 09' 00" East for a distance of 200.00 feet to the beginning of a tangent curve; thence
9. Along a curve to the left, through a central angle of 31° 29' 46", having a radius of 75.00 feet, for an arc length of 41.23 feet, and whose long chord bears South 39° 53' 53" East for a distance of 40.71 feet to a point of intersection with a non-tangential line; thence leaving said perimeter boundary of EDC Parcel L35.4 and following said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1
10. South for a distance of 699.31 feet; thence
11. South 61° 39' 09" East for a distance of 71.98 feet; thence
12. South 33° 25' 44" East for a distance of 906.41 feet; thence
13. South 14° 11' 56" East for a distance of 245.87 feet; thence
14. South 29° 41' 01" East for a distance of 599.01 feet, more or less, to a point on the southerly boundary of said Parcel 1, "Travel Camp;" thence leaving said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1 and following said southerly boundary of Parcel 1
15. North 89° 42' 00" West for a distance of 242.59 feet; thence
16. South 86° 36' 00" West for a distance of 211.30 feet; thence
17. North 87° 14' 00" West for a distance of 337.00 feet; thence
18. North 62° 14' 00" West for a distance of 360.60 feet; thence
19. South 68° 40' 00" West for a distance of 198.00 feet; thence
20. South 74° 30' 00" West for a distance of 361.60 feet; thence
21. South 86° 04' 00" West for a distance of 194.20 feet; thence

Legal Description

SITUATE in a portion of Parcel 1, "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1, "Travel Camp," being also a point on the southerly boundary of Parcel 9 as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning, along said southerly boundary of Parcel 9

1. North $88^{\circ} 50' 07''$ East for a distance of 255.92 feet; thence
2. North $88^{\circ} 53' 00''$ East for a distance of 84.43 feet, at 5.21 feet a point being the southeast corner of said Parcel 9 and the southwest corner of Parcel 10, as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence leaving said southerly boundary of Parcel 9 and following the southerly boundary of said Parcel 10 a distance of 79.22 feet to the beginning of a tangent curve; thence
3. Along a curve to the right, through a central angle of $02^{\circ} 48' 30''$, having a radius of 4906.00 feet, for an arc length of 240.47 feet, and whose long chord bears South $89^{\circ} 42' 45''$ East for a distance of 240.44 feet to a point of intersection with a tangent line; thence
4. South $88^{\circ} 18' 30''$ East for a distance of 2351.06 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of $01^{\circ} 14' 07''$, having a radius of 6770.00 feet, for an arc length of 145.96 feet, and whose long chord bears South $87^{\circ} 41' 26''$ East for a distance of 145.96 feet to a point of intersection with a non-tangential line, point also being the northwest corner of EDC Parcel L20.2.2; thence leaving said southerly boundary of Parcel 10 and following the westerly boundary of said EDC Parcel L20.2.2 & L20.2.3.1
6. South $00^{\circ} 14' 04''$ East for a distance of 593.48 feet to the beginning of a non-tangential curve, said point also being on the perimeter boundary of EDC Parcel L35.4; thence leaving said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1 and following said perimeter boundary of EDC Parcel L35.4

7. Along a curve to the left, the center of which bears South $31^{\circ}47'11''$ West for a distance of 75.00 feet, through a central angle of $145^{\circ} 56' 11''$, having a radius of 75.00 feet, for an arc length of 191.03 feet, and whose long chord bears South $48^{\circ} 49' 06''$ West for a distance of 143.42 feet to a point of intersection with a tangent line; thence
8. South $24^{\circ} 09' 00''$ East for a distance of 200.00 feet to the beginning of a tangent curve; thence
9. Along a curve to the left, through a central angle of $31^{\circ} 29' 46''$, having a radius of 75.00 feet, for an arc length of 41.23 feet, and whose long chord bears South $39^{\circ} 53' 53''$ East for a distance of 40.71 feet to a point of intersection with a non-tangential line; thence leaving said perimeter boundary of EDC Parcel L35.4 and following said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1
10. South for a distance of 699.31 feet; thence
11. South $61^{\circ} 39' 09''$ East for a distance of 71.98 feet; thence
12. South $33^{\circ} 25' 44''$ East for a distance of 906.41 feet; thence
13. South $14^{\circ} 11' 56''$ East for a distance of 245.87 feet; thence
14. South $29^{\circ} 41' 01''$ East for a distance of 599.01 feet, more or less, to a point on the southerly boundary of said Parcel 1, "Travel Camp;" thence leaving said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1 and following said southerly boundary of Parcel 1
15. North $89^{\circ} 42' 00''$ West for a distance of 242.59 feet; thence
16. South $86^{\circ} 36' 00''$ West for a distance of 211.30 feet; thence
17. North $87^{\circ} 14' 00''$ West for a distance of 337.00 feet; thence
18. North $62^{\circ} 14' 00''$ West for a distance of 360.60 feet; thence
19. South $68^{\circ} 40' 00''$ West for a distance of 198.00 feet; thence
20. South $74^{\circ} 30' 00''$ West for a distance of 361.60 feet; thence
21. South $86^{\circ} 04' 00''$ West for a distance of 194.20 feet; thence

22. South 65° 00' 00" West for a distance of 255.50 feet; thence
23. South 77° 50' 00" West for a distance of 187.60 feet; thence
24. South 47° 16' 00" West for a distance of 203.30 feet; thence
25. South 80° 16' 00" West for a distance of 310.10 feet; thence
26. South 55° 23' 00" West for a distance of 123.00 feet; thence
27. South 74° 52' 00" West for a distance of 141.10 feet; thence
28. North 84° 16' 00" West for a distance of 96.50 feet; thence
29. South 70° 02' 00" West for a distance of 164.10 feet to the southwest corner of said Parcel 1, "Travel Camp;" thence leaving said southerly boundary of Parcel 1 and following the westerly boundary of said Parcel 1
30. North 43° 39' 00" West for a distance of 128.40 feet; thence
31. North 25° 11' 00" West for a distance of 271.80 feet; thence
32. North 37° 55' 00" West for a distance of 216.30 feet; thence
33. North 25° 54' 00" West for a distance of 226.00 feet; thence
34. South 34° 13' 00" West for a distance of 63.70 feet to the most easterly corner of "Monterey County III," as said parcel is shown on that certain map recorded in Volume 23 of Surveys at Page 110; thence along the easterly boundary of said "Monterey County III"
35. North 55° 47' 00" West for a distance of 60.00 feet; thence
36. North 34° 13' 00" East for a distance of 24.50 feet; thence
37. North 28° 52' 00" West for a distance of 253.20 feet; thence
38. North 13° 07' 00" West for a distance of 170.90 feet; thence
39. North 38° 48' 00" West for a distance of 112.50 feet; thence

40. North 14° 47' 00" West for a distance of 137.30 feet; thence
41. North 30° 56' 00" West for a distance of 170.50 feet; thence
42. North 24° 41' 00" East for a distance of 96.00 feet; thence
43. North 26° 14' 00" West for a distance of 145.60 feet; thence
44. North 13° 25' 00" West for a distance of 206.15 feet; thence
45. North 07° 51' 00" West for a distance of 198.34 feet to the southeast corner of Parcel 1 as said parcel is shown on that certain map recorded in Volume 21 of Surveys at Page 64; thence leaving said easterly boundary of "Monterey County III" and following the easterly boundary of said Parcel 1
46. North 28° 16' 00" East for a distance of 121.00 feet; thence
47. North 07° 43' 00" East for a distance of 345.00 feet; thence
48. North 14° 40' 00" West for a distance of 277.00 feet; thence
49. North 04° 09' 00" West for a distance of 474.00 feet; thence
50. North 19° 18' 00" East for a distance of 473.59 feet to the POINT OF BEGINNING.

Containing a gross area of 253.375 acres, more or less.

EXCEPTING THEREFROM EDC Parcel L35.5 which is more particularly described as follows:

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, the City of Marina, County of Monterey, State of California; being all of the Tank Parcel 0.918 acres as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89 being more particularly described as follows:

BEGINNING at a point from which an angle point in the westerly boundary of Parcel 1 "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89 bears South 69° 28' 49" West for a distance of 909.95 feet (as shown on said map of Parcel 1 "Travel Camp"); thence from said Point of Beginning

1. North 74° 23' 00" East for a distance of 200.00 feet to a point on a line; thence
2. South 15° 37' 00" East for a distance of 200.00 feet to a point on a line; thence
3. South 74° 23' 00" West for a distance of 200.00 feet to a point on a line; thence
4. North 15° 37' 00" West a distance of 200.00 feet to the POINT OF BEGINNING.

Containing an area of 0.918 acres, more or less.

Leaving a net area of 252.457 acres, more or less.

This legal description was prepared by

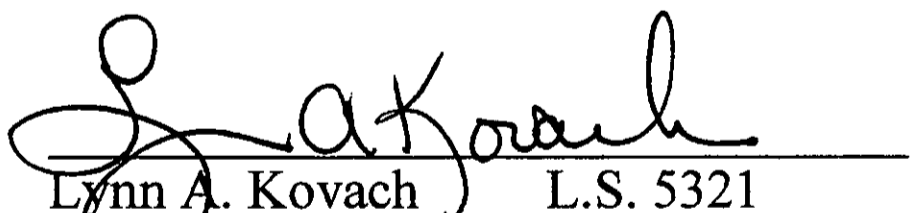
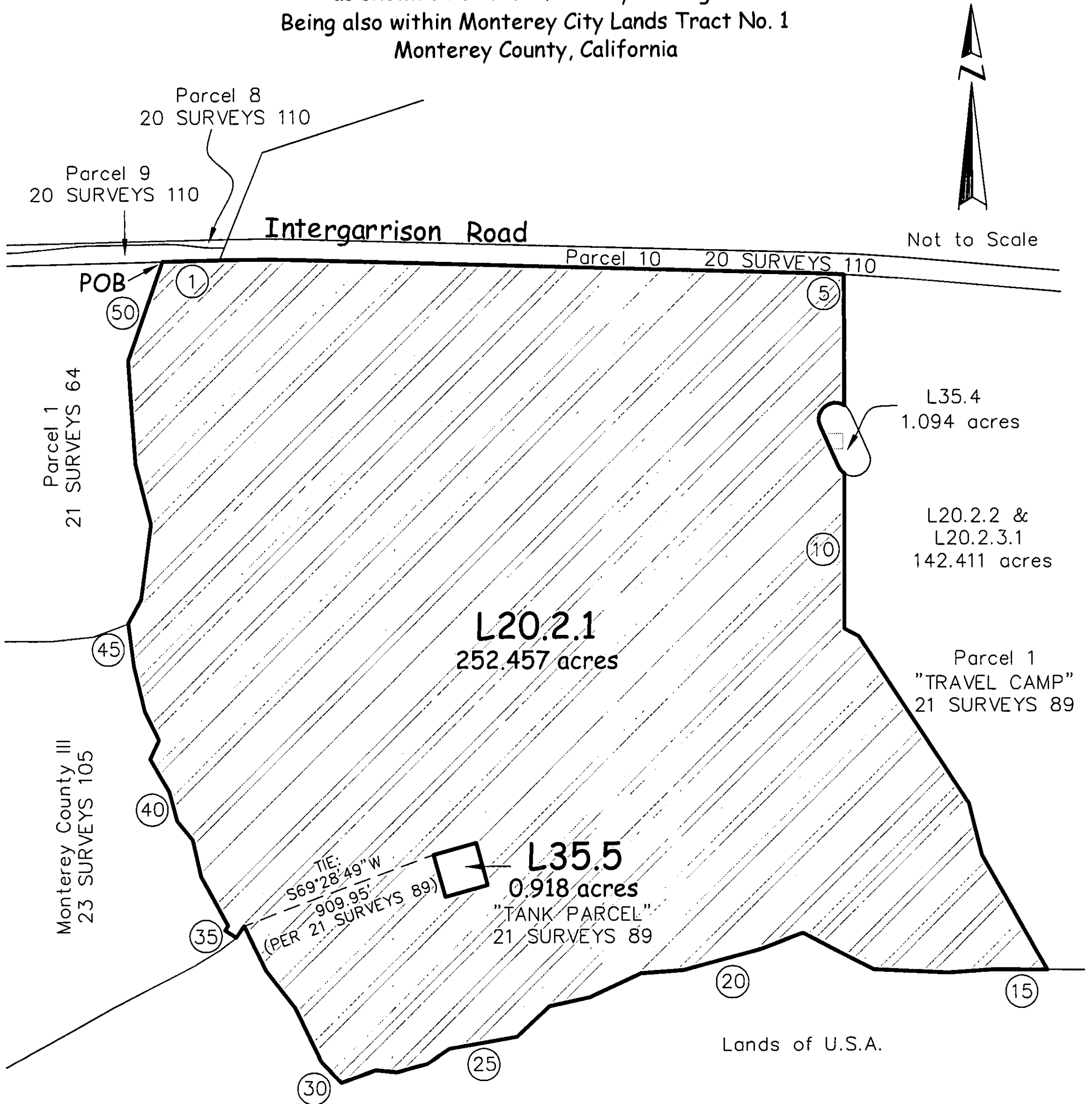

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EXHIBIT
 of
EDC Parcel L20.2.1
 Being a Portion of
Parcel 1 "Travel Camp" as shown on Vol. 21 of Surveys at Page 89
Monterey County Jurisdiction
Fort Ord FOSET 5
 Lying within the Fort Ord Military Reservation
 as shown on Vol. 19 of Surveys at Page 1
 Being also within Monterey City Lands Tract No. 1
Monterey County, California



Note: Course Numbers Refer to the Legal Description.

**COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1, County of Monterey, State of California, particularly described as follows:

COMMENCING at a point on the southerly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said parcel is shown and so designated on that certain Record of Survey Map filed September 7, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered 14 as shown on said map and described as "Found 1½" iron pipe with brass disk " R.C.E. 15310"; thence leaving said boundary

- (a) S. 59° 43' 54" W., 119.19 feet to the TRUE POINT OF BEGINNING; thence
- (1) N. 34° 31' 04" W., 61.26 feet; thence
- (2) Northwesterly, 115.85 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 15° 48' 16"; thence tangentially
- (3) N. 18° 42' 48" W., 128.06 feet; thence
- (4) Northwesterly, 74.69 feet along the arc of a tangent curve to the left having a radius of 105.00 feet, through a central angle of 40° 45' 28"; thence tangentially
- (5) N. 59° 28' 16" W., 244.53 feet; thence
- (6) Northwesterly, 138.76 feet along the arc of a tangent curve to the right having a radius of 345.00 feet, through a central angle of 23° 02' 39"; thence tangentially
- (7) N. 36° 25' 37" W., 55.37 feet; thence
- (8) Northwesterly, 123.62 feet along the arc of a tangent curve to the right having a radius of 545.00 feet, through a central angle of 12° 59' 46"; thence tangentially
- (9) N. 23° 25' 51" W., 19.72 feet; thence
- (10) Northerly, 126.08 feet along the arc of a tangent curve to the right having a radius of 370.00 feet, through a central angle of 19° 31' 25"; thence tangentially
- (11) N. 03° 54' 26" W., 113.05 feet; thence
- (12) Northerly, 187.44 feet along the arc of a tangent curve to the right having a radius of 1220.00 feet, through a central angle of 08° 48' 10"; thence tangentially
- (13) N. 04° 53' 44" E., 51.22 feet; thence
- (14) Northerly, 47.69 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 06° 30' 20"; thence tangentially
- (15) N. 11° 24' 04" E., 44.03 feet; thence
- (16) Northerly, 21.00 feet along the arc of a tangent curve to the left having a radius of 180.00 feet, through a central angle of 06° 41' 05"; thence tangentially
- (17) N. 04° 42' 59" E., 6.90 feet; thence

**COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

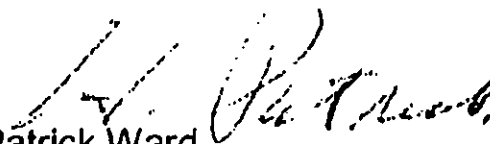
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL, PAGE 2

- (18) Northerly, 23.13 feet along the arc of a tangent curve to the left having a radius of 60.00 feet, through a central angle of 22° 05' 10"; thence tangentially
- (19) N. 17° 22' 11" W., 61.94 feet; thence
- (20) Northerly, 117.52 feet along the arc of a tangent curve to the right having a radius of 145.00 feet, through a central angle of 46° 26' 17"; thence tangentially
- (21) N. 29° 04' 06" E., 176.53 feet; thence
- (22) Northerly, 56.83 feet along the arc of a tangent curve to the left having a radius of 230.00 feet, through a central angle of 14° 09' 21"; thence tangentially
- (23) N. 14° 54' 45" E., 171.95 feet; thence
- (24) Northeasterly, 188.99 feet along the arc of a tangent curve to the right having a radius of 295.00 feet, through a central angle of 36° 42' 21"; thence tangentially
- (25) N. 51° 37' 06" E., 70.71 feet; thence
- (26) Northeasterly, 12.09 feet along the arc of a tangent curve to the left having a radius of 30.00 feet, through a central angle of 23° 05' 34"; thence tangentially
- (27) N. 28° 31' 32" E., 111.64 feet; thence
- (28) Northeasterly, 53.32 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 07° 16' 27"; thence tangentially
- (29) N. 35° 47' 59" E., 17.19 feet; thence
- (30) Northeasterly, 41.28 feet along the arc of a tangent curve to the right having a radius of 95.00 feet, through a central angle of 24° 53' 44"; thence tangentially
- (31) N. 60° 41' 43" E., 100.44 feet; thence
- (32) Northeasterly, 73.87 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 11° 08' 19"; thence tangentially
- (32) N. 49° 33' 24" E., 274.65 feet; thence
- (33) S. 55° 08' 44" E., 1377.76 feet; thence
- (34) S. 29° 09' 04" E., 537.48 feet; thence
- (35) S. 84° 54' 10" E., 820.96 feet; thence
- (36) S. 72° 46' 28" W., 72.15 feet; thence
- (37) Westerly, 419.04 feet along the arc of a tangent curve to the left having a radius of 3020.00 feet, through a central angle of 07° 57' 00"; thence tangentially
- (38) S. 64° 49' 28" W., 153.97 feet; thence

COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA

DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL, PAGE 3

- (39) Westerly, 71.98 feet along the arc of a tangent curve to the right having a radius of 120.00 feet, through a central angle of 34° 22' 00"; thence tangentially
- (40) N. 80° 48' 32" W., 112.41 feet; thence
- (41) Westerly, 27.36 feet along the arc of a tangent curve to the left having a radius of 60.00 feet, through a central angle of 26° 07' 46"; thence tangentially
- (42) Westerly, 9.05 feet along the arc of a reverse curve to the right having a radius of 20.00 feet, through a central angle of 25° 54' 59"; thence tangentially
- (43) N. 81° 01' 19" W., 265.74 feet; thence
- (44) Westerly, 453.90 feet along the arc of a tangent curve to the left having a radius of 410.00 feet, through a central angle of 63° 25' 51"; thence tangentially
- (45) S. 35° 32' 50" W., 467.34 feet; thence
- (46) Southwesterly, 278.97 feet along the arc of a tangent curve to the right having a radius of 480.00 feet, through a central angle of 33° 18' 00"; thence tangentially
- (47) S. 68° 50' 50" W., 158.42 feet; thence
- (48) Southwesterly, 262.54 feet along the arc of a tangent curve to the left having a radius of 495.00 feet, through a central angle of 30° 23' 18"; thence tangentially
- (49) S. 38° 27' 32" W., 118.24 feet to the TRUE POINT OF BEGINNING.

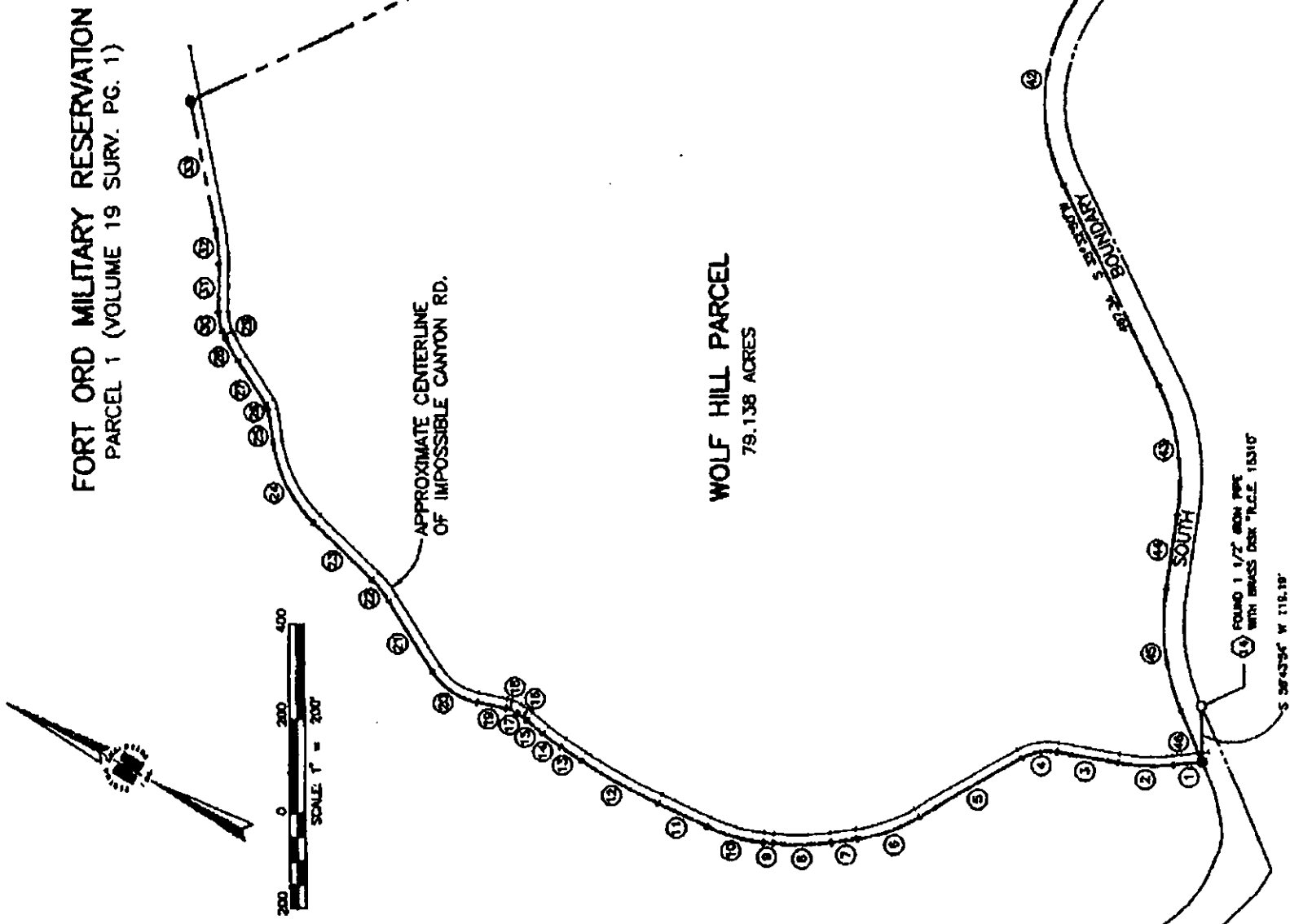

H. Patrick Ward
Registered Civil Engineer #29811
State of California
Expires: 31 March 2009



6 April 07
W.O. 5443.06
HPW/jf.L:/5443/544306/070406 Description of Wolf Hill.doc

**COE PARCELS L20.3.1 and L20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

Vol. 19 SURV. PG. 88



	DELTA/BEARING	RADIUS	LEN./DIST.
1	N 34°31'04\"W	420.00	61.26
2	15°48'16\"	420.00	115.85
3	N 18°42'48\"W	105.00	128.06
4	40°45'28\"	105.00	74.89
5	N 59°28'16\"W	345.00	244.53
6	23°02'38\"	345.00	138.76
7	N 36°25'57\"W	545.00	55.37
8	12°58'46\"	545.00	123.62
9	N 23°25'51\"W	370.00	19.72
10	19°31'25\"	370.00	126.06
11	N 03°54'26\"W	1220.00	113.05
12	8°48'10\"	1220.00	187.44
13	N 04°53'44\"E	420.00	51.22
14	5°30'20\"	420.00	47.69
15	N 11°24'04\"E	180.00	44.03
16	6°41'05\"	180.00	21.00
17	N 04°42'59\"E	60.00	6.90
18	22°05'40\"	60.00	23.13
19	N 17°22'11\"W	145.00	81.94
20	46°26'17\"	145.00	117.52
21	N 29°04'06\"E	230.00	176.53
22	14°09'21\"	230.00	56.83
23	N 14°54'45\"E	230.00	171.85

	DELTA/BEARING	RADIUS	LEN./DIST.
24	36°42'21\"	295.00	188.99
25	N 51°37'06\"E	30.00	70.71
26	23°05'34\"	30.00	12.09
27	N 28°31'32\"E	420.00	111.84
28	71°6'27\"	420.00	53.32
29	N 55°47'59\"E	95.00	17.19
30	24°53'44\"	95.00	41.28
31	N 60°41'43\"E	300.00	100.44
32	11°08'19\"	300.00	73.67
33	N 49°32'44\"E	3020.00	274.65
34	S 72°46'28\"W	3020.00	72.15
35	7°57'00\"	3020.00	419.04
36	S 64°49'28\"W	120.00	153.97
37	34°22'00\"	120.00	71.98
38	N 80°48'32\"W	60.00	112.41
39	26°07'46\"	60.00	27.36
40	25°54'58\"	20.00	9.85
41	N 81°01'18\"W	410.00	265.74
42	63°25'51\"	410.00	453.90
43	S 31°16'00\"W	480.00	278.97
44	S 68°50'50\"W	495.00	158.42
45	30°23'18\"	495.00	262.54
46	S 38°27'32\"W	495.00	118.24

RECORD OF SURVEY

SHOWING
65.874 & 79.138 ACRE PARCELS OF LAND
BEING A PORTION OF THE FORT ORD MILITARY RESERVATION
INCLUDING PORTIONS OF
MONTEREY CITY LANDS TRACT NO. 1 AND
THE RANCHO EL CHAMISAL AND
TOWNSHIP 15 SOUTH, RANGE 2 EAST M.D.B. AND M.
MONTEREY COUNTY, CALIFORNIA
BY



BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
8701 BLUE LANSBUR LANE, MONTEREY, CALIFORNIA 93940

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1 and Rancho El Chamisal, County of Monterey, State of California, Particularly described as follows:

BEGINNING at point on the southerly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said parcel is shown and so designated on that certain Record of Survey Map filed September 7, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered 29 as shown on said map and described as "Found 1" iron pipe with plastic plug marked "Monterey County"; thence along said boundary

- (1) N. 19° 24' 53" W., 635.06 feet to Corner numbered 28, as shown on said map; thence
- (2) N. 19° 30' 25" W., 119.39 feet to Corner numbered 27, as shown on said map; thence
- (3) N. 10° 32' 25" E., 666.50 feet to Corner numbered 26, as shown on said map; thence
- (4) N. 05° 46' 37" W., 643.24 feet to Corner numbered 25, as shown on said map; thence
- (5) N. 79° 53' 53" W., 512.80 feet to Corner numbered 24, as shown on said map; thence
- (6) S. 27° 22' 32" W., 668.29 feet to Corner numbered 23, as shown on said map; thence
- (7) S. 72° 49' 35" W., 332.97 feet to Corner numbered 22, as shown on said map; thence
- (8) S. 67° 39' 05" W., 338.33 feet to Corner numbered 21, as shown on said map; thence
- (9) S. 60° 12' 34" W., 155.84 feet to Corner numbered 20, as shown on said map; thence
- (10) N. 81° 16' 14" W., 106.74 feet; thence leaving said boundary
- (11) N. 09° 11' 28" E., 50.43 feet; thence
- (12) Easterly, 71.98 feet along the arc of a non-tangent curve to the left having a radius of 120.00 feet whose center bears N. 09° 11' 28" E., through a central angle of 34° 22' 00"; thence tangentially
- (13) N. 64° 49' 28" E., 153.97 feet; thence
- (14) Easterly, 419.04 feet along the arc of a tangent curve to the right having a radius of 3020.00 feet, through a central angle of 07° 57' 00"; thence tangentially
- (15) N. 72° 46' 28" E., 113.20 feet; thence
- (16) Northeasterly and Northerly, 167.02 feet along the arc of a tangent curve to the left having a radius of 90.00 feet, through a central angle of 106° 19' 49"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 2

- (17) N. 33° 33' 21" W., 97.98 feet; thence
- (18) Northerly, 505.07 feet along the arc of a tangent curve to the right having a radius of 320.00 feet, through a central angle of 90° 25' 58"; thence tangentially
- (19) N. 56° 52' 37" E., 96.39 feet; thence
- (20) Northeasterly, 304.72 feet along the arc of a tangent curve to the left having a radius of 320.00 feet, through a central angle of 54° 33' 34"; thence tangentially
- (21) N. 02° 19' 03" E., 244.58 feet; thence
- (22) Northerly, 109.35 feet along the arc of a tangent curve to the left having a radius of 2380.00 feet, through a central angle of 02° 37' 57"; thence tangentially
- (23) N. 00° 18' 54" W., 212.24 feet; thence
- (24) Northerly, 192.81 feet along the arc of a tangent curve to the right having a radius of 1170.00 feet, through a central angle of 09° 26' 32"; thence tangentially
- (25) N. 09° 07' 38" E., 363.12 feet; thence
- (26) Northeasterly, 262.98 feet along the arc of a tangent curve to the right having a radius of 295.00 feet, through a central angle of 51° 04' 36"; thence tangentially
- (27) N. 60° 12' 14" E., 11.73 feet; thence
- (28) Northeasterly, 193.21 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 11° 17' 46"; thence tangentially
- (29) N. 48° 54' 28" E., 287.39 feet; thence
- (30) Northeasterly, 755.17 feet along the arc of a tangent curve to the left having a radius of 1255.00 feet, through a central angle of 34° 28' 35"; thence tangentially
- (31) N. 14° 25' 53" E., 263.22 feet; thence
- (32) Northerly, 240.99 feet along the arc of a tangent curve to the left having a radius of 1455.00 feet, through a central angle of 09° 29' 24"; thence tangentially
- (33) Northeasterly, 364.77 feet along the arc of a reverse curve to the right having a radius of 450.00 feet, through a central angle of 46° 26' 40"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 3

- (34) N. 51° 23' 09" E., 308.19 feet; thence
- (35) Northeasterly, 100.46 feet along the arc of a tangent curve to the left having a radius of 755.00 feet, through a central angle of 07° 37' 25"; thence tangentially
- (36) N. 43° 45' 44" E., 570.59 feet; thence
- (37) Northeasterly, 163.06 feet along the arc of a tangent curve to the left having a radius of 355.00 feet, through a central angle of 26° 19' 04"; thence tangentially
- (38) N. 17° 26' 40" E., 196.66 feet; thence
- (39) Northerly, 40.24 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 06° 04' 01"; thence tangentially
- (40) N. 11° 22' 39" E., 182.54 feet; thence
- (41) S. 23° 25' 50" E., 1902.07 feet; thence
- (42) S. 64° 00' 53" W., 48.03 feet; thence
- (43) Southwesterly, 177.61 feet along the arc of a tangent curve to the left having a radius of 375.00 feet, through a central angle of 27° 08' 11"; thence tangentially
- (44) S. 36° 52' 42" W., 127.05 feet; thence
- (45) Southwesterly, 121.03 feet along the arc of a tangent curve to the left having a radius of 920.00 feet, through a central angle of 07° 32' 15"; thence tangentially
- (46) S. 29° 20' 27" W., 280.09 feet; thence
- (47) Southerly, 154.17 feet along the arc of a tangent curve to the left having a radius of 920.00 feet, through a central angle of 09° 36' 04"; thence tangentially
- (48) S. 19° 44' 23" W., 371.56 feet; thence
- (49) Southwesterly, 308.19 feet along the arc of a tangent curve to the right having a radius of 880.00 feet, through a central angle of 20° 03' 57"; thence tangentially
- (50) S. 39° 48' 20" W., 72.09 feet; thence
- (51) Southerly, 181.42 feet along the arc of a tangent curve to the left having a radius of 335.00 feet, through a central angle of 31° 01' 46"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 4

- (52) S. 08° 46' 34" W., 234.25 feet; thence
- (53) Southerly, 77.13 feet along the arc of a tangent curve to the left having a radius of 820.00 feet, through a central angle of 05° 23' 21"; thence tangentially
- (54) S. 03° 23' 13" W., 78.15 feet; thence
- (55) Southwesterly, 64.78 feet along the arc of a tangent curve to the right having a radius of 80.00 feet, through a central angle of 46° 23' 45"; thence tangentially
- (56) S. 49° 46' 58" W., 96.14 feet; thence
- (57) Southerly, 153.25 feet along the arc of a tangent curve to the left having a radius of 170.00 feet, through a central angle of 51° 39' 06"; thence tangentially
- (58) S. 01° 52' 08" E., 38.06 feet; thence
- (59) Southerly, 282.23 feet along the arc of a tangent curve to the right having a radius of 360.00 feet, through a central angle of 44° 55' 06"; thence tangentially
- (60) S. 43° 02' 58" W., 137.72 feet; thence
- (61) Southwesterly, 80.13 feet along the arc of a tangent curve to the left having a radius of 395.00 feet, through a central angle of 11° 37' 23"; thence tangentially
- (62) S. 31° 25' 35" W., 211.79 feet; thence
- (63) Southwesterly, 86.08 feet along the arc of a tangent curve to the right having a radius of 180.00 feet, through a central angle of 27° 24' 00"; thence tangentially
- (64) S. 58° 49' 35" W., 114.52 feet; thence
- (65) Southwesterly, 215.46 feet along the arc of a tangent curve to the left having a radius of 220.00 feet, through a central angle of 56° 06' 45"; thence tangentially
- (66) S. 02° 42' 50" W., 192.34 feet; thence
- (67) Southerly, 153.24 feet along the arc of a tangent curve to the right having a radius of 330.00 feet, through a central angle of 26° 36' 24"; thence tangentially
- (68) S. 29° 19' 14" W., 72.41 feet; thence

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

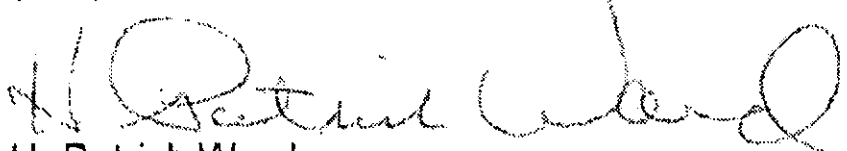
DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 5

- (69) Southwesterly, 264.59 feet along the arc of a tangent curve to the right having a radius of 1730.00 feet, through a central angle of 08° 45' 47"; thence tangentially
- (70) S. 38° 05' 01" W., 47.82 feet; thence
- (71) Southwesterly, 109.99 feet along the arc of a tangent curve to the left having a radius of 395.00 feet, through a central angle of 15° 57' 17"; thence tangentially
- (72) S. 22° 07' 44" W., 40.15 feet; thence
- (73) S. 50° 28' 45" E., 277.36 feet; thence
- (74) N. 88° 36' 10" E., 41.00 feet; thence
- (75) Easterly, 70.42 feet along the arc of a tangent curve to the left having a radius of 210.00 feet, through a central angle of 19° 12' 48"; thence tangentially
- (76) N. 69° 23' 22" E., 74.81 feet; thence
- (77) Easterly, 124.23 feet along the arc of a tangent curve to the right having a radius of 415.00 feet, through a central angle of 17° 09' 05"; thence tangentially
- (78) N. 86° 32' 27" E., 70.96 feet; thence
- (79) Easterly, 168.66 feet along the arc of a tangent curve to the left having a radius of 310.00 feet, through a central angle of 31° 10' 20"; thence tangentially
- (80) N. 55° 22' 07" E., 261.49 feet; thence
- (81) Northeasterly, 389.91 feet along the arc of a tangent curve to the right having a radius of 2230.00 feet, through a central angle of 10° 01' 05"; thence tangentially
- (82) Easterly, 153.97 feet along the arc of a compound curve to the right having a radius of 2030.00 feet, through a central angle of 04° 20' 45"; thence tangentially
- (83) N. 69° 43' 57" E., 78.18 feet; thence
- (84) Northeasterly, 146.62 feet along the arc of a tangent curve to the left having a radius of 345.00 feet, through a central angle of 24° 20' 57"; thence tangentially
- (85) S. 44° 37' 00" E., 50.00 feet; thence

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 6

- (86) Southwesterly, 65.00 feet along the arc of a non-tangent curve to the left having a radius of 345.00 feet whose center bears S. 44° 37' 00" E., through a central angle of 10° 47' 41"; thence tangentially
- (87) S. 34° 35' 19" W., 101.14 feet; thence
- (88) Southwesterly, 91.50 feet along the arc of a tangent curve to the right having a radius of 345.00 feet, through a central angle of 15° 11' 47"; thence tangentially
- (89) S. 49° 47' 06" W., 135.28 feet; thence
- (90) Southwesterly, 244.59 feet along the arc of a tangent curve to the left having a radius of 620.00 feet, through a central angle of 22° 36' 10"; thence tangentially
- (91) S. 27° 10' 56" W., 44.30 feet; thence
- (92) Southwesterly, 146.74 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 09° 08' 19"; thence tangentially
- (93) S. 36° 19' 15" W., 99.30 feet; thence
- (94) S. 37° 05' 30" W., 62.85 feet; thence
- (95) S. 64° 03' 14" W., 247.29 feet; thence
- (96) S. 56° 14' 40" W., 99.46 feet; thence
- (97) S. 30° 58' 07" W., 196.51 feet; thence
- (98) S. 54° 23' 54" W., 371.35 feet; thence
- (99) S. 75° 53' 37" W., 133.70 feet; thence
- (100) S. 51° 47' 35" W., 288.63 feet to the POINT OF THE BEGINNING



H. Patrick Ward
Registered Civil Engineer #29811
State of California
Expires: 31 March 2009

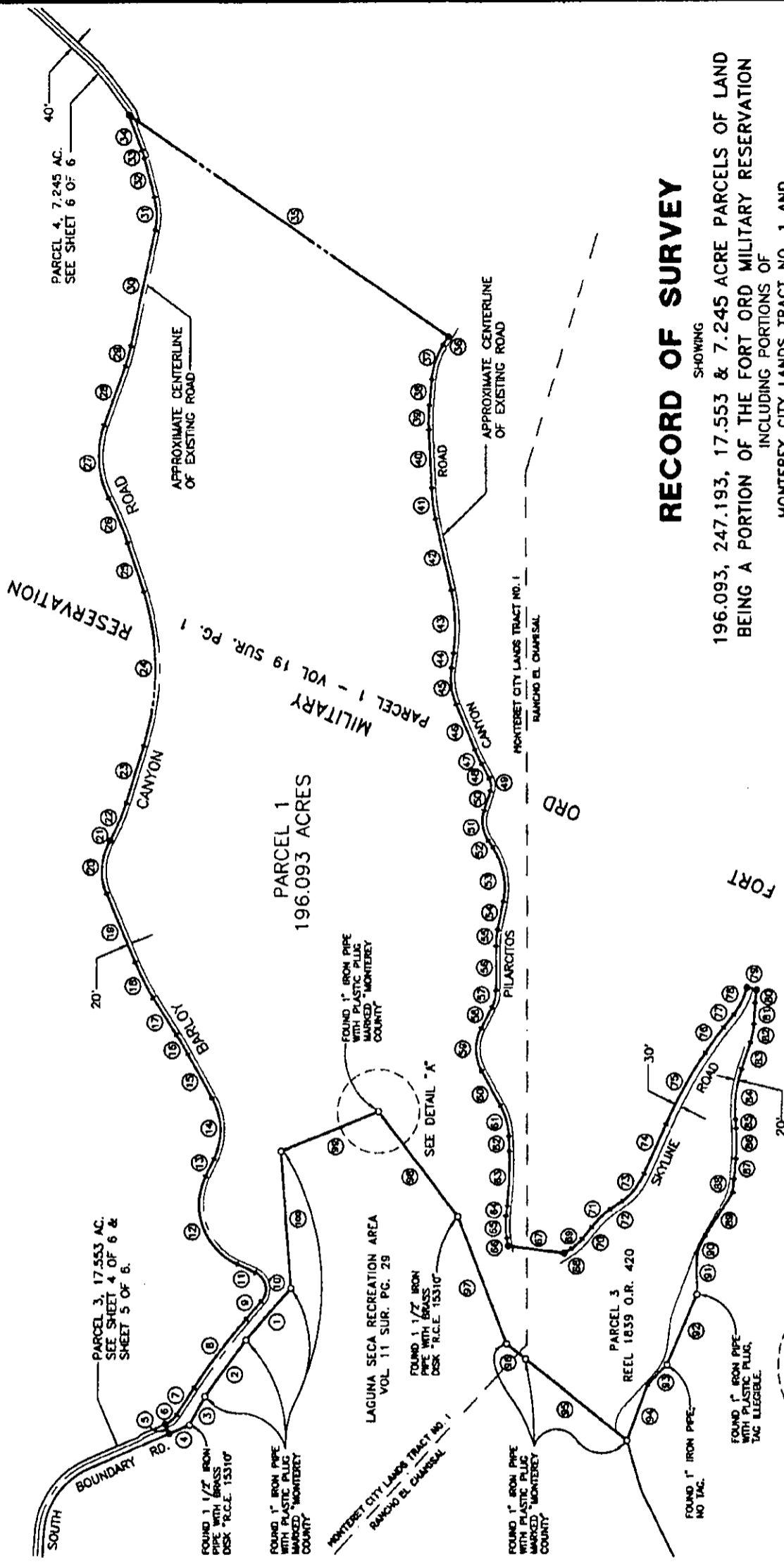
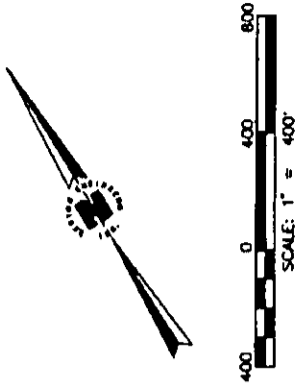
Vol. 19 SURV. PG. 122

DATA	DELTA/BEARING	RADIUS	LEN./DIST.
1	S 72°49'35"W	332.97	
2	S 67°39'05"W	338.33	
3	S 60°12'34"W	155.84	
4	N 81°16'14"W	106.74	
5	N 09°11'28"E	50.43	
6	S 47°22'00"	71.98	
7	N 64°48'28"E	153.97	
8	S 73°70"	419.04	
9	N 72°46'28"E	113.20	
10	N 05°19'48"	90.00	
11	N 33°33'21"W	97.98	
12	S 07°25'58"	505.07	
13	N 56°52'37"E	96.39	
14	S 43°33'34"	304.72	
15	N 02°19'03"E	244.58	
16	S 23°75"	109.35	
17	N 00°18'54"W	212.24	
18	S 76°32'	192.81	
19	N 09°07'38"E	363.12	
20	S 11°04'36"	282.98	
21	N 60°12'14"E	11.73	
22	N 11°17'48"	980.00	
23	N 48°54'28"E	287.39	
24	S 47°28'35"	755.17	
25	N 14°25'53"E	263.22	
26	S 92°29'24"	1455.00	
27	S 46°28'40"	450.00	
28	N 51°23'09"E	308.19	
29	S 73°72"	100.46	
30	N 43°45'44"E	570.59	
31	S 26°19'04"	163.06	
32	N 17°28'40"E	196.66	
33	S 60°40'10"	40.24	
34	N 11°22'39"E	182.54	
35	S 23°25'50"E	1002.07	
36	S 64°00'53"W	48.03	
37	S 27°08'11"	177.61	
38	S 36°52'42"W	127.05	
39	S 73°21'5"	920.00	
40	S 29°20'27"W	280.09	
41	S 93°04'	154.17	
42	S 19°44'23"W	371.56	
43	S 20°03'57"	880.00	
44	S 39°48'20"W	72.09	
45	S 31°01'46"	181.42	
46	S 08°46'34"W	234.25	
47	S 52°21'	77.13	
48	S 03°23'13"W	78.15	
49	S 46°13'45"	64.78	
50	S 48°48'58"W	96.14	
51	S 51°39'08"	153.25	
52	S 01°52'08"E	38.06	
53	S 44°55'08"	282.23	
54	S 43°02'58"W	137.72	
55	S 11°37'23"	80.13	
56	S 31°25'35"W	211.79	
57	S 27°24'00"	180.00	
58	S 58°49'35"W	114.32	
59	S 56°08'45"	215.46	
60	S 02°42'30"W	192.34	
61	S 26°56'24"	153.24	

DATA	DELTA/BEARING	RADIUS	LEN./DIST.
62	S 29°19'14"W	72.41	
63	S 6°45'47"	264.59	
64	S 38°05'01"W	47.82	
65	S 15°57'17"	109.99	
66	S 22°07'44"W	40.15	
67	S 50°28'45"E	277.36	
68	N 68°36'10"E	41.00	
69	S 19°12'48"	70.42	
70	N 89°23'27"E	74.81	
71	S 17°09'05"	124.23	
72	N 86°32'27"E	70.96	
73	S 31°10'20"	168.66	
74	N 55°22'07"E	261.49	

DATA	DELTA/BEARING	RADIUS	LEN./DIST.
75	10°01'05"	2230.00	389.91
76	S 4°20'45"	2030.00	153.97
77	M 69°43'57"E	78.18	
78	S 24°20'57"	345.00	148.82
79	S 44°37'00"E	345.00	50.00
80	S 10°47'41"	345.00	65.00
81	S 34°35'19"W	345.00	101.14
82	S 15°11'47"	345.00	91.50
83	S 48°47'06"W	620.00	135.28
84	S 27°36'10"	620.00	244.59
85	S 27°10'56"W	920.00	44.30
86	S 9°08'19"	920.00	146.74
87	S 36°19'15"W	920.00	99.30

DATA	DELTA/BEARING	RADIUS	LEN./DIST.
88	S 37°06'30"W	62.85	
89	S 64°03'14"W	247.29	
90	S 56°14'40"W	99.46	
91	S 30°58'07"W	196.51	
92	S 54°23'54"W	371.35	
93	S 75°53'37"W	133.70	
94	S 51°47'35"W	288.63	
95	N 19°24'53"W	635.06	
96	N 19°50'25"W	119.39	
97	N 10°32'25"E	666.50	
98	N 05°48'37"W	643.24	
99	N 79°53'53"W	512.80	
100	S 27°22'37"W	668.29	



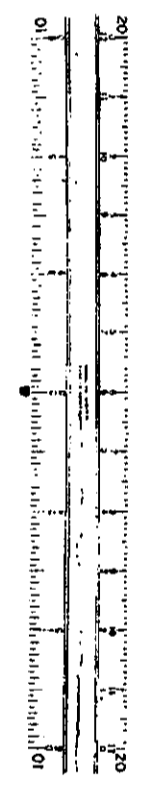
RECORD OF SURVEY

SHOWING
 196.093, 247.193, 17.553 & 7.245 ACRE PARCELS OF LAND
 BEING A PORTION OF THE FORT ORD MILITARY RESERVATION
 INCLUDING PORTIONS OF
 MONTEREY CITY LANDS TRACT NO. 1 AND
 THE RANCHO EL CHAMISAL AND
 TOWNSHIP 15 SOUTH, RANGE 2 EAST M.D.B. AND M.
 MONTEREY COUNTY, CALIFORNIA
 BY



BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93840

SCALE: 1"=400' DATE: MAY 1995 W.O.: 5443.06
 SHEET 2 OF 6



**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1, County of Monterey, State of California, particularly described as follows:

COMMENCING at an angle point on the southeasterly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said boundary and parcel are shown and so designated on that certain Record of Survey Map filed September 3, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered (72) as shown and designated on said map and described as "Found 1¼" Iron Pipe with Brass Tag, RCE 1215"; thence leaving said perimeter boundary

- (a) N. 40° 11' 57" W., 8450.48 feet to the TRUE POINT OF BEGINNING; thence
- (1) N. 23° 25' 50" W., 70.07 feet; thence
- (2) Northerly, 21.60 feet along the arc of a non-tangent curve to the left having a radius of 80.00 feet whose center bears N. 78° 37' 21" W., through a central angle of 15° 28' 11"; thence tangentially
- (3) N. 04° 05' 32" W., 147.19 feet; thence
- (4) Northerly, 164.86 feet along the arc of a tangent curve to the left having a radius of 880.00 feet, through a central angle of 10° 44' 01"; thence tangentially
- (5) N. 14° 49' 33" W., 300.42 feet; thence
- (6) Northerly, 115.84 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 06° 46' 21"; thence tangentially
- (7) N. 21° 35' 54" W., 206.25 feet; thence
- (8) Northerly, 77.40 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 04° 31' 30"; thence tangentially
- (9) N. 26° 07' 24" W., 408.35 feet; thence
- (10) Northerly, 244.49 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 15° 13' 35"; thence tangentially
- (11) N. 10° 53' 49" W., 244.21 feet; thence
- (12) Northerly, 153.80 feet along the arc of a tangent curve to the right having a radius of 620.00 feet, through a central angle of 14° 12' 46"; thence tangentially
- (13) N. 03° 18' 57" E., 123.57 feet; thence
- (14) Northerly, 326.49 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 35° 58' 25"; thence tangentially

Description of 7.245 Acre Parcel, Page 1

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (15) N. 39° 17' 22" E., 70.84 feet; thence
- (16) Northeasterly, 271.50 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 22° 52' 33"; thence tangentially
- (17) N. 16° 24' 49" E., 164.73 feet; thence
- (18) Northerly, 126.39 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 10° 38' 59"; thence tangentially
- (19) N. 05° 45' 50" E., 141.53 feet; thence
- (20) Northerly, 152.14 feet along the arc of a tangent curve to the right having a radius of 320.00 feet, through a central angle of 27° 14' 29"; thence tangentially
- (21) N. 33° 00' 19" E., 108.88 feet; thence
- (22) Northeasterly, 86.50 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 10° 19' 31"; thence tangentially
- (23) N. 22° 40' 48" E., 105.98 feet; thence
- (24) Northerly, 86.39 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (25) Northerly, 49.98 feet along the arc of a reverse curve to the right having a radius of 220.00 feet, through a central angle of 13° 01' 04"; thence tangentially
- (26) Northerly, 108.24 feet along the arc of a reverse curve to the left having a radius of 230.00 feet, through a central angle of 26° 57' 51"; thence tangentially
- (27) Northerly, 72.67 feet along the arc of a reverse curve to the right having a radius of 1520.00 feet, through a central angle of 02° 44' 22"; thence tangentially
- (28) N. 06° 12' 20" W., 218.35 feet; thence
- (29) Northerly, 157.39 feet along the arc of a tangent curve to the left having a radius of 1980.00 feet, through a central angle of 04° 33' 16"; thence tangentially
- (30) Northerly, 265.52 feet along the arc of a reverse curve to the right having a radius of 720.00 feet, through a central angle of 21° 07' 47"; thence tangentially
- (31) N. 10° 22' 11" E., 222.60 feet; thence
- (32) Northerly, 31.21 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 03° 26' 21"; thence tangentially

Description of 7.245 Acre Parcel, Page 2

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (33) N. 13° 48' 32" E., 253.08 feet; thence
- (34) Northerly, 103.33 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 21° 08' 40"; thence tangentially
- (35) Northerly, 123.40 feet along the arc of a reverse curve to the right having a radius of 1020.00 feet, through a central angle of 06° 55' 53"; thence tangentially
- (36) N. 00° 24' 15" W., 69.59 feet; thence
- (37) Northerly, 145.77 feet along the arc of a tangent curve to the right having a radius of 470.00 feet, through a central angle of 17° 46' 12"; thence tangentially
- (38) N. 17° 21' 57" E., 153.25 feet; thence
- (39) Northerly, 298.62 feet along the arc of a tangent curve to the left having a radius of 780.00 feet, through a central angle of 21° 56' 07"; thence tangentially
- (40) N. 04° 34' 10" W., 196.72 feet; thence
- (41) Northerly, 103.43 feet along the arc of a tangent curve to the right having a radius of 170.00 feet, through a central angle of 34° 51' 32"; thence tangentially
- (42) N. 30° 17' 22" E., 185.03 feet; thence
- (43) Northerly, 88.63 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 13° 21' 50"; thence tangentially
- (44) N. 16° 55' 32" E., 141.24 feet; thence
- (45) Northeasterly, 232.82 feet along the arc of a tangent curve to the right having a radius of 550.00 feet, through a central angle of 24° 15' 12"; thence tangentially
- (46) N. 41° 10' 44" E., 331.84 feet; thence
- (47) Northeasterly, 247.31 feet along the arc of a tangent curve to the left having a radius of 855.00 feet, through a central angle of 16° 34' 22"; thence tangentially
- (48) N. 24° 36' 22" E., 215.90 feet; thence
- (49) S. 65° 23' 38" E., 40.00 feet; thence along a line drawn parallel with and 40.00 feet southeasterly of the following forty-six courses
- (50) S. 24° 36' 22" W., 215.90 feet; thence
- (51) Southwesterly, 258.88 feet along the arc of a tangent curve to the right having a radius of 895.00 feet, through a central angle of 16° 34' 22"; thence tangentially

Description of 7.245 Acre Parcel, Page 3

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (52) S. 41° 10' 44" W., 331.84 feet; thence
- (53) Southwesterly, 215.88 feet along the arc of a tangent curve to the left having a radius of 510.00 feet, through a central angle of 24° 15' 12"; thence tangentially
- (54) S. 16° 55' 32" W., 141.24 feet; thence
- (55) Southerly, 97.96 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 13° 21' 50"; thence tangentially
- (56) S. 30° 17' 22" W., 185.03 feet; thence
- (57) Southerly, 79.09 feet along the arc of a tangent curve to the left having a radius of 130.00 feet, through a central angle of 34° 51' 32"; thence tangentially
- (58) S. 04° 34' 10" E., 196.72 feet; thence
- (59) Southerly, 313.93 feet along the arc of a tangent curve to the right having a radius of 820.00 feet, through a central angle of 21° 56' 07"; thence tangentially
- (60) S. 17° 21' 57" W., 153.25 feet; thence
- (61) Southerly, 133.36 feet along the arc of a tangent curve to the left having a radius of 430.00 feet, through a central angle of 17° 46' 12"; thence tangentially
- (62) S. 00° 24' 15" E., 69.59 feet; thence
- (63) Southerly, 118.56 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 06° 55' 53"; thence tangentially
- (64) Southerly, 118.09 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 21° 08' 40"; thence tangentially
- (65) S. 13° 48' 32" W., 253.08 feet; thence
- (66) Southerly, 28.81 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 03° 26' 21"; thence tangentially
- (67) S. 10° 22' 11" W., 222.60 feet; thence
- (68) Southerly, 250.77 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 21° 07' 47"; thence tangentially
- (69) Southerly, 160.57 feet along the arc of a reverse curve to the right having a radius of 2020.00 feet, through a central angle of 04° 33' 16"; thence tangentially
- (70) S. 06° 12' 20" E., 218.35 feet; thence

Description of 7.245 Acre Parcel, Page 4

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

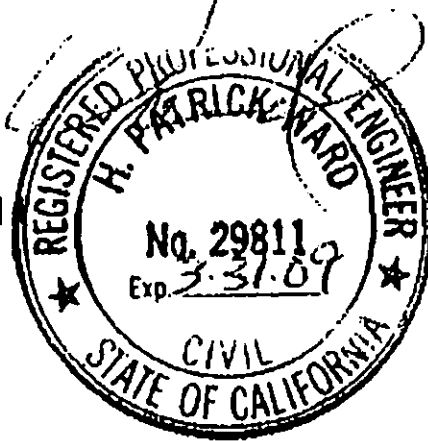
- (71) Southerly, 70.76 feet along the arc of a tangent curve to the left having a radius of 1480.00 feet, through a central angle of 02° 44' 22"; thence tangentially
- (72) Southerly, 127.07 feet along the arc of a reverse curve to the left having a radius of 270.00 feet, through a central angle of 26° 57' 51"; thence tangentially
- (73) Southerly, 40.90 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (74) Southerly, 98.74 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (75) S. 22° 40' 48" W., 105.98 feet; thence
- (76) Southwesterly, 93.71 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 10° 19' 31"; thence tangentially
- (77) S. 33° 00' 19" W., 108.88 feet; thence
- (78) Southerly, 133.13 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 27° 14' 29"; thence tangentially
- (79) S. 05° 45' 50" W., 141.53 feet; thence
- (80) Southerly, 133.83 feet along the arc of a tangent curve to the right having a radius of 720.00 feet, through a central angle of 10° 38' 59"; thence tangentially
- (81) S. 16° 24' 49" W., 164.73 feet; thence
- (82) Southwesterly, 287.47 feet along the arc of a tangent curve to the right having a radius of 720.00 feet, through a central angle of 22° 52' 33"; thence tangentially
- (83) S. 39° 17' 22" W., 70.84 feet; thence
- (84) Southerly, 301.37 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 35° 58' 25"; thence tangentially
- (85) S. 03° 18' 57" W., 123.57 feet; thence
- (86) Southerly, 143.87 feet along the arc of a tangent curve to the left having a radius of 580.00 feet, through a central angle of 14° 12' 46"; thence tangentially
- (87) S. 10° 53' 49" E., 244.21 feet; thence
- (88) Southerly, 233.86 feet along the arc of a tangent curve to the left having a radius of 880.00 feet, through a central angle of 15° 13' 35"; thence tangentially

Description of 7.245 Acre Parcel, Page 5

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (89) S. 26° 07' 24" E., 408.35 feet; thence
- (90) Southerly, 80.56 feet along the arc of a tangent curve to the right having a radius of 1020.00 feet, through a central angle of 04° 31' 30"; thence tangentially
- (91) S. 21° 35' 54" E., 206.25 feet; thence
- (92) Southerly, 120.57 feet along the arc of a tangent curve to the right having a radius of 1020.00 feet, through a central angle of 06° 46' 21"; thence tangentially
- (93) S. 14° 49' 33" E., 300.42 feet; thence
- (94) Southerly, 172.35 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 10° 44' 01"; thence tangentially
- (95) S. 04° 05' 32" E., 147.19 feet; thence
- (96) Southerly, 32.40 feet along the arc of a tangent curve to the right having a radius of 120.00 feet, through a central angle of 15° 28' 11"; thence tangentially
- (97) S. 11° 22' 39" W., 57.53 feet to the TRUE POINT OF BEGINNING

H. Patrick Ward
H. Patrick Ward
Registered Civil Engineer #2981
State of California
Expires: 31 March 2009

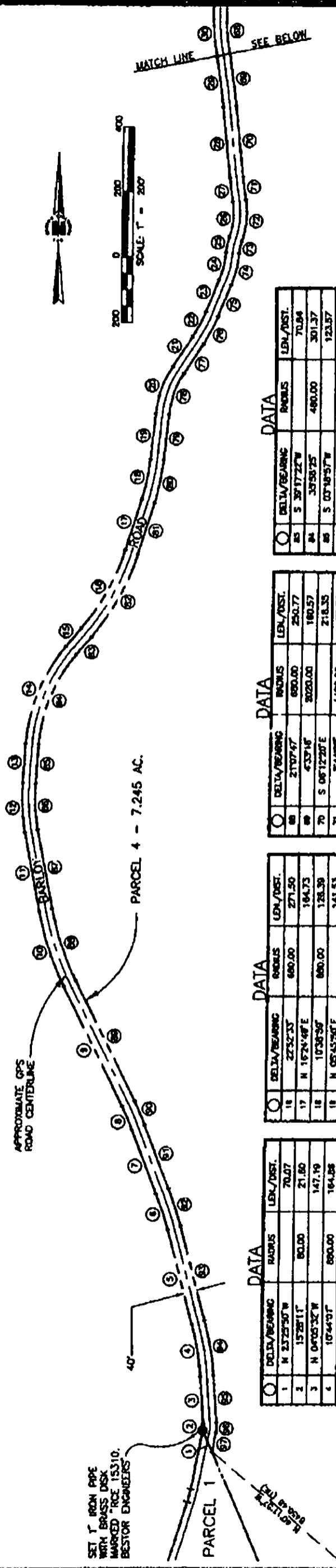


Description of 7.245 Acre Parcel, Page 6

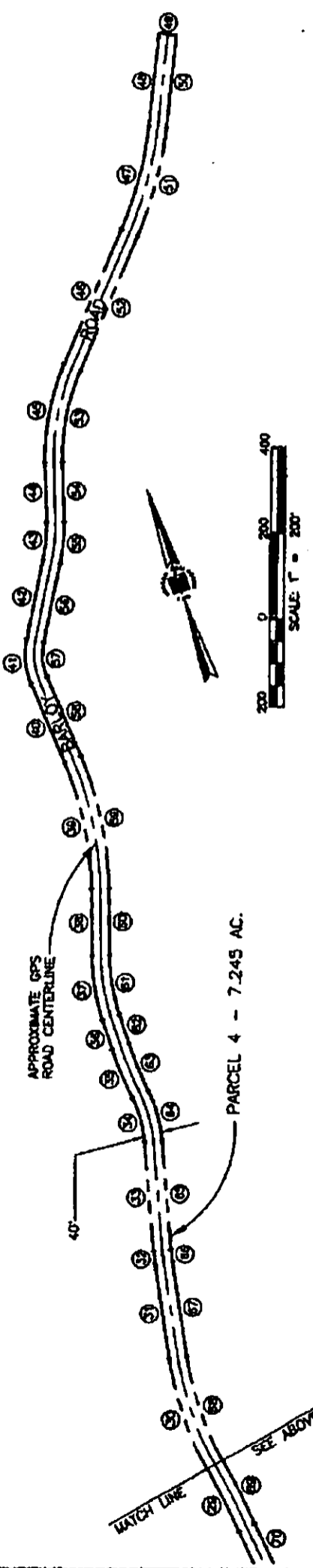
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**COE PARCEL L20.8
DESCRIPTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

Vol. 19 SURV. Pg. 1 of 2



DATA	DELTA/BEARING	RADIUS	LEN./DIST.	DATA	DELTA/BEARING	RADIUS	LEN./DIST.	DATA	DELTA/BEARING	RADIUS	LEN./DIST.
1	N 23°25'30"W	70.07	70.07	16	22°52'33"	690.00	271.50	21	N 37°00'19"E	106.88	106.88
2	S 15°28'11"E	80.00	21.80	17	N 16°24'48"E	690.00	184.73	22	N 22°40'48"E	106.88	106.88
3	N 04°05'32"W	800.00	147.19	18	N 05°45'50"E	690.00	178.38	23	N 17°40'43"	380.00	80.38
4	N 10°44'01"E	800.00	184.88	19	N 05°45'50"E	690.00	141.53	24	N 17°40'43"	380.00	80.38
5	N 14°49'35"W	800.00	303.42	20	N 37°00'19"E	380.00	182.14	25	N 22°40'48"E	106.88	106.88
6	S 04°02'21"E	800.00	115.84	21	N 37°00'19"E	480.00	68.50	26	N 17°40'43"	380.00	80.38
7	N 21°35'54"W	800.00	206.25	22	N 10°19'21"	480.00	68.50	27	N 24°42'22"	1500.00	72.87
8	S 43°11'30"	800.00	77.40	23	N 22°40'48"E	480.00	106.88	28	N 07°12'20"W	1800.00	197.38
9	N 20°07'24"W	800.00	406.35	24	N 17°40'43"	380.00	80.38	29	S 43°11'30"	720.00	287.47
10	N 10°13'35"	800.00	244.48	25	N 17°40'43"	380.00	80.38	30	N 21°07'47"	720.00	287.47
11	N 10°53'49"W	800.00	244.21	26	N 17°40'43"	380.00	80.38				
12	N 16°12'46"	800.00	133.80	27	N 24°42'22"	1500.00	72.87				
13	N 03°19'57"E	800.00	123.57	28	N 07°12'20"W	1800.00	197.38				
14	S 20°30'25"	800.00	328.48	29	S 43°11'30"	720.00	287.47				
15	N 20°17'22"E	800.00	70.84	30	N 21°07'47"	720.00	287.47				



DATA	DELTA/BEARING	RADIUS	LEN./DIST.	DATA	DELTA/BEARING	RADIUS	LEN./DIST.
31	N 10°22'11"E	220.00	265.52	37	S 34°01'32"	130.00	71.89
32	S 28°23'1"	520.00	31.21	38	S 04°34'10"E	800.00	166.72
33	N 13°46'32"E	250.00	253.08	39	N 05°45'50"E	800.00	313.83
34	N 13°46'32"E	250.00	253.08	40	S 17°21'57"W	430.00	153.25
35	S 65°55'3"	1020.00	123.40	41	S 07°24'15"E	690.00	116.56
36	N 07°24'15"W	670.00	66.59	42	S 17°48'37"W	300.00	233.06
37	N 17°48'12"	470.00	145.77	43	N 17°48'37"W	480.00	26.81
38	N 17°48'12"	470.00	145.77	44	S 10°22'11"W	1410.00	222.80
39	N 17°48'12"	470.00	145.77	45	N 04°34'10"W	1700.00	180.57
40	N 04°34'10"W	780.00	204.62	46	S 43°11'30"	2000.00	180.57
41	N 04°34'10"W	1700.00	180.57	47	S 07°12'20"E	2163.35	2163.35
42	N 20°17'22"E	800.00	180.57				

RECORD OF SURVEY
SHOWING
196.093, 247.193, 17.553 & 7.245 ACRE PARCELS OF LAND
BEING A PORTION OF THE FORT ORD MILITARY RESERVATION
INCLUDING PORTIONS OF
MONTEREY CITY LANDS TRACT NO. 1 AND
THE RANCHO EL CHAMISAL AND
TOWNSHIP 15 SOUTH, RANGE 2 EAST M.D.B. AND M.
MONTEREY COUNTY, CALIFORNIA
BY
BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
8701 BLUE LANSOPUR LANE, MONTEREY, CALIFORNIA 93940
SCALE: 1"=200' DATE: MAY 1995 W.O.: 5443.06
SHEET 6 OF 6

EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North $18^{\circ} 59' 35''$ East, 624.00 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

1. North $18^{\circ} 59' 35''$ East for a distance of 193.37 feet to a point on the northerly boundary line of Eucalyptus Road, being Parcel 14, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said northerly boundary line
2. North $67^{\circ} 45' 41''$ East for a distance of 1,247.86 feet (shown on said map as 1,247.79 feet) to the beginning of a non-tangent curve; thence
3. Along a curve to the right, the center of which bears South $37^{\circ} 34' 57''$ West for a distance of 1,370.00 feet, through a central angle of $04^{\circ} 10' 37''$ (shown on said map as $04^{\circ} 05' 30''$), having a radius of 1,370.00 feet, for an arc length of 99.87 feet (shown on said map as 97.89 feet), and whose long chord bears South $50^{\circ} 19' 45''$ East for a distance of 99.85 feet to the beginning of a non-tangent curve; thence
4. Along a curve to the right, the center of which bears South $23^{\circ} 26' 31''$ East for a distance of 280.00 feet, through a central angle of $40^{\circ} 07' 31''$ (shown on said map as $35^{\circ} 31' 41''$), having a radius of 280.00 feet, for an arc length of 196.09 feet (shown on said map as 173.62 feet), and whose long chord bears North $86^{\circ} 37' 14''$ East for a distance of 192.11 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of $12^{\circ} 08' 00''$, having a radius of 830.00 feet, for an arc length of 175.77 feet, and whose long chord bears South $67^{\circ} 15' 00''$ East for a distance of 175.44 feet to the beginning of a tangent curve; thence
6. Along a curve to the right, through a central angle of $04^{\circ} 00' 00''$, having a radius of 10,030.00 feet, for an arc length of 700.23 feet, and whose long chord bears South $59^{\circ} 11' 00''$ East for a distance of 700.08 feet to a point of intersection with a tangent line; thence

EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

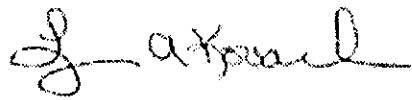
7. South $57^{\circ} 11' 00''$ East for a distance of 948.60 feet to the beginning of a tangent curve; thence
8. Along a curve to the right, through a central angle of $00^{\circ} 18' 36''$, having a radius of 5,030.00 feet, for an arc length of 27.21 feet, and whose long chord bears South $57^{\circ} 01' 42''$ East for a distance of 27.22 feet to the common northerly corner of Parcel 14 and Parcel 15, as they are shown on that certain map recorded in Volume 20 of Surveys at Page 110, being also the beginning of a tangent curve; thence along the northerly boundary of said Parcel 15
9. Along a compound curve to the right, through a central angle of $00^{\circ} 14' 46''$, having a radius of 5,030.00 feet, for an arc length of 175.77 feet, and whose long chord bears South $56^{\circ} 45' 00''$ East for a distance of 21.62 feet to the southerly boundary line of said "Monterey County III"; thence along said southerly boundary
10. South $71^{\circ} 12' 11''$ West for a distance of 18.27 feet to a brass disk marked "BLM AP61D" at an angle point in said southerly boundary line of "Monterey County III"; thence continuing along said southerly boundary
11. South $66^{\circ} 03' 27''$ West for a distance of 54.34 feet to the southerly boundary of said Parcel 15, being also the beginning of a non-tangent curve; thence along said southerly boundary
12. Along a curve to the left, the center of which bears South $32^{\circ} 54' 20''$ West for a distance of 4,970.00 feet, through a central angle of $00^{\circ} 05' 20''$, having a radius of 4,970.00 feet, for an arc length of 7.71 feet, and whose long chord bears North $57^{\circ} 08' 20''$ West for a distance of 7.70 feet to a point of intersection with a tangent line; thence
13. North $57^{\circ} 11' 00''$ West for a total distance of 948.60 feet to the beginning of a tangent curve, at a distance of 5.28 feet the common southerly corner of said Parcel 14 and Parcel 15; thence
14. Along a curve to the left, through a central angle of $04^{\circ} 00' 00''$, having a radius of 9,970.00 feet, for an arc length of 696.04 feet, and whose long chord bears North $59^{\circ} 11' 00''$ West for a distance of 695.90 feet to the beginning of a tangent compound curve; thence
15. Along a curve to the left, through a central angle of $12^{\circ} 08' 00''$, having a radius of 770.00 feet, for an arc length of 163.06 feet, and whose long chord bears North $67^{\circ} 15' 00''$ West for a distance of 162.76 feet to the beginning of a tangent compound curve; thence
16. Along a curve to the left, through a central angle of $38^{\circ} 03' 00''$, having a radius of 220.00 feet, for an arc length of 146.10 feet, and whose long chord bears South $87^{\circ} 39' 30''$ West for a distance of 143.43 feet to a point of intersection with a tangent line; thence
17. South $68^{\circ} 38' 00''$ West for a distance of 211.78 feet to the beginning of a tangent curve; thence

EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

18. Along a curve to the left, through a central angle of $00^{\circ} 58' 00''$, having a radius of 9,970.00 feet, for an arc length of 168.21 feet, and whose long chord bears South $68^{\circ} 09' 00''$ West for a distance of 168.21 feet to a point of intersection with a tangent line; thence
19. South $67^{\circ} 40' 00''$ West a distance of 1051.60 feet (shown on said map as 1028.50 feet) to the POINT OF BEGINNING.

Containing an area of 7.249 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

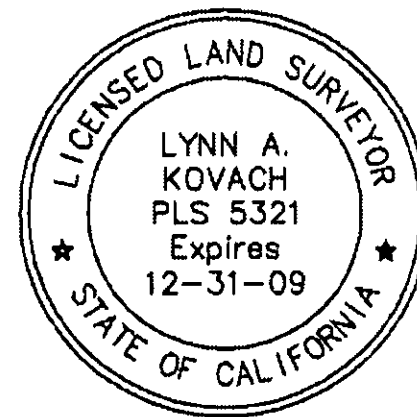
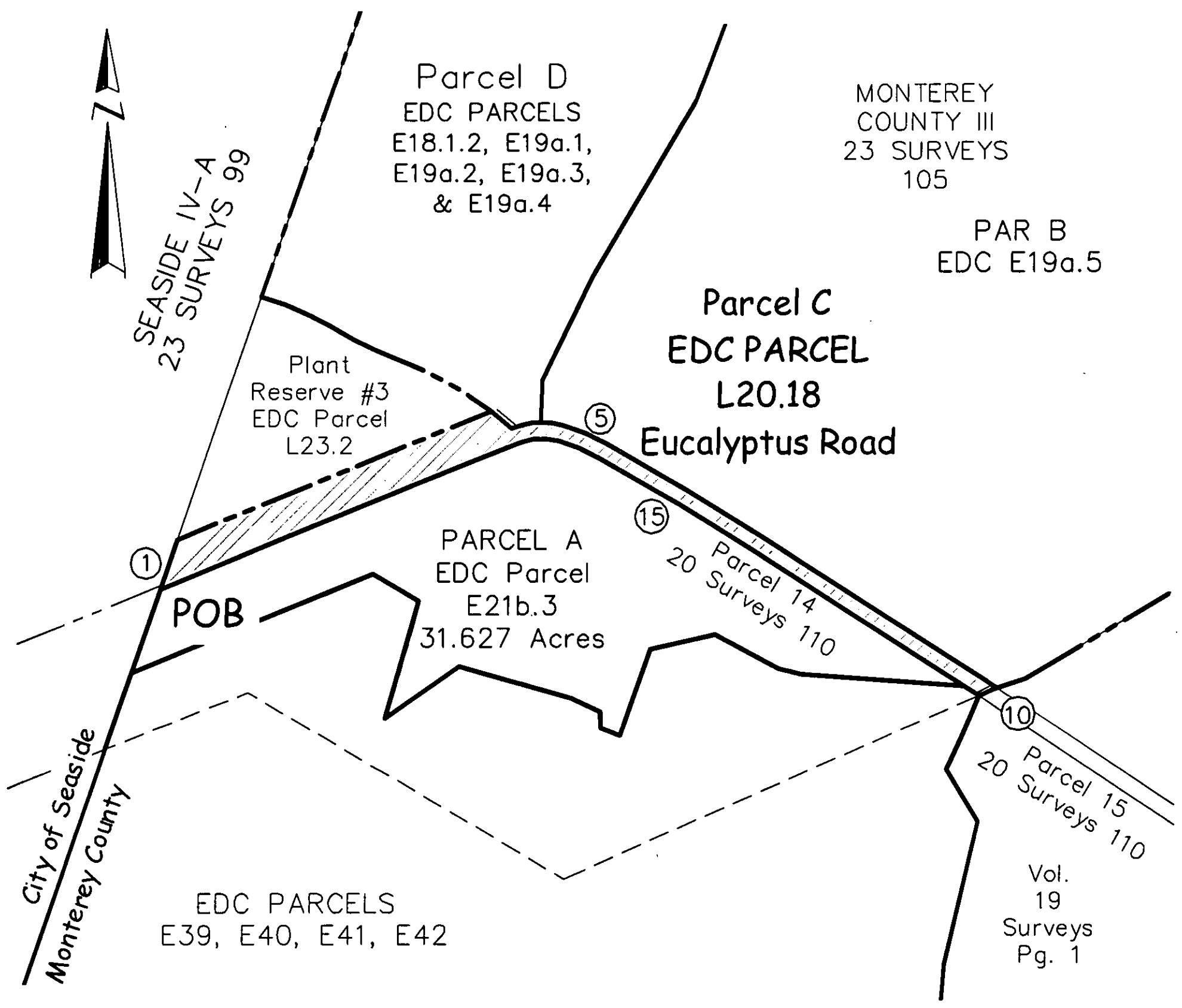
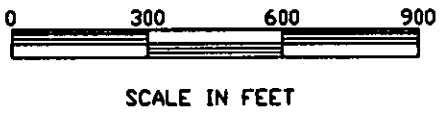


EXHIBIT OF EDC Parcel L20.18
 Lying Within "MONTEREY COUNTY III"
 as shown on Vol. 23 of Surveys at Page 105
MONTEREY COUNTY,
CALIFORNIA



PREPARED BY:
POLARIS CONSULTING
 P. O. BOX 1378
 CARMEL VALLEY, CA 93924

SCALE: 1" = 600' VIEW: I20.18 DATE: 10-26-2007
 FILE NAME: FORA FOSET 5 MPC2.DWG 26114

EDC Parcel L32.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

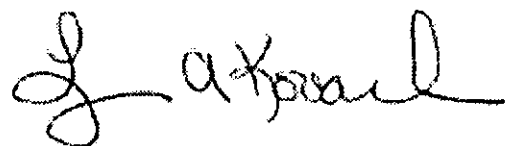
SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being a portion of Parcel 1, "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; being more particularly described as follows:

BEGINNING at the most northwesterly corner of said Parcel 1, "Monterey County III (Parker Flats)," being also an angle point in the westerly boundary of Parcel 7 as said parcel is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence from said Point of Beginning along the common boundary of said Parcels 1 and 7

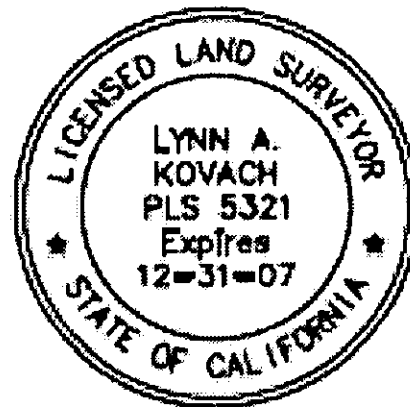
1. South $83^{\circ} 26' 14''$ East for a distance of 351.31 feet; thence continuing along said common boundary
2. South $06^{\circ} 36' 58''$ West for a distance of 371.08 feet to a point on the southerly boundary of said Parcel 7; thence leaving said southerly boundary of Parcel 7 and continuing along the easterly boundary of said Parcel 1, "Monterey County III (Parker Flats)"
3. North $83^{\circ} 34' 21''$ West for a distance of 339.76 feet to a point on the easterly boundary of Parcel 1, L32.4.2, as it is shown on that certain map recorded in Volume 27 of Surveys at Page 17; thence along the common boundary of said Parcel 1, L32.4.2, and Parcel 1, "Monterey County III (Parker Flats)"
4. North $04^{\circ} 50' 13''$ East for a distance of 8.92 feet to the northeast corner of said Parcel 1, L32.4.2; thence continuing along the boundary of said Parcel 1, "Monterey County III (Parker Flats)"
5. North $04^{\circ} 50' 13''$ East a distance of 363.13 feet to the POINT OF BEGINNING.

Containing an area of 2.947 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EXHIBIT

of

EDC Parcel L32.1

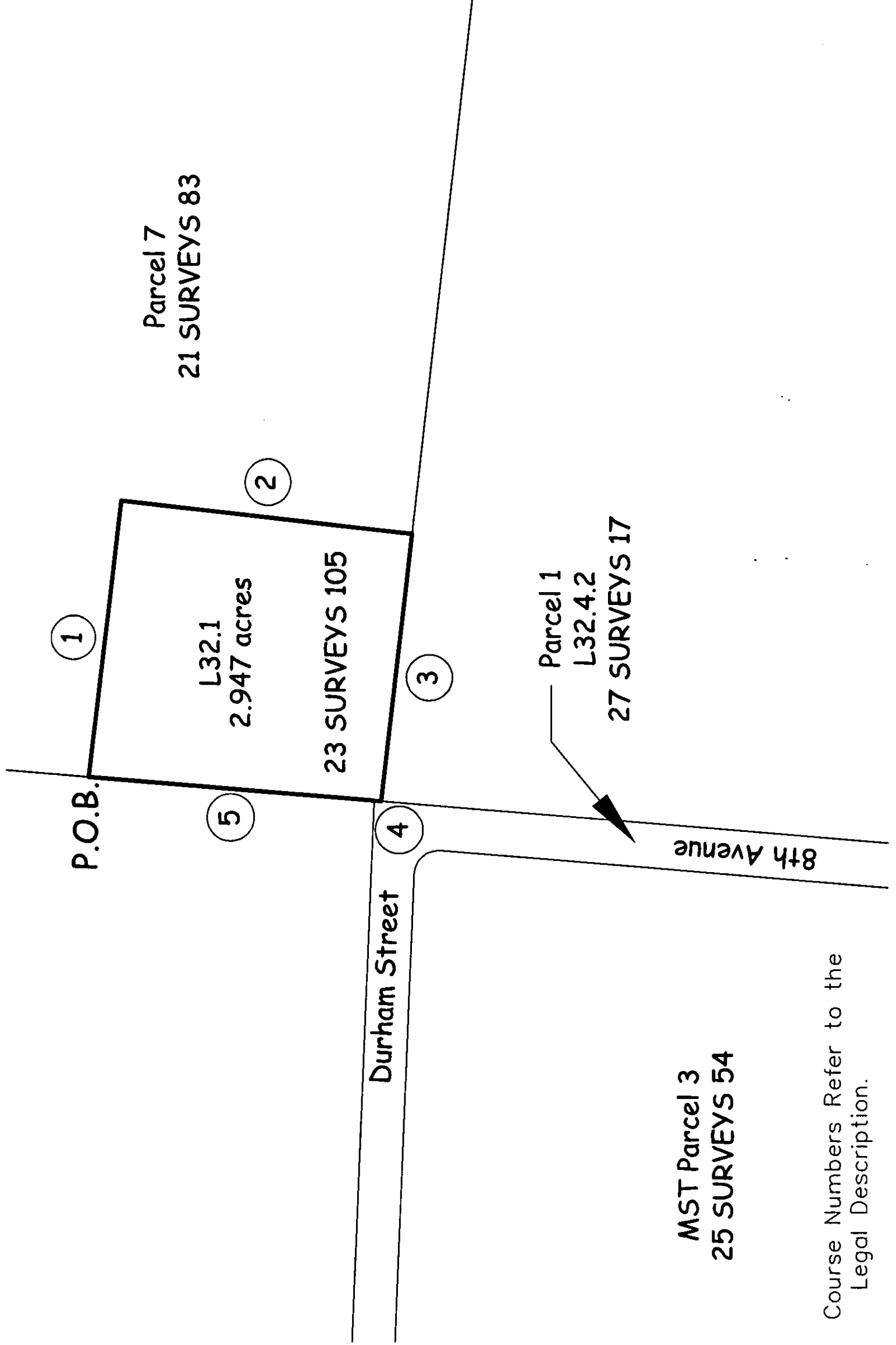
Being a portion of Parcel 1 as shown on Vol. 23 of Surveys at Page 105

Monterey County Jurisdiction

Fort Ord FOSET 5EDC

Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1

Being also within Monterey City Lands Tract No. 1
Monterey County, California



MST Parcel 3
25 SURVEYS 54

Note: Course Numbers Refer to the
Legal Description.

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
County of Monterey			
Parcel F1.7.2 – HA-35A	Lead (7439921); copper (7440508); antimony (7440360)	1975 to Present	Release of lead, copper and antimony associated with small arms ammunition use at the Combat Pistol Range (HA-35A). Because this range is still active, no action related to MC is recommended for HA-35A.
Parcel E4.7.2 – OUCTP	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the remedial alternative (<i>Army, 2006b</i>).
Parcel E11b.7.1.1 – IRP Site 41	Toluene (108883); pentachlorophenol (87865); dioxins; arsenic (7440382); beryllium (7440417); cadmium (7440439); total chromium (7440473); copper (7440508); lead (7439921); nickel (744020); selenium (7782492); silver (7440224); thallium (7440280); zinc (7440666)	Possibly the 1940s and 1950s	The interim action (IA) at IRP Site 41 (Crescent Bluff Fire Drill Area) included the excavation and removal of approximately 76 cubic yards of soil from three former burn pits. Results of the confirmation sampling indicated that soil with chemical concentrations above the target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1997a</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at IRP Site 41 in letters dated April 14, 1997 and March 10, 2006, respectively.
Parcel E19a.4 – IRP Site 8	Diesel; hydrocarbons	Unknown	The IA at IRP Site 8 (Range 49) included the excavation and removal of approximately 102 cubic yards of soil and debris from the former Molotov Cocktail Range. Results of the confirmation sampling indicated that soil with TPH concentrations above the target cleanup concentration of 500 mg/kg was removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1996c</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 8 in letters dated April 14, 1997 and October 20, 2006.
City of Marina			
Parcel	Benzene (71432); Carbon	1956-2002	Release of VOCs from OU2 Fort Ord Landfills; SWMU FTO-002. Migration of groundwater plume containing VOCs at

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
E4.3.2.2	tetrachloride (56235); Chloroform (67663); 1,1-dichloroethane (75343); 1,2-dichloroethane (107062); cis-1,2-dichloroethene (156605); 1,2-dichloropropene (78875); dichloromethane (75092); tetrachloroethene (127184); trichloroethene (79016); vinyl chloride (75014)		concentrations exceeding MCLs from the Fort Ord Landfills. Groundwater remediation system in place. USEPA concurrence that OU2 groundwater treatment system is operating properly and successfully 1/4/96.
Parcels E4.3.2.2, E4.7.1, E5a.1, L5.10.1	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the preferred remedial alternative (<i>Army, 2006b</i>).
City of Seaside			
Parcel E23.1	Lead (7439921); copper (7440508); antimony (7440360)	1960 to 1993	Remediation at IRP Site 39, Range 18 (HA-18D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E23.2	Lead (7439921); copper (7440508); antimony (7440360)	Early 1960s to 1993	Remediation at IRP Site 39, Ranges 18 and 46 (HA-18D and HA-46D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action at Range 18 included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. The remedial action at Range 46 included the removal of approximately 3,900 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 46 was 26 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E24	Lead (7439921); copper	1968 to	Remediation at IRP Site 39, Range 21 (HA-21D), was conducted to remove lead, copper, and antimony in soil from spent

Exhibit B – Notification of Hazardous Substance Storage, Release, or Disposal

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
	(7440508); antimony (7440360)	1993	small arms ammunition. The remedial action included the removal of approximately 9,600 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 21 was 35 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E34	Lead (7439921); copper (7440508); antimony (7440360)	1950s to 1993	Remediation at IRP Site Range 19 (HA-19D) was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 1,400 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
California State University, Monterey Bay			
Parcel S1.3.2 – IRP Site 39B	Benzo(a)anthracene (56553); 1,4-dichlorobenzene (106467); total petroleum hydrocarbons	1950s to 1993	The IA at IRP Site 39B (Inter-Garrison Site) included the excavation and removal of approximately 164 cubic yards of soil mixed with debris from two locations. The soil contained semi-volatile organic compounds exceeding health based screening levels and total petroleum hydrocarbons exceeding the preliminary remediation goals. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health or the environment is expected and no further investigation or remediation was recommended (HLA, 1997b). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 39B in letters dated January 13, 1998 and October 20, 2006, respectively.

* The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or ‘Superfund’) 42 U.S.C. §9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substance’s CERCLA reportable quantity (which ever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances CERCLA reportable quantity. See 40 CFR Part 373.

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
County of Monterey Environmental Services Cooperative Agreement (ESCA) acreage – 1,767 (approximately)				
ESCA Parcel E11b.6.1 – 47.815-acre habitat reserve parcel. No buildings or structures on the parcel	Excavation Restriction Residential Use Restriction	None	NA	<p>East Garrison Area 2 lies adjacent to Parcels E11b.6.1 (Plate 5). A light machine gun range was reported to have been located within East Garrison Area 2. Other military training sites in this area included a mechanic training site, tank driving area, and leadership reaction course (LRC). A site walk was conducted in 2005 to identify any evidence of military munitions-related training. The site walk included an unexploded ordnance (UXO) supervisor, UXO specialist, and a geophysicist using geophysical equipment. A munitions and explosives of concern (MEC) item (pyrotechnic smoke mixture) and seven munitions debris items were found and removed. East Garrison Area 2 was evaluated for MEC in the East Garrison Areas 2 and 4 NE Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at East Garrison Area 2 and no further action related to MEC was recommended for the site (<i>Army, 2005e</i>). The DTSC and the USEPA concurred in letters dated May 30 and June 1, 2006, respectively.</p> <p>MRS-11 lies adjacent to Parcel E11b.6.1 (Plate 5). As noted in the Archives Search Report (ASR), this site was identified as an old explosive ordnance disposal (EOD) range. The 1946 Historic Map Master Plan Fort Ord shows a live hand grenade training range. Additionally, the 1957 Fort Ord Training Areas & Facilities map shows a Frag Zone and Engineer Training Area "C". MRS-11 underwent a munitions response (removal) to a depth of 1 foot¹ in the southern half of the site using geophysical equipment. Twenty MEC items, including nine MKII fragmentation hand grenades, and 2,316 munitions debris items (mostly hand grenade fuzes) were found and removed during the 1-foot removal. The northern half of MRS-11 was investigated (sampled) using SiteStats/GridStats (SS/GS) methodology. No MEC was found during SS/GS investigation. Based on the results of the</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
				<p>munitions responses, additional munitions response (investigation) was recommended within MRS-11 and to the east of the site (<i>USA, 2001e</i>). MRS-11 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord Military Munitions Response Program (MMRP).</p> <p>MRS-42 lies to the east of Parcel E11b.6.1 (Plate 5). MRS-42 was formerly the Fort Ord Ammunition Supply Point (ASP) Rifle Grenade Area, as identified on a 1946 training map. This area includes the northern portion of the former ASP. MRS-42 underwent a munitions response (removal) to a depth of 4 feet using geophysical equipment. Due to the presence of MEC and munitions debris at the edge of the site the munitions response extended beyond the original boundary of MRS-42. The extended area is identified as MRS-42EXP. According to the former Fort Ord MMRP database, 61 MEC items (primarily M9 series antitank rifle grenades) and 27 munitions debris items (mostly MKII hand grenade fragments and practice antitank rifle grenades) were removed. It was recommended additional investigation be conducted within MRS-42 (<i>USA, 2001f</i>). MRS-42 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-48 lies south of Parcel E11b.6.1, on the west side of Barloy Canyon Road (Plate 5). The eastern boundary of MRS-48 overlaps portions of the right-of-way associated with Barloy Canyon Road. MRS-48 was identified on a 1946 Fort Ord Master Plan as a “Dummy Grenade Range.” During a munitions response (site walk) by a UXO Safety Specialist, fragments from 4.2-inch mortars and other debris were discovered. A munitions response (grid sampling) was completed at the site in 1988. According to the MMRP database, 3 MEC items (practice hand grenade fuze, a rifle-fired signal, and a screening smoke pot) and 22 munitions debris items were removed. Additionally, over 100 pounds of fragments, mostly from 4.2-inch</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
				<p>smoke mortars and smoke grenades, were removed. No sampling occurred within Parcel E11b.6.1. It was concluded that a grenade and 4.2-inch mortar impact area existed within or near the site and that additional munitions responses be conducted within, to the north and to the south of the site (<i>USA, 2001h</i>). MRS-48 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-59 lies adjacent to Parcel E11b.6.1 (Plate 5). MRS-59 was identified during interviews conducted as part of the ASR and was reported to have included a 2.36-inch rocket range in the early 1940s. A munitions response (site walk) that included MRS-59 and MRS-27F was conducted by a USACE UXO Safety Specialist as part of a Preliminary Assessment/Site Investigation (PA/SI) (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) and two fragments from the incomplete detonation of a 60mm mortar were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. MEC is not expected to be present within MRS-59. MRS-59 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
<p>ESCA Parcel E11b.7.1.1 – 121.75-acre habitat reserve parcel. The parcel includes IRP Site 41 (Crescent Bluff Fire Drill Area); MRS-11 (Demolition Training Area and live grenade training range),</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The interim action (IA) at IRP Site 41 (Crescent Bluff Fire Drill Area) included the excavation and removal of approximately 76 cubic yards of soil from three former burn pits. Results of the confirmation sampling indicated that soil with chemical concentrations above the target cleanup concentrations was removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated, and no further investigation or remediation was recommended (<i>HLA, 1997a</i>). The USEPA and the DTSC concurred that no further action was necessary at IRP Site 41 in letters dated April 14, 1997 and March 10, 2006,</p>	<p>As noted in the ASR, MRS-11 was identified as an old EOD range. The 1946 Historic Map Master Plan Fort Ord shows a live hand grenade training range. Additionally, the 1957 Fort Ord Training Areas & Facilities map shows a Frag Zone and Engineer Training Area "C". MRS-11 underwent a munitions response (removal) to a depth of 1 foot in the southern half of the site using geophysical equipment. Twenty MEC items, including nine MKII fragmentation hand grenades, and 2,316 munitions debris items (mostly hand grenade fuzes) were found and removed during the 1-foot removal. The northern half of MRS-11 was investigated (sampled) using SS/GS methodology. No MEC was found during SS/GS investigation. Based</p>	<p>East Garrison Area 2 lies adjacent to Parcel, E11b.7.1.1 (Plate 5). Please refer to the property description for Parcel E11b.6.1 for a discussion of this site.</p> <p>East Garrison Area 4 NE lies adjacent to Parcel E11b.7.1.1 (Plate 5). Training identified in this area included a mechanic training area, engineer training area, demolition area and foxhole where munitions were disposed (MRS-33) (<i>UXB, 1995a</i>). A site walk was conducted in 2005 to identify any evidence of training with military munitions. The site walk included a UXO supervisor, UXO specialist, and a geophysicist using geophysical equipment. East Garrison Area 4 NE was evaluated for MEC in the East Garrison Areas 2 and 4 NE Track 1 Plug-In Approval</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>MRS-23 (Engineer Training Area and Field Expedient Area), and MRS-42/MRS-42EXP (Demolition Area – Rifle Grenade Area). There is one unoccupied building (610) on the parcel.</p>		<p>respectively.</p> <p>The assessment of Historical Area (HA)-100 (MRS-11) for munitions constituents (MC) and expended small arms ammunition included site reconnaissance and site investigation soil sampling. Perchlorate and TNT were detected at low concentrations. On this basis additional site characterization sampling was conducted in the vicinity of the perchlorate and TNT detections (step out sampling). Sample results were below the laboratory reporting limits for all samples analyzed, and lead was detected at concentrations below the characterization goal of 225 mg/kg. Based on these results, no further action related to MC was recommend for HA-100 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>For the BRA, MRS-23 was identified as HA-125. The investigation of HA-125 included a literature search and a review of the information gathered during the munitions response. Because of the low number of munitions items found during the munitions response (0.5 lbs TNT and an expended practice mine), no further action related to MC was recommended for HA-125 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>For the BRA investigation, MRS-42 was identified as HA-172. The evaluation of MC at HA-172 included site reconnaissance and site investigation sampling. The samples were analyzed for perchlorate and explosive compounds, but neither were detected in any of the soil samples. Based on the results of the reconnaissance and sampling at HA-172, no further action related to MC was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2005</i>).</p>	<p>on the results of the munitions responses, additional munitions response (investigation) was recommended within MRS-11 and to the east of the site (<i>USA, 2001e</i>). MRS-11 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-23 was formerly an Engineer Training Area and Field Expedient Area. A munitions response (removal) to a depth of 4 feet was completed in 1997. One MEC item (½ pound of TNT) and one munitions debris item (practice antitank mine) were found during the munitions response. Based on the results of the munitions response, no further munitions response was recommended within MRS-23 (<i>USA, 2001d</i>). MEC is not expected to remain at MRS-23. MRS-23 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-42 and MRS-42EXP lie within Parcel E11b.7.1.1 (Plate 5). Please refer to the property description for Parcel E11b.6.1 for a discussion of this site.</p>	<p>Memorandum and determined to be a Track 1 site. MEC is not expected to be found at East Garrison Area 4 NE and no further action related to MEC was recommended for the site (<i>Army, 2005e</i>). The DTSC and the USEPA concurred in letters dated May 30 and June 1, 2006, respectively.</p>
<p>ESCA Parcel E11b.8 – 67.686-acre development parcel that borders the NRMA interface.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>Building 746 is one of 230 buildings suspected to have been used to store radioactive commodities, but no storage documentation is available. Twenty percent of the 230 suspect buildings (including Building 746) were randomly sampled, no radiological health hazards were identified, and it was recommended that</p>	<p>MRS-42 and MRS-42EXP lie within Parcel E11b.8 (Plate 5). Please refer to the property description for Parcel E11b.6.1 for a discussion of this site.</p>	<p>East Garrison Area 2 and MRS-11 lie adjacent to Parcel E11b.8 (Plate 5). Please refer to the property description for Parcel E11b.6.1 for a discussion of these sites.</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>The parcel includes the former ammunition supply point (ASP; MRS-42 and MRS-42EXP). The following unoccupied buildings or structures are present on the parcel: 725, 727, 730, 735, 740, 741, 742, 744, 746, 747, 750, and 752.</p>		<p>all 230 buildings be released for unrestricted use (<i>USACHPPM, 1997</i>). After reviewing the sampling results, California Department of Health Services (DHS) released all 230 buildings for unrestricted use on October 1, 1997.</p> <p>For the BRA investigation, MRS-42 was identified as HA-172. The evaluation of MC at HA-172 included site reconnaissance and site investigation sampling. The samples were analyzed for perchlorate and explosive compounds, but neither were detected in any of the soil samples. Based on the results of the reconnaissance and sampling at HA-172, no further action related to MC was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>		
<p>ESCA Parcel E18.1.2 – 77.58-acre development parcel. This parcel includes MRS-40, MRS-44EDC, MRS-50, and MRS-50EXP. No buildings or structures are located on this parcel.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The assessment of HA-170 (MRS-40) included site reconnaissance and evaluation of soil samples collected at adjacent HA-180. Soil samples were collected to evaluate whether MC were present in an area where high numbers of military munitions were found. Based on the results of the reconnaissance and results of sampling at HA-180, no further action related to MC was recommended for HA-170 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-174 (MRS-44EDC) included a literature search, review of the information gathered during the munitions response, site reconnaissance and investigation sampling. Several blank small arms ammunition casings and one expended 75mm projectile casing were found. Surface soil samples were collected to evaluate whether MC were present in areas where high numbers of military munitions were found. Because no explosive related compounds were detected and metals concentrations were below Fort Ord background levels, no further action related to MC is recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>MRS-40 is identified as the Parker Flats Gas House and included a facility to train troops in the use of gas masks. According to the ASR, this site has the same characteristics as Sites MRS-4A and MRS-4B. Tear gas agents (CS and CN) may have been used in the gas chambers. Based on a review of a 1983 U.S. Chemical Systems Laboratory document, classroom training occurred in Building 2820 on this site, and part of the training involved use of minute quantities of mustard gas. SS/GS investigation (sampling) was performed at this site in October 1997. No MEC was found. Three munitions debris items (unknown fragments) were found. MRS-40 is included in the Parker Flats Munitions Response Area (MRA) and the entire site underwent a munitions response (removal) to a depth of 4 feet using geophysical equipment. The data associated with the removal at MRS-40 was included with the data for adjacent MRS-50 and MRS-50EXP (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-40 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to</p>	<p>NA</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
		<p>The evaluation of HA-180 (MRS-50 and MRS-50EXP) included a literature search, review of the information gathered during the munitions response, site reconnaissance, and site investigation sampling. Surface soil samples were collected to evaluate whether MC were present in an area where high numbers of military munitions were found. Because no explosive related compounds were detected and metals concentrations were below Fort Ord background levels, no further action related to MC was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>the USEPA and the DTSC on August 31, 2006.</p> <p>MRS-44 was established based on the presence of fragmentation from 37mm HE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of a PA/SI (<i>USAEDH, 1997</i>). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigations) were conducted at MRS-44EDC. The sampling investigations were completed to a depth of 4 feet. According to the MMRP database, 11 MEC items and 53 munitions debris items were removed during these investigations. It was recommended that a munitions response (removal) to 4 feet be conducted at MRS-44EDC (<i>USA, 2001i</i>). MRS-44EDC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-50 (Artillery Hill) was identified during interviews conducted as part of the ASR. Artillery Hill was reportedly used as a target area for rifle grenades and shoulder launched projectiles in the 1940s, 1950s and 1960s. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI. During the munitions response, fragments from 37mm projectiles and 75mm high explosive (HE) projectiles were discovered. A munitions response (removal) to a depth of 4 feet was completed over all of the Parker Flats MRA, including MRS-50, using digital geophysical equipment. According to the MMRP database, 442 MEC items and 724 munitions debris items were removed from the site. MRS-50 is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p>	

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>ESCA Parcel E19a.1 – 71.456-acre development parcel. No buildings or other structures are located on this parcel. The parcel includes MRS-4A (Chemical Biological and Radiological [CBR]), and portions of MRS-50EXP and MRS-53EXP.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The evaluation of HA-93 (MRS-4A) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No targets, spent ammunition, or other MEC-related items were observed and no further action related to MC was recommended for HA-93 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>MRS-50EXP was identified as a MRS due to the expansion of the removal area associated with MRS-50. MEC and munitions debris were found at the boundary of MRS-50, which warranted an expansion of the investigation area in all directions. The investigation of MRS-50 and its expansion areas included a munitions response (removal) conducted over the entire site to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 430 MEC items and 1,186 munitions debris items were found and removed from MRS-50EXP. MRS-50EXP is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50EXP and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p>	
		<p>According to the ASR, MRS-4A, the CBR Training Area, appears on the 1957 and 1958 Fort Ord Training Areas and Facilities Training maps. Three munitions responses were conducted on MRS-4A, including two phases of grid investigation and a removal over the entire site. All grid investigations and the removal were to a depth of four feet. According to the MMRP database 72 MEC items (mostly grenade fuzes) and 13 munitions debris items (mostly practice hand grenades) were removed. One MEC item was found in Parcel E18.1.3 and no MEC were found in Parcel E18.4. Three munitions debris items were found in Parcel E18.4 and no munitions debris was found in Parcel E18.1.3. No MEC is expected to remain at MRS-4A and no further munitions response was recommended (<i>USA, 2000a</i>). MRS-4A will be reevaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-53EXP was identified as a MRS due to the expansion of the removal area associated with MRS-53. MEC and munitions debris were found at the</p>	<p>IRP Site 22 (4400 – 4500 Motor Pool West) lies adjacent to Parcels E19a.1 (Plate 6). IRP Site 22 underwent an interim action (IA) in 1994, which included excavation and removal of hydrocarbon-impacted soil at a former grease rack location (<i>HLA, 1996a</i>). The Site 22 IA Confirmation Report was submitted to the regulatory agencies in May 1996. The USEPA and the DTSC concurred that contamination was adequately remediated at IRP Site 22 in letters dated September 19, 1996 and June 8, 1998, respectively.</p> <p>MRS-13B lies adjacent to Parcel E19a.1 (Plate 6). Please refer to the property description for Parcel E19a.2 for a discussion of this site.</p>	

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>ESCA Parcel E19a.2 – 72.544-acre habitat reserve parcel. No buildings or other structures are located on this parcel. Includes a small portion of MRS-13B and portions of MRS-27A and MRS-27B.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The evaluation of HA-103 (MRS-13B) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No targets, fighting positions or other MEC-related items were observed. The site does contain range-related debris, including trash pits. Another site, HA-92, had similar site conditions. Soil samples collected at HA-92 contained metals, TPH, and SOCs below action levels. Based on the historical review, reconnaissance and sample results at HA-92, no further action related to MC was recommended for HA-103 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-133 (MRS-27A) included a literature search and reconnaissance of the site. No targets, spent ammunition, or other MEC-related items were observed. Several fighting positions were mapped. Because no evidence of a range or stained soil was observed, no further action related to MC was recommended for HA-133 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>boundary of MRS-53, which warranted an expansion of the investigation area in all directions. MRS-53EXP and the adjacent sites now comprise the Parker Flats MRA (Plate 6). The munitions response at MRS-53 and its expansion areas included a removal conducted over the entire site to a depth of 4 feet below ground surface. According to the MMRP database, 803 MEC items and 4,500 munitions debris items were removed from MRS-53EXP. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53EXP and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p> <p>A portion of MRS-50EXP lies within Parcel E19a.1 (Plate 6). Please refer to the property description for Parcel E18.1.2 for a discussion of this site.</p>	
			<p>A portion of MRS-13B lies within this parcel. MRS-13B is labeled as Sinkhole Training Area and Sinkhole Practice Mortar on 1950s training maps. A munitions response (sampling) was conducted in 57 grids in 1993 and 1994. Based on the results of the investigation, MRS-13B underwent removal actions to a depth of 4 feet from August 1995 to April 1998 using geophysical equipment. According to the MMRP database, a total of 343 MEC items and 2,014 munitions debris items were found during sampling and removal actions. Numerous trash pits containing range-related debris were also observed at MRS-13B. Two chemical agent identification sets (CAIS) were found in a pit. The CAIS, chemical warfare material, were used to train soldiers to recognize and protect themselves from chemical agents. The CAIS contain dilute solutions of chemical agents in small (1-ounce) hermetically sealed glass containers. All glass containers were found to be intact and were removed by the Army's Technical Escort Unit from Dugway Proving Ground, Utah (<i>Army, 1997b</i>). No MEC items or trash pits were found in the portion of MRS-13B</p>	<p>MRS-55 was identified during interviews conducted as part of the ASR and was reportedly a firing point and range for hand grenades, rifle grenades, shoulder-launched projectiles, and artillery. This site includes portions of MRS-27A and MRS-27B. During a munitions response (sampling) in 1996, an expended 75mm shrapnel projectile, and two fragments from 37mm practice projectiles, and one mine fuze were discovered. SS/GS investigation (sampling) was conducted in March 1998. Following the investigation, a removal over the entire site using digital geophysical equipment was performed. All munitions responses were to a depth of 4 feet. According to the MMRP database, 144 MEC items and 1,608 munitions debris items were removed from MRS-55. Items removed include simulators, smoke pots, and grenades. MRS-55 is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-55 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
		<p>The evaluation of HA-134 (MRS-27B) included a literature search and reconnaissance of the site. No targets, spent ammunition, or other MEC-related items were observed. Several fighting positions were mapped. Because no evidence of a range or stained soil was observed, no further action related to MC was recommended for HA-134 under the Fort Ord BRA (MACTEC/Shaw, 2006).</p>	<p>within Parcel E19a.2. MRS-13B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-13B and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p> <p>MRS-27A is one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The USACE conducted a munitions response (site walk) of MRS-27A in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27A. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. One MEC item (hand grenade fuze) was found and removed (Parsons, 2002a). The southern portion of MRS-27A overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27A underwent a munitions response (removal) to a depth of 4 feet. According to the former Fort Ord MMRP database, munitions debris and MEC were found within the portion of MRS-27A that overlaps the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27A and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27A will be</p>	<p>August 31, 2006.</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
			<p>evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-27B was one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (<i>USAEDH, 1994</i>). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The ASR also notes this site is located northeast of Parker Flats Training Area. The USACE conducted a munitions response (site walk) of MRS-27B in 1996 as part of a PA/SI (<i>USADEH, 1997</i>). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27B. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. No MEC items were found at MRS-27B during the visual surface removal (<i>Parsons, 2002a</i>). According to the MMRP database, one munitions debris item (a smoke grenade) was detected in a latrine within the site boundaries. Miscellaneous pyrotechnic items have also been discovered within the site boundaries. No MEC or munitions debris were found during the visual surface removal conducted within MRS-27B. The southern portion of MRS-27B overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27B underwent a munitions response (removal) to a depth of 4 feet. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27B will be evaluated through the RI/FS process</p>	

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>ESCA Parcel E19a.3 – 302.643-acre development parcel that borders the NRMA interface. The parcel includes the following unoccupied buildings and structures, a rappelling tower (3950), a CBR training facility (Building 3984), and several latrines (4A34, 4A52, 4B56, 4B74, and 4B77). This parcel contains MRS-4B, MRS-13B, MRS-27A, MRS-27B, MRS-45, MRS-53EXP, and MRS-55 and small portions of MRS-37 and MRS-52.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The evaluation of HA-94 (MRS-4B) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No evidence of a range, MEC-related items, concentrations of spent small arms ammunition, or soil contamination were observed and no further action related to MC was recommended for HA-94 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-175 (MRS-45) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No evidence of small arms ammunition, targets or MEC-related items were observed; however, several fighting positions were located. Because no evidence of a range or concentrated areas of military munitions were found at this site, no further action related to MC was recommended for HA-175 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-103 (MRS-13B) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No targets, fighting positions or other MEC-related items were observed. The site does contain range-related debris including trash pits. Another site, HA-92, had similar site conditions. Soil samples collected at HA-92 contained metals, TPH, and SOCs below action levels. Based on the historical review, reconnaissance and sample results at HA-92, no further action related to MC was recommended for HA-103 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-133 (MRS-27A) included a literature search and reconnaissance of the site. No targets, spent ammunition, or other MEC-related items were observed. Several fighting positions were mapped. Because no evidence of a range or stained soil was observed, no further action related to MC was</p>	<p>per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-4B (CBR Training Area) is shown on the 1958 Fort Ord Training Areas & Facilities map. The ASR noted classroom training using chemical agents similar to tear gas. A munitions response (sampling investigation) in 1993 found one MEC item (40mm practice cartridge), two munitions debris items, and small arms ammunition. Additional sampling conducted in 1997 found three MEC items (smoke grenades) and munitions debris. In 1998, USA Environmental, Inc. (USA) performed a munitions response (removal) and found 293 MEC items, primarily blasting caps, simulators, smoke signals, and fuzes. The USA After Action Report notes nine burial pits, ranging in depth from 6 inches to 42 inches, containing grenades, grenade fuzes, simulators, and pyrotechnics and blasting caps. Trash, including tires and wire, was found in one pit. A battery was found in a second pit. MRS-4B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-4B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p> <p>MRS-13B lies within Parcel E19a.3 (Plate 6). Please refer to the property description for Parcel E19a.2 for a discussion of this site.</p> <p>The southern portion of MRS-27A overlaps Parcel E19a.3 and lies within the Parker Flats MRA, partially overlapping MRS-53EXP, and MRS-55 (Plate 6). Please refer to the property description for Parcel E19a.2 for a discussion of this site.</p> <p>The southern portion of MRS-27B overlaps Parcel E19a.3 and lies within the Parker Flats MRA, partially overlapping MRS-53EXP, and MRS-55 (Plate 6). Please refer to the property description for Parcel E19a.2 for a discussion of this site.</p>	<p>IRP Site 21 (4400 – 4500 Motor Pool East) lies adjacent to Parcel E19a.3 (Plates 4 and 6). A soil gas survey was conducted at IRP Site 21 near the Decommissioned Fueling Facility. Based on the results of the soil gas survey, additional investigation (soil sampling) was performed. Soil samples from eight soil borings near an oil/water separator, eleven surface soil samples from the canal discharge area, and one surface soil sample at the pond water area were collected. The site underwent an interim action (IA) to excavate contaminated soil in the canal discharge area (<i>HLA, 1996b</i>). The USEPA and the DTSC concurred that the contamination was adequately remediated at IRP Site 21 in letters dated April 14, 1997 and October 20, 2006, respectively.</p>

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Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
		<p>recommended for HA-133 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-134 (MRS-27B) included a literature search and reconnaissance of the site. No targets, spent ammunition, or other MEC-related items were observed. Several fighting positions were mapped. Because no evidence of a range or stained soil was observed, no further action related to MC was recommended for HA-134 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-168 (MRS-37) included site reconnaissance, review of the information gathered during the munitions response, and site investigation soil sampling. No explosive compounds were detected. Based on these results, no further action related to MC was recommended for HA-168 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-182 (MRS-52) included a literature search and reconnaissance of the site. Based on the site reconnaissance and sample results from adjacent areas where a high number of military munitions items were removed, no further action related to MC was recommended for HA-185 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-185 (MRS-55) included site reconnaissance, review of the information gathered during the munitions response, and site investigation soil sampling. No explosive compounds were detected. Based on these results, no further action related to MC was recommended for HA-185 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>A small portion of MRS-37 overlaps Parcel E19a.3 (Plate 6). According to the ASR, MRS-37 appeared on an undated map from the Fort Ord Fire Department. This area was most likely used for firing practice mortars or in non-firing drills (dry-fire). A munitions response (sampling investigations) were performed in March and June of 1988. Based on the sampling investigation results, a decision was made to conduct a munitions response (removal) over all of MRS-37. All munitions responses were to a depth of 4 feet.</p> <p>According to the MMRP database, 58 MEC items and 994 munitions debris items were found and removed during munitions responses. MRS-37 is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-37 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p> <p>A portion of MRS-45 lies within Parcel E19a.3 (Plate 4). Munitions response (sampling investigation) of MRS-45 was conducted in 1997. According to the MMRP database, a total of 5 MEC items (all pyrotechnic or practice/training-related items) and 224 munitions debris items were found during the sampling investigation in MRS-45. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas, including the eastern portion of MRS-45, was performed by a munitions response contractor under the direction of the USACE. Three MEC items (pyrotechnic signals) and small arms ammunition were found and removed (<i>Parsons, 2002a</i>). Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to remain at MRS-45. MRS-45 will be evaluated through the RI/FS process per the provisions of the FFA, as amended,</p>	

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
			<p>and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-52 was identified during interviews conducted as part of the ASR and a 1958 map of Fort Ord Training Areas & Facilities shows a Rifle Grenade and Projectile Target Area. During a site inspection, a 37mm fragment and a practice antitank (AT) mine (inert) were discovered. Because of the expansion of the removal area associated with adjacent MRS-53, MRS-52 is now part of MRS-53 and included in the Parker Flats MRA (Plate 6). The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. The munitions data for MRS-52 is reported with the MRS-53 data. The items found included both MEC and munitions debris. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-52 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p> <p>MRS-53EXP lies partially within Parcel E19a.3 (Plate 6). Please refer to the property description for Parcel E19a.1 for a discussion of this site.</p> <p>MRS-55 was identified during interviews conducted as part of the ASR and was reportedly a firing point and range for hand grenades, rifle grenades, shoulder-launched projectiles, and artillery. This site includes portions of MRS-27A and MRS-27B. During a munitions response (investigation) in 1996, an expended 75mm shrapnel projectile, and two fragments from 37mm practice projectiles, and one mine fuze were discovered. SS/GS investigation (sampling) was conducted in March 1998. Following the investigation, a removal over the entire site using digital geophysical equipment was performed. All munitions responses were to a depth of 4 feet. According to the MMRP database, 144 MEC items and 1,608 munitions debris items were removed from MRS-55. Items removed include simulators, smoke</p>	

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>ESCA Parcel E19a.4 – 372.398-acre habitat reserve parcel. The parcel includes two unoccupied support buildings R391 and R392 and field latrines 4A44, 4A60, 4B38. This parcel contains IRP Site 8, which was used for training in the use of Molotov cocktails, and includes all or portions of several MRSs that were identified during the archives search, including MRS-3, MRS-27B, MRS-27C, MRS-37, MRS-45, MRS-52, MRS-53EXP, MRS-54EDC, and MRS-55.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The IA at IRP Site 8 (Range 49) included the excavation and removal of approximately 102 cubic yards of soil and debris from the former Molotov Cocktail Range. Results of the confirmation sampling indicated that soil with TPH concentrations above the target cleanup concentration of 500 mg/kg was removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (HLA, 1996c). The USEPA and the DTSC concurred no further remedial action is required at Site 8 in letters dated April 14, 1997 and October 20, 2006, respectively.</p> <p>The evaluation of HA-92 (MRS-3) included site reconnaissance and sampling for MC. Soil sample results indicated that low levels of metals, motor oil, diesel, and one semi-volatile compound were detected. No explosive compounds were detected. Because sample results were below cleanup levels, no further action related to MC was recommended for HA-92 under the Fort Ord BRA (MACTEC/Shaw, 2006).</p> <p>The evaluation of HA-134 (MRS-27B) included a literature search and reconnaissance of the site. No targets, spent ammunition, or other MEC-related items were observed. Several fighting positions were mapped. Because no evidence of a range or stained soil was observed, no further action related to MC was recommended for HA-134 under the Fort Ord BRA (MACTEC/Shaw, 2006).</p>	<p>pots, and grenades. MRS-55 is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-55 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p> <p>As noted in the ASR, MRS-3 served as a land mine warfare, anti-armor, Molotov Cocktail training and demolition area with a ¼- pound explosive limit. Site is adjacent to MRS-37, MRS-53EXP, and MRS-54. A munitions response (sampling investigation) at this site resulted in discovery of 153 inert 81 mm practice mortars, 34 inert AT training mines and miscellaneous firing devices, including two MEC items (a blasting cap and mine fuze). A munitions response (removal) to a depth of 4 feet was performed. According to the MMRP database 44 MEC items (firing devices, signals, and practice grenades) and 794 munitions debris items were removed. Review of military munitions clearance grid records identified several ammunition burn pits and empty and burned 55-gallon drums. MRS-3 is included in the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-3 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p> <p>MRS-27B was one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). The eastern portion of MRS-27B overlaps Parcel E19a.4 (Plate 4). The USACE conducted a munitions response (site walk) of MRS-27B in 1996 as part of a PA/SI (USAEDH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27B. To address the hazard associated with surface MEC</p>	<p>MRS-53BLM lies adjacent to Parcel E19a.4 (Plate 4). The site was reportedly used as a rifle grenade and shoulder launched projectile firing range. A munitions response (sampling investigation) to a depth of 4 feet was performed on 5 sample grids in 1998 using geophysical equipment. According to the former Fort Ord MMRP database, a MEC item, three munitions debris items, and 29 pounds of munitions debris (fragments) were found during the investigation. To address the potential explosive hazards associated with surface MEC potentially present in areas accessible to the public, a visual surface removal of MEC from accessible areas was performed by a munitions response contractor under the direction of the USACE. No MEC was found in MRS-53BLM during the visual surface removal (Parsons, 2002b). Based on the results of investigation and the surface removal, MEC is not expected to be present at MRS-53BLM. MRS-53BLM will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-53BLM was also evaluated for the potential presence of MC and expended small arms ammunition associated with the use of military munitions as part of the BRA. For the BRA, MRS-53BLM and MRS-53 were identified as HA-183. The investigation of HA-183 included a literature review and site reconnaissance. Site reconnaissance conducted in 2001 identified blank small arms casings and seven military munitions items. Because of the high number of military munitions identified during the munitions response (MEC removal) at MRS-53, sampling of</p>

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Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
	<p>The evaluation of HA-135 (MRS-27C) included a literature search and reconnaissance of the site. No targets or range features were observed. Several fighting positions were mapped. Because no evidence of a range or stained soil was observed, no further action related to MC was recommended for HA-135 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-168 (MRS-37) included site reconnaissance, review of the information gathered during the munitions response, and site investigation soil sampling. No explosive compounds were detected. Based on these results, no further action related to MC was recommended for HA-168 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-175 (MRS-45) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No evidence of small arms ammunition, targets or MEC-related items were observed; however, several fighting positions were located. Because no evidence of a range or concentrated areas of military munitions were found at this site, no further action related to MC was recommended for HA-175 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-182 (MRS-52) included a literature search and reconnaissance of the site. Based on the site reconnaissance and sample results from adjacent areas where a high number of military munitions items were removed, no further action related to MC was recommended for HA-185 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-183 (MRS-53) included a literature search, review of the information gathered during the munitions response, site reconnaissance, and site investigation sampling. Soil sample results indicated that low levels of metals, motor oil, and diesel were detected. No explosive compounds were detected. Because sample results were below cleanup levels, no further action was recommended for HA-</p>	<p>potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. No MEC items were found at MRS-27B during the visual surface removal (<i>Parsons, 2002a</i>). According to the MMRP database, one munitions debris item (a smoke grenade) was detected in a latrine within the site boundaries. Miscellaneous pyrotechnic items have also been discovered within the site boundaries. No MEC is expected to remain at MRS-27B. The portion of MRS-27B that lies within Parcel E19a.4 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Please refer to the property description for Parcel E19a.2 for additional information on this site.</p> <p>The ASR states that MRS-27C is located northeast of TS-2 (MRS-27B) and south of the Tactical Training Area (MRS-45; Plate 4). This area was used from the 1970s as an overnight bivouac area. Munitions responses (investigations) conducted within Parcel E19a.4 included a site walk of MRS-27C completed by the USACE in 1996 during the Archives Search (<i>USADEH, 1997</i>). Only spent blank small arms ammunition and expended pyrotechnics (munitions debris) were found at MRS-27C. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. No MEC items were found at MRS-27C (<i>Parsons, 2002a</i>). A reconnaissance of MRS-27C was also completed as part of the Basewide Range Assessment. No targets or range features were observed. Several fighting positions were mapped. An expended smoke grenade (munitions debris) was found in one of the fighting positions. No MEC is expected to be present at MRS-27C. MRS-27C will be evaluated through the RI/FS process per the provisions of the FFA, as amended,</p>	<p>MRS-53BLM and MRS-53 for MC was performed. Based on the analytical results of the MC sampling, no further action was recommended (<i>MACTEC/Shaw, 2005</i>).</p> <p>MRS-54 and MRS-56 lie adjacent to Parcel E19a.4 (Plate 4). MRS-54 was identified during interviews conducted as part of the ASR and was reported to have been used for training with flamethrowers and as a target area and range for hand grenades, shoulder-fire weapons, and artillery fire. A site reconnaissance was conducted by a USACE UXO Safety Specialist as part of a PA/SI in 1996 (<i>USAEDH, 1997</i>). During the reconnaissance, munitions debris including an expended 2.36-inch rocket, illumination signals, 81mm practice mortars, and portions of a 75mm shrapnel round were found; however, this site walk also included MRS-54EDC (a part of the Parker Flats MRA) and the location of where the munitions debris was found was not specified. To address the potential explosive hazards associated with surface MEC potentially present in areas accessible to the public, a visual surface removal of MEC from accessible areas was performed by a munitions response contractor under the direction of the USACE. No MEC was found in MRS-54 during the visual surface removal (<i>Parsons, 2002b</i>). Based on the results of the surface removal, MEC is not expected to be present at MRS-54. MRS-54 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-54 was also evaluated for the potential presence of MC and expended small arms ammunition associated with the use of military munitions as part of the BRA. For the BRA, MRS-54 was identified as HA-184. The investigation of HA-184 included a literature review. Sampling for MC was not recommended because the density of small arms ammunition discovered appears to be lower than areas sampled as part of the Basewide RI/FS. The results of the Basewide RI/FS do not indicate the presence of MC in soil in areas where dense concentrations of MEC are</p>	

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
		<p>183 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>). The evaluation of HA-184 (MRS-54EDC) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No evidence of targets or range features was found; however, twenty-one fighting positions were observed. Because no evidence of a range or concentrated areas of military munitions were found at this site, no further action related to MC was recommended for HA-184 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-185 (MRS-55) included site reconnaissance, review of the information gathered during the munitions response, and site investigation soil sampling. No explosive compounds were detected. Based on these results, no further action related to MC was recommended for HA-185 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>and as part of the ongoing former Fort Ord MMRP. MRS-37 lies within Parcel E19a.4 (Plate 6). Please refer to the property description for Parcel E19a.3 for a discussion of this site.</p> <p>A portion of MRS-45 lies within Parcel E19a.4 (Plate 4). Please refer to the property description of Parcel E19a.3 for a discussion of this site.</p> <p>A small portion of MRS-52 lies within Parcel E19a.4 (Plate 6). Please refer to the property description of Parcel E19a.3 for a discussion of this site.</p> <p>The southern portion of Parcel E19a.4 lies within MRS-53EXP (Plate 6). Please refer to the property description for Parcel E19a.1 for a discussion of this site.</p> <p>MRS-54EDC is the portion of MRS-54 within Parcel E19a.4, which is slated for development. MRS-54 (Canyon Target Area) was identified during interviews conducted during the PA/SI Phase of the Archives Search. The area was reportedly used for flamethrowers, but was also a firing point and range for hand grenades (unknown type), rifle grenades (unknown type), and shoulder-launched projectiles (unknown type). During a munitions response (investigation) conducted in 1996 by a USACE UXO Safety Specialist, munitions debris was discovered, including a 2.36-inch practice rocket, two 75mm shrapnel projectiles, and three 81mm practice mortars. A munitions response (removal) to a depth of 4 feet over the entire site using digital geophysical equipment was performed in 1999. According to the MMRP database, 18 MEC items and 192 munitions debris items were removed from MRS-54EDC. MRS-54EDC is part of the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-54EDC and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p>	<p>present; therefore, no further action is recommended (<i>MACTEC/Shaw, 2005</i>).</p> <p>MRS-56 was identified during interviews conducted as part of the ASR and was reported to have been used as a target area from the 1940s through the 1960s. A site reconnaissance was conducted by a USACE UXO Safety Specialist as part of a PA/SI in 1996 (<i>USAEDH, 1997</i>). During the reconnaissance, munitions debris, including expended pyrotechnic signals (smoke and handheld) were found. To address the potential explosive hazard associated with surface MEC potentially present in areas accessible to the public, a visual surface removal of accessible areas was performed by a munitions response contractor under the direction of the USACE. The surface removal included MRS-56. No MEC was found in MRS-56 during the visual surface removal (<i>Parsons, 2002b</i>). Based on the results of the visual surface removal, MEC is not expected to be present at MRS-56. MRS-56 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-56 was also evaluated for the potential presence of MC and expended small arms ammunition associated with the use of military munitions as part of the BRA. For the BRA, MRS-56 was identified as HA-186. The investigation of HA-186 included a literature review and site reconnaissance. Because there was no evidence of small arms ammunition use or of a small arms range, no further action was recommended (<i>MACTEC/Shaw, 2005</i>).</p> <p>MRS-57 was identified during interviews conducted as part of the ASR (Plate 4). This area was reportedly used in the 1940s, 1950s, and 1960s. The intersection of Hennekens Ranch Road and Watkins Gate Road was reportedly a firing point for machine guns, M-1, rifle grenades, smoke grenades, and shoulder-launched projectiles. Rifle grenades and bazooka rounds were reportedly found on the hill at Watkins Gate Road and Parker Flats Road intersection. This area was often</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
			<p>A portion of MRS-55 lies within Parcel E19a.4 (Plate 4). Please refer to the property description for Parcel E19a.3 for a discussion of this site.</p>	<p>burned to detonate the UXO. A munitions response (site walk) that included MRS-57 was conducted in January 1996 by a USACE UXO Safety Specialist as part of a PA/SI. Military munitions found included an expended 75mm shrapnel projectile, a smoke grenade, and illumination signals. The data was insufficient to determine if the smoke grenade and the illumination signals were MEC or munitions debris. Additionally, four expended smoke grenades were found on a dirt road adjacent to MRS-57 during a munitions response (investigation) completed in October 1999. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. The visual surface removal included MRS-57. No MEC items were found at MRS-57 (<i>Parsons, 2002b</i>). Historical research and field investigations identified past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. No evidence of other types of training or use as an impact area was observed. MEC is not expected to be found at MRS-57. MRS-57 will be evaluated through the R/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
<p>ESCA Parcel L5.7 – 73.444-acre development parcel that borders the NRMA interface. This parcel lies within MRS-45. No buildings or structures are located within this parcel.</p>	<p>Excavation Restriction Residential Use Restriction Groundwater Restriction</p>	<p>The evaluation of HA-175 (MRS-45) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No evidence of small arms ammunition, targets or MEC-related items were observed. Several fighting positions were observed, however. Because no evidence of a range or concentrated areas of military munitions were found at this site, no further action related to MC was recommended for HA-175 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>Parcel L5.7 lies within MRS-45 (Plate 4). Munitions response (sampling investigation) of MRS-45 was conducted in 1997. According to the MMRP database, a total of 5 MEC items (all pyrotechnic or practice/training-related items) and 224 munitions debris items were found during the sampling investigation in MRS-45. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas, including the eastern portion of MRS-45, was performed by a munitions response contractor under the direction of the USACE. Three MEC items (pyrotechnic signals) and small arms ammunition were found in the portion of MRS-45 that lies within Parcel L5.7 (<i>Parsons,</i></p>	<p>MRS-27Y lies adjacent to Parcel L5.7 (Plate 4). MRS-27Y was evaluated in the Track 1 OE R/FS. MRS-27Y was one of 25 training sites identified in the 1994 supplement to the ASR. The ASR supplement identified 25 training sites at Fort Ord from a 1984 training facilities map (<i>USAEDH, 1994</i>). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. Sampling of this site identified one munitions debris item (expended illumination signal). Based on review of existing information, MEC is not expected to be found at MRS-27Y. Historical research and investigation conducted at this site identified evidence of past training involving pyrotechnics that are not designed to cause injury. Per</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>ESCA Parcel L20.2.1 – 252.457-acre habitat corridor parcel. This parcel includes three unoccupied structures, Field Latrines 4A18, 4A49, and 4B65A. This parcel includes all or portions of several MRSs that were identified during the archives search, including MRS-27E, MRS-27F, MRS-45, MRS-57, and MRS-59.</p>	<p>Excavation Restriction Residential Use Restriction Groundwater Restriction</p>	<p>The evaluation of HA-137 (MRS-27E) included a literature search and site reconnaissance. No small arms ammunition, fighting positions, or MEC-related items were observed. Because no evidence of a range or stained soil was observed, no further action related to MC was recommended for HA-137 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-138 (MRS-27F) included a literature search and site reconnaissance. No small arms ammunition, fighting positions, or MEC-related items were observed. Because no evidence of a range or stained soil was observed, no further action related to MC was recommended for HA-138 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-175 (MRS-45) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. No evidence of small arms ammunition, targets or MEC-related items were observed. Several fighting positions were observed, however. Because no evidence of a range or concentrated areas of military munitions were found at this site, no further action related to MC was recommended for HA-175 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-187 (MRS-57) included a literature search and reconnaissance of the site. Blank casings, a signal flare, and two ammunition boxes were found during the site visit. No other military munitions-related items, fighting positions, or targets were observed. Because no target locations or concentrated areas of military munitions were found at</p>	<p>2000a). Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to remain at MRS-45. MRS-45 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-27E was used since the 1970s as an overnight bivouac area (Plate 4). A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27E as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris including expended flares and illumination signals were found. No evidence of other types of training or use as an impact area was observed. No MEC is expected to be present at MRS-27E. MRS-27E will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-27F is located in the northern portion of MRS-59 (Plate 5). This area was used as an overnight bivouac area since the 1970s. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27F and MRS-59 as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. Additionally, a review of Range Control files included the incomplete entry for an item reportedly located within Training Site 6. No other information in the entry was provided. MRS-27F was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at MRS-27F and no further action related to MEC was recommended for the site (<i>Army, 2006b</i>). The USEPA and the DTSC concurred in letters dated July 21 and July 26, 2006, respectively. A portion of MRS-45 lies within Parcel L20.2.1 (Plate</p>	<p>the Track 1 ROD, no further action related to MEC is required for this site (<i>Army, 2005a</i>).</p> <p>MRS-27D lies adjacent to Parcel L20.2.1 (Plate 4). MRS-27D was one of 25 training sites identified in the 1994 supplement to the ASR. The ASR supplement identified 25 training sites at Fort Ord from a 1984 training facilities map (<i>USAEDH, 1994</i>). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The USACE conducted a munitions response (site walk) that included the northern portion of MRS-27D in 1996 for the Archives Search (<i>USAEDH, 1997</i>). The USACE UXO Safety Specialist found only expended pyrotechnics during the site walk. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. No MEC was found within MRS-27D during the visual surface removal (<i>Parsons, 2002b</i>). A pyrotechnic signal (MEC) was found just outside of MRS-27D by the munitions response contractor. Based on the site walk and the visual surface removal conducted, MEC is not expected to be present at MRS-27D. MRS-27D will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-27D was also evaluated for the potential presence of MC and expended small arms ammunition associated with the use of military munitions as part of the BRA. For the BRA, MRS-27D was identified as HA-136. The investigation of HA-136 included a</p>

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Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
		<p>this site, no further action related to MC was recommended for HA-187 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-189 (MRS-59) included a literature search and reconnaissance of the site. No evidence of small arms ammunition, targets or MEC-related items were observed; however, one fighting position was located. Access to the southern portion of HA-189 was limited to trails and roads due to dense vegetation. Because no target locations or concentrated areas of military munitions were found at this site, no further action related to MC was recommended for HA-189 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>4). Munitions response (sampling investigation) of MRS-45 was conducted in 1997. According to the MMRP database, a total of 5 MEC items (all pyrotechnic or practice/training-related items) and 224 munitions debris items were found during the sampling investigation in MRS-45. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas, including the eastern portion of MRS-45, was performed by a munitions response contractor under the direction of the USACE. Three MEC items (pyrotechnic signals) and small arms ammunition were found and removed. None of these items were found in the portion of MRS-45 that lies within Parcel L20.2.1 (<i>Parsons, 2002b</i>). Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to remain at MRS-45. MRS-45 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-57 was identified during interviews conducted as part of the ASR (Plate 4). This area was reportedly used in the 1940s, 1950s, and 1960s. The intersection of Hennekens Ranch Road and Watkins Gate Road was reportedly a firing point for machine guns, M-1, rifle grenades, smoke grenades, and shoulder-launched projectiles. Rifle grenades and bazooka rounds were reportedly found on the hill at Watkins Gate Road and Parker Flats Road intersection. This area was often burned to detonate the UXO. A munitions response (site walk) that included MRS-57 was conducted in January 1996 by a USACE UXO Safety Specialist as part of a PA/SL. Military munitions found included an expended 75mm shrapnel projectile, a smoke grenade, and illumination signals. The data was insufficient to determine if the smoke grenade and the illumination signals were MEC or munitions debris. Additionally, four expended smoke grenades were found on a dirt</p>	<p>literature review and site reconnaissance. During the site reconnaissance blank small arms ammunition casings, hand grenade safety levers, a container for 60mm mortars, and one fighting position were identified. Because there was no evidence of a range and no stained soil identified at this site, no further action was recommended (<i>MACTEC/Shaw, 2005</i>).</p> <p>MRS-27Y lies adjacent to Parcel L20.2.1 (Plate 4). MRS-27Y was one of 25 training sites identified in the 1994 supplement to the ASR. The ASR supplement identified 25 training sites at Fort Ord from a 1984 training facilities map (<i>USAEDH, 1994</i>). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. MRS-27Y was evaluated in the Track 1 OE RI/FS. Sampling of this site identified one munitions debris item (expended illumination signal). Based on review of existing information, MEC is not expected to be found at MRS-27Y. Historical research and investigation conducted at this site identified evidence of past training involving pyrotechnics that are not designed to cause injury. Per the Track 1 ROD, no further action related to MEC is required for this site (<i>Army, 2005a</i>).</p> <p>MRS-59B and MRS-45A lie adjacent to Parcel L20.2.1 (Plate 4). MRS-59B was originally a part of MRS-59, but for the purpose of the MEC evaluation and to facilitate the transfer of property, MRS-59 was subdivided. MRS-59B was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. Site walks conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to be found at MRS-59B and no further action related to MEC was recommended (<i>Army, 2006a</i>). The USEPA and the DTSC concurred in letters dated July 21, 2006, and July 26, 2006, respectively.</p> <p>MRS-45A was originally a part of MRS-45, but MRS-</p>

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Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
ESCA Parcel L20.3.1 -43.632-acre development with restrictions parcel. The parcel includes an	Excavation Restriction Residential Use Restriction	The evaluation of HA-160 (MRS-30) included a literature search and review of information gathered during the munitions response. Because no small arms ammunition firing ranges were present at MRS-30 and because fill was placed over most of the site during expansion of Laguna Seca Raceway, no further action	<p>road adjacent to MRS-57 during a munitions response (investigation) completed in October 1999. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. The visual surface removal included MRS-57. No MEC items were found at MRS-57 (<i>Parsons, 2002b</i>). Historical research and field investigations identified past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. No evidence of other types of training or use as an impact area was observed. MEC is not expected to be found at MRS-57. MRS-57 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>A small portion of MRS-59 overlaps Parcel L20.2.1 (Plate 4). MRS-59 was identified during interviews conducted as part of the ASR and was reported to have included a 2.36-inch rocket range in the early 1940s. A munitions response (investigation) that included MRS-59 and MRS-27F was conducted by a USACE UXO Safety Specialist as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) and two fragments from the incomplete detonation of a 60mm mortar were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. MEC is not expected to be present within MRS-59. MRS-59 will be evaluated through the RI/FS process as part of the ongoing former Fort Ord MMRP.</p>	<p>45 was subdivided for MEC evaluation and transfer of property. MRS-45 was used as a Tactical Training Area. MRS-45A was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to be found at MRS-45A and no further action related to MEC was recommended (<i>Army, 2006a</i>). The USEPA and the DTSC concurred in letters dated July 21, 2006, and July 26, 2006, respectively.</p> <p>MRS-27Y was also evaluated for the potential presence of MC and expended small arms ammunition associated with the use of military munitions as part of the BRA. For the BRA, MRS-27Y was identified as HA-157. The investigation of HA-157 included a literature review. Because only one pyrotechnic item (munitions debris) was found at the site, no further action was recommended (<i>MACTEC/Shaw, 2005</i>).</p>
		The December 1956 Training Areas map shows MRS-30 as a training site. The ASR notes this site is considered a military munitions site because it lies within the boundaries of the Impact Area and is adjacent to the Wolf Hill Training Area (Plate 11). A munitions response (removal) to a depth of 4 feet was		Parcel L20.3.1 lies immediately adjacent to the former Fort Ord Impact Area (MRS-15 BLM). Firing ranges established within the Impact Area were used for live fire exercises using a variety of military weapons. In general, the firing points for the ranges were established around the perimeter and the direction of

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Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>overflow parking area for the Laguna Seca Raceway and a small portion of Barloy Canyon Road. One structure, 4B21, field latrine, is on the parcel. This parcel includes portions of MRS-47 and MRS-30, which lie within the Impact Area.</p>		<p>related to MC at HA-160 was recommended under the BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-177 (MRS-47) included a literature search, review of the information gathered during the munitions response, site reconnaissance, and sampling for MC. Explosive compounds (below residential PRGs) were detected at HA-177 during sampling. Additional site characterization soil samples were collected under the BRA in 2005. No explosive compounds were detected during this follow-up sampling. Based on the low concentrations detected this site, no further action related to MC at HA-177 was recommended under the BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>conducted using geophysical equipment. According to the MMRP database, two MEC items and eight munitions debris items were removed. Based on the results of the munitions response, no further munitions response was recommended within MRS-30 (<i>UXB, 1995b</i>). Upon completion of the munitions response, approximately 30 feet to 40 feet of fill material was placed over most of MRS-30 in support of construction activities associated with the expansion of Turn 11 of Laguna Seca Raceway. MEC is not expected to be found at MRS-30. MRS-30 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>MRS-47 was identified on a 1957 training map as the Wolf Hill Training Area. MRS-47 has undergone munitions responses (two investigations and a removal). During investigation, evidence that the site was used as an impact area was found. The MEC items found included high explosive mortars and projectiles. A removal to a depth of 4 feet using geophysical equipment was performed. According to the MMRP database, 261 MEC items and 127 munitions debris items were removed from MRS-47. Seventy of the MEC items were rifle-fired smoke grenades found intentionally buried in a pit at a depth of 3 feet. MEC is not expected to remain at MRS-47. No further military munitions investigation was recommended (<i>USA, 2000b</i>). MRS-47 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>	<p>fire was toward the center of the Impact Area. MRS-15 BLM is currently being evaluated under the ongoing former Fort Ord MMRP and is included in the Track 3 Impact Area MR RI/FS. The presence of the former Fort Ord Impact Area on adjacent property does not present an unacceptable risk to human health and the environment because security fencing is in-place between Parcel L20.3.1 and the MRS-15 BLM to prevent unauthorized access to the adjacent Impact Area until it is deemed safe for public use.</p>
<p>ESCA Parcel L20.3.2 – 35.498-acre development with restrictions parcel. The parcel includes an overflow parking</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The evaluation of HA-160 (MRS-30) included a literature search and review of information gathered during the munitions response. Because no small arms ammunition firing ranges were present at MRS-30 and because fill was placed over most of the site during expansion of Laguna Seca Raceway, no further action related to MC at HA-160 was recommended under the</p>	<p>Portions of MRS-30 and MRS-47 lie within Parcel L20.3.2 (Plate 11). Please refer to Parcel L20.3.1 for a discussion of this site.</p>	<p>Parcel L20.3.2 lies immediately adjacent to the former Fort Ord Impact Area (MRS-15 BLM). Firing ranges established within the Impact Area were used for live fire exercises using a variety of military weapons. In general, the firing points for the ranges were established around the perimeter and the direction of fire was toward the center of the Impact Area. MRS-15</p>

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Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>area for the Laguna Seca Raceway and a small portion of Barloy Canyon Road. This parcel includes portions of MRS-47 and MRS-30, which lie within the Impact Area. No buildings are located on this parcel.</p>		<p>BRA (<i>MACTEC/Shaw, 2006</i>). The evaluation of HA-177 (MRS-47) included a literature search, review of the information gathered during the munitions response, site reconnaissance, and sampling for MC. Explosive compounds (below residential PRGs) were detected at HA-177 during sampling. Additional site characterization soil samples were collected under the BRA in 2005. No explosive compounds were detected during this follow-up sampling. Based on the low concentrations detected, no further action related to MC at HA-177 was recommended under the BRA (<i>MACTEC/Shaw, 2006</i>).</p>		<p>BLM is currently being evaluated under the ongoing former Fort Ord MMRP and is included in the Track 3 Impact Area MR RI/FS. The presence of the former Fort Ord Impact Area on adjacent property does not present an unacceptable risk to human health and the environment because security fencing is in-place between Parcel L20.3.2 and the MRS-15 BLM to prevent unauthorized access to the adjacent Impact Area until it is deemed safe for public use.</p>
<p>ESCA Parcel L20.5.1 – 131.362-acre development with restrictions parcel. A portion of which is a habitat area and portion is used for Laguna Seca Raceway parking. This parcel includes the northern portion of MRS-14A. No buildings are located on this parcel.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The evaluation of HA-105 (MRS-14A) included a literature search, review of information gathered during the munitions response and limited site reconnaissance. The reconnaissance identified one possible target and several debris piles; however, no evidence of small arms firing ranges were identified and no further action related to MC at HA-105 was recommended under the BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>MRS-14A is part of MRS-14, which is divided into five areas, 14A through 14E. This site was believed to be an impact location for 7-inch to 8-inch naval gun projectiles that overshoot the Impact Area. As mentioned in the ASR, a 1957 Fort Ord Training Areas & Facilities map shows a mortar position in this area. MRS-14A has undergone munitions responses (one investigation and two removals). MEC found during investigation included 22mm sub-caliber cartridges, pyrotechnic signals, rifle-fired smoke grenades, and practice projectiles. To support the use of a portion of the parcel as a parking area for the Laguna Seca Raceway, a munitions response (removal) to a depth of 3 feet using geophysical equipment was performed over a portion of the parcel in 1994. All MEC detected was removed. Follow-up munitions responses (removals) to depths of 1 foot and 4 feet were performed in June 1997 through April 1998. The 1-foot removal was conducted in habitat reserve areas. A 4-foot removal was conducted in development areas (parking). The area where the 4-foot removal was performed included the area previously cleared to 3 feet. All MEC detected was removed. No high explosive MEC was encountered and no further munitions response was recommended (<i>USA, 2001b</i>). It was also recommended that grids not investigated due to vegetation and terrain constraints</p>	<p>MRS-14B lies adjacent to Parcel L20.5.1 (Plate 11). This area was believed to have been an impact location for 7-inch to 8-inch naval gun projectiles that overshoot the Impact Area. MRS-14B was identified as Pilarcitos Canyon during munitions response investigations. As mentioned in the Archives Search Report (ASR), a 1957 Fort Ord Training Areas and Facilities map shows a mortar position in this area. MRS-14B was investigated in 1995, with a MEC item (a signal flare) and 46 munitions debris items identified. During the site reconnaissance in 2001, several fighting positions were mapped; however, no evidence of targets or range features were identified. Based on the results of the investigations, MEC is not expected to be present at MRS-14B. MRS-14B will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Parcel L20.5.1 lies adjacent to the former Fort Ord Impact Area (MRS-15 BLM). Firing ranges established within the Impact Area were used for live fire exercises using a variety of military weapons. In general, the firing points for the ranges were established around the perimeter and the direction of fire was toward the center of the Impact Area. MRS-15 BLM is currently being evaluated under the ongoing</p>

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Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
			<p>be investigated in a future munitions response. According to the MMRP database, 66 MEC items and 577 munitions debris items were recovered during the munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-14A. MEC is not expected to remain at MRS-14A. MRS-14A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>	<p>former Fort Ord MMRP and is included in the Track 3 Impact Area MR RI/FS. The presence of the former Fort Ord Impact Area on adjacent property does not present an unacceptable risk to human health and the environment because security fencing is in-place between Parcel L20.5.1 and the MRS-15 BLM to prevent unauthorized access to the adjacent Impact Area until it is deemed safe for public use.</p> <p>MRS-14B was also evaluated for the potential presence of MC and expended small arms ammunition associated with the use of military munitions as part of the BRA. For the BRA, MRS-14B was identified as HA-106. The investigation of HA-106 included a literature review. Because no evidence of targets or other range features were identified at this site, no further action was recommended (<i>MACTEC/Shaw, 2005</i>).</p>
<p>ESCA Parcel L20.5.2 – 54.533-acre development with restrictions parcel. A portion of which is a habitat area and portion is used as parking for the Laguna Seca Raceway. This parcel includes the southern portion of MRS-14A and a portion of MRS-29. No buildings are located on this parcel.</p>	<p>Excavation Restriction Residential Use Restriction</p>	<p>The evaluation of HA-105 (MRS-14A) included a literature search, review of information gathered during the munitions response and limited site reconnaissance. The reconnaissance identified one possible target and several debris piles; however, no evidence of small arms firing ranges were identified and no further action related to MC at HA-105 was recommended under the BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-159 (MRS-29) included a literature search, review of information gathered during the munitions response and site reconnaissance. No small arms ammunition, military munitions, fighting positions, evidence of targets, or range features were found. No further action related to MC at HA-159 was recommended under the BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>Parcel L20.5.2 lies within a portion of MRS-14A (Plate 11). Please refer to the property description for Parcel L20.5.1 for a discussion of this site.</p> <p>MRS-29 was believed to be an impact location for 7-inch to 8-inch naval gun projectiles. A munitions response (sampling investigation) that included over 50% of MRS-29 was conducted in 1995 (<i>HFA, 1995</i>). Following investigation, a munitions response (removal) to a depth of 4 feet using geophysical equipment was completed. According to the MMRP database, one MEC item (smoke grenade) and 208 munitions debris items were discovered during these munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-29 or in adjacent MRS-14A. Based on the results of the munitions responses, no further munitions responses were recommended within MRS-29 (<i>USA, 2000a</i>). MEC is not expected to remain at MRS-29. MRS-29 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>	<p>MRS-14A lies adjacent to Parcel L20.5.2 (Plate 11). Please refer to the property description for Parcel L20.5.1 for a discussion of this site.</p> <p>Parcel L20.5.2 lies adjacent to the former Fort Ord Impact Area (MRS-15 BLM). Firing ranges established within the Impact Area were used for live fire exercises using a variety of military weapons. In general, the firing points for the ranges were established around the perimeter and the direction of fire was toward the center of the Impact Area. MRS-15 BLM is currently being evaluated under the ongoing former Fort Ord MMRP and is included in the Track 3 Impact Area MR RI/FS. The presence of the former Fort Ord Impact Area on adjacent property does not present an unacceptable risk to human health and the environment because security fencing is in-place between Parcel L20.5.2 and the MRS-15 BLM to prevent unauthorized access to the adjacent Impact Area until it is deemed safe for public use.</p>

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Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
ESCA Parcel L20.5.3 – 9.69-acre development with restrictions parcel. This parcel includes a portion of MRS-29. No buildings are located on this parcel.	Excavation Restriction Residential Use Restriction	The evaluation of HA-159 (MRS-29) included a literature search, review of information gathered during the munitions response and site reconnaissance. No small arms ammunition, military munitions, fighting positions, evidence of targets, or range features were found. No further action related to MC at HA-159 was recommended under the BRA (MACTEC/Shaw, 2006).	Parcel L20.5.3 lies within a portion of MRS-29 (Plate 11). Please refer to the property description for Parcel L20.5.2 for a discussion of this site.	NA
ESCA Parcel L20.5.4 – 0.152-acre development with restrictions parcel leased to the Laguna Seca Raceway. This parcel includes a portion of MRS-30, which lies at the outer edge of the Impact Area. No buildings are located on this parcel.	Residential Use Restriction	The evaluation of HA-160 (MRS-30) included a literature search and review of information gathered during the munitions response. Because no small arms ammunition firing ranges were present at MRS-30 and because fill was placed over most of the site during expansion of Laguna Seca Raceway, no further action related to MC was recommended at HA-160 under the Fort Ord BRA (MACTEC/Shaw, 2006).	Parcel L20.5.4 lies within a portion of MRS-30 (Plate 11). Please refer to the property description for Parcel L20.3.1 for a discussion of this site.	MRS-14A lies adjacent to Parcel L20.5.4 (Plate 11). Please refer to the property description for Parcel L20.5.1 for a discussion of this site. MRS-47 lies adjacent to Parcel L20.5.4 (Plate 11). Please refer to the property description for Parcel L20.3.1 for a discussion of this site.
ESCA Parcel L20.8 – 7.251-acre portion of Barloy Canyon Road. This parcel passes through MRS-270 and lies adjacent to MRS-15 BLM (the former Impact Area). No buildings are located on this parcel.	Excavation Restriction Residential Use Restriction	The evaluation of HA-147 (MRS-270) included a literature search and site reconnaissance. Expended blank casings were found during the site visit; however, no MEC or munitions debris items were identified. Because no evidence of a range or soil contamination was found, and only expended pyrotechnics were identified, no further action related to MC was recommended for HA-147 under the Fort Ord BRA (MACTEC/Shaw, 2006).	The northern portion of Barloy Canyon Road passes through MRS-270 (Plate 10). MRS-270 is identified as a former training site in the 1994 supplement to the ASR and was used as a bivouac area since at least 1964. In support of the ASR, a UXO Safety Specialist performed a munitions response (site walk) in March 1996 and found expended small arms blanks and expended pyrotechnic items (USADEH, 1997). A follow-up munitions response was performed by a munitions response contractor. This munitions response was completed in October 1999 and included a surface investigation conducted over a large portion of Barloy Canyon Road. No MEC or munitions debris were found on the parcel. Two MEC items (pyrotechnics) and munitions debris (expended	MRS-14D lies adjacent to Parcel L20.8 (Plate 10). The site was used as a 22mm sub-caliber range. There were two hilltop firing points located in the northeast section of the site. Investigation (sampling) of the site was completed in 1995. Because of the high number of MEC items found during investigation, a MEC removal was recommended. A removal to a depth of 4 feet was conducted in 1997. Munitions responses conducted at this site resulted in the removal of 23,843 MEC items (mostly 22mm sub-caliber practice munitions) and nine munitions debris items. Because a removal action has been completed, MEC is not expected to remain at MRS-14D. MRS-14D will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
ESCA Parcel L20.18 – 7.236-acre development parcel that includes a portion of Eucalyptus Road and the associated right-of-way. This parcel is overlapped by a portion of MRS-44PBC. No buildings are located on this parcel.	Excavation Restriction Residential Use Restriction	The evaluation of HA-174 (MRS-PBC and MRS-44EDC) included a literature search, review of the information gathered during the munitions response, site reconnaissance and sampling for MC. Several blank small arms ammunition casings and one expended 75mm projectile casing were found. Surface soil samples were collected to evaluate whether MC were present in areas where high numbers of military munitions were found. Because no explosive compounds were detected and metals concentrations were below Fort Ord background levels, no further action related to MC was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).	grenade fuze) were found on a trail that parallels Parcel L20.8, south of MRS-270. Additionally, a visual surface Time-Critical Removal Action (TCRA) was performed that included MRS-270 following an accidental fire in the area (Eucalyptus Fire Area). One MEC item (pyrotechnic signal) was found within MRS-270 (<i>Shaw, 2005b</i>). MEC is not expected to be present on Parcel L20.8. MRS-270 and the surrounding area will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.	MMRP. MRS-14D was also evaluated for the potential presence of MC and expended small arms ammunition associated with the use of military munitions as part of the BRA. For the BRA, MRS-14D was identified as HA-108. The investigation of HA-108 included a literature review. The site was selected for soil sampling due to the large number of MEC items identified during removal activities. Because sampling at the site was non-detect for perchlorate and explosive compounds, no further action was recommended (<i>MACTEC/Shaw, 2005</i>).
ESCA Parcel L20.19.1.1 – 6.432-acre portion of Barloy Canyon Road and associated right-of-way. Partially overlapped by adjacent MRS-11, MRS-48, and MRS-42Exp. No buildings are	Excavation Restriction Residential Use Restriction	The evaluation of HA-100 (MRS-11) included site reconnaissance and sampling for MC. Perchlorate and TNT were detected at low concentrations. On this basis additional site characterization sampling was conducted in the vicinity of the perchlorate and TNT detections (step out sampling). Sample results were below the laboratory reporting limits for all samples analyzed, and lead was detected at concentrations below the characterization goal of 225 mg/kg. Based on these results, no further action related to MC was recommend for HA-100 under the Fort Ord BRA	A portion of MRS-44PBC lies within Parcel L20.18 (Plate 6). MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of a PA/SI (<i>USAEDH, 1997</i>). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigation and a removal action) were conducted at MRS-44PBC. All munitions responses were to a depth of 4 feet. According to the MMRP database, 16 MEC items and 73 munitions debris items were removed during munitions responses. MRS-44PBC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.	MRS-15 MOCO 02 lies adjacent to Parcel L20.18 (Plate 6). Please refer to the property description for Parcel E21b.3 for a discussion of this site.
ESCA Parcel L20.19.1.1 – 6.432-acre portion of Barloy Canyon Road and associated right-of-way. Partially overlapped by adjacent MRS-11, MRS-48, and MRS-42Exp. No buildings are	Excavation Restriction Residential Use Restriction	The evaluation of HA-100 (MRS-11) included site reconnaissance and sampling for MC. Perchlorate and TNT were detected at low concentrations. On this basis additional site characterization sampling was conducted in the vicinity of the perchlorate and TNT detections (step out sampling). Sample results were below the laboratory reporting limits for all samples analyzed, and lead was detected at concentrations below the characterization goal of 225 mg/kg. Based on these results, no further action related to MC was recommend for HA-100 under the Fort Ord BRA	MRS-11, MRS-42EXP, and MRS-48 lie within Parcel L20.19.1.1 (Plate 5). Please refer to the property description for Parcel E11b.6.1 for a discussion of these sites.	East Garrison Area 2 lies adjacent to Parcel L20.19.1.1 (Plate 5). Please refer to the property description for Parcel E11b.6.1 for a discussion of this site.

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
located on this parcel.		<p>(<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of MRS-48 (HA-178) included a literature review, site reconnaissance, and sampling for MC. Samples were collected to evaluate whether MC were present in areas where MEC was found during the munitions response. No explosive compounds were detected during site sampling and no further action related to MC was recommended for HA-178 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>		
<p>ESCA Parcel L32.1 – 2.947-acre development parcel that formerly contained a fueling station (Building 4493). This parcel lies within MRS-13B. No buildings remain on this parcel.</p>	<p>Excavation Restriction Residential Use Restriction Groundwater Restriction</p>	<p>A release of diesel occurred from UST 4493.3. Approximately 1,430 cubic yards of soil with elevated levels of petroleum hydrocarbons were removed (<i>HLA, 1997c</i>). Closure of UST 4493.3 was granted by the Monterey County Department of Health (MCDOH) on August 22, 1996.</p> <p>The evaluation of HA-103 (MRS-13B) included a literature search, review of the information gathered during the munitions response, and reconnaissance of the site. Blank small arms ammunition casings were observed during the reconnaissance. No targets, fighting positions or MEC-related items were observed. Trash was observed scattered around HA-103. HA-92 showed similar concentrations of MEC and numbers of trash pits during the munitions response. Soil samples were collected from HA-92 and analytical results showed that concentrations of metals, TPH and SOCs were below action levels. Based on the historical review, reconnaissance and sample results at HA-92, no further action related to MC was recommended for HA-103 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>Parcel L32.1 lies within MRS-13B (Plate 6). Please refer to the property description for Parcel E19a.2 for a discussion of this site.</p>	<p>IRP Site 21 (4400 – 4500 Motor Pool East) lies adjacent to Parcel L32.1 (Plate 6). Please refer to the property description for Parcel E19a.3 for a discussion of this site.</p> <p>IRP Site 22 (4400 – 4500 Motor Pool West) lies adjacent to Parcel L32.1 (Plates 6). Please refer to the property description for Parcel E19a.1 for a discussion of this site.</p>

¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g., special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.

EXHIBIT D

ENVIRONMENTAL PROTECTION PROVISIONS

1. FEDERAL FACILITY AGREEMENT

The Grantor acknowledges that the former Fort Ord has been identified as a National Priorities List (NPL) Site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended. The Grantee acknowledges that the Grantor has provided it with a copy of the Fort Ord Federal Facility Agreement (FFA), as amended, entered into by the United States Environmental Protection Agency (USEPA) Region 9, the State of California Department of Toxic Substance Control (DTSC) and the State of California Regional Water Quality Control, Central Coast Region (RWQCB), and the Department of the Army (Army), effective on November 19, 1990, and will provide the Grantee with a copy of the First Amendment to the Federal Facility Agreement and any further amendments thereto. For so long as the Property remains subject to the FFA, the Grantee, its successors and assigns, agree that they will not interfere with United States Department of the Army activities required by the FFA, as amended. In addition, should any conflict arise between the FFA, as amended, and the deed provisions, the FFA provisions, as amended, will take precedence. The Grantor assumes no liability to the Grantee, its successors and assigns, should implementation of the FFA, as amended, interfere with their use of the Property.

2. LAND USE RESTRICTIONS

A. The Army has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the Property that would violate the land use restrictions contained herein.

Applicable to County of Monterey Parcels E11b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.5.1, L20.5.2, L20.5.3, L20.8, L20.18, L20.19.1.1, and L32.1:

B. **Excavation Restriction.** The Grantee, its successors and assigns, shall comply with Monterey County Code Chapter 16.10 when conducting or permitting others to conduct any ground disturbing or intrusive activities (e.g. digging, drilling, etc.). The Grantee, its successors and assigns, or any approved contractor, shall not construct, make, or permit any alterations, additions, or improvements to the Property in any way that may violate this restriction.

Applicable to County of Monterey Parcels L20.3.1, L20.3.2, and L20.5.4:

C. **Excavation Restriction.** For the portions of the Property within the Wolf Hill area and the boundary of Munitions Response Site 47 (MRS-47), the Grantee, its successors and assigns,

shall not conduct or permit others to conduct any ground disturbing or intrusive activities (e.g. digging, drilling, etc.) to depths of greater than one foot below ground surface without complying with Monterey County Code Chapter 16.10. For the portions of the Property within the Laguna Seca Turn 11 Area (MRS-30), the Grantee, its successors and assigns, shall not conduct or permit others to conduct any ground disturbing or intrusive activities (e.g., digging, drilling, etc.) to depths of greater than four feet below ground surface without complying with Monterey County Code – Chapter 16.10. The Grantee, its successors and assigns, or any approved contractor, shall not construct, make, or permit any alterations, additions, or improvements to the Property in any way that may violate these restrictions.

Applicable to County of Monterey Parcels E11b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1:

D. Residential Use Restriction. The Grantee, its successors and assigns, shall not use the Property for residential purposes. The Army has agreed to enter into a Covenant to Restrict Use of Property (CRUP), which will include a Residential Use Restriction, with the DTSC pursuant to California Health and Safety Code sections 25222.1 and 25355.5 and Civil Code Section 1471. The USEPA also believes any proposals for the residential reuse of the Property should be subject to regulatory review. The CRUP will place additional use restrictions on all of the transferring Property and will be signed prior to transfer. The Army and the DTSC agree that the use of the Property will be restricted as set forth in the CRUP. For purposes of this provision, residential use includes, but is not limited to: single family or multi-family residences; child care facilities; nursing home or assisted living facilities; and any type of educational purpose for children/young adults in grades kindergarten through 12.

Applicable to County of Monterey Parcels E11b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.5.3, L20.8, L20.18, L20.19.1.1, and L32.1:

E. Access Restriction. Except as provided below, the Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. This Access Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

Applicable to County of Monterey Parcels L20.3.1, L20.3.2, L20.5.1, L20.5.2, and L20.5.4:

F. Access Restriction. Except as provided below, the Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC; parking, staging and on-site portable/temporary toilets for events associated with the Mazda Raceway

Laguna Seca; and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. This Access Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

Applicable to County of Monterey Parcels L5.7, L20.2.1, and L32.1;

G. Groundwater Restriction. Grantee is hereby informed and acknowledges that the groundwater adjacent to the Property and associated with the Operable Unit 2 (OU2) groundwater plume and the Operable Unit Carbon Tetrachloride Plume (OUCTP) is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE) and carbon tetrachloride (CT), respectively. Under the EPP, Section 6, the Grantee, its successors and assigns, shall not access or use groundwater underlying the Property for any purpose without the prior written approval of the Grantor, the USEPA, the DTSC, the RWQCB and the County of Monterey. For the purpose of this restriction, "groundwater" shall have the same meaning as in section 101(12) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

H. Modifying Restrictions. Nothing contained herein shall preclude the Grantee, its successors or assigns, from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such additional action necessary to allow for other less restrictive use of the Property. Prior to such use of the Property, Grantee shall consult with and obtain the approval of the Grantor, and, as appropriate, the State or federal regulators, or the local authorities in accordance with this EPP and the provisions of all applicable CRUP(s). Upon the Grantee's obtaining the approval of the Grantor and, as appropriate, state or federal regulators, or local authorities, the Grantor agrees to record an amendment hereto. This recordation shall be the responsibility of the Grantee and at no additional cost to the Grantor.

I. Submissions. The Grantee, its successors and assigns, shall submit any requests for modifications to the above restrictions to the Grantor, the USEPA, the DTSC and the RWQCB, in accordance with the provisions of the applicable CRUP(s), by first class mail, postage prepaid, addressed as follows:

- 1) Grantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008
- 2) USEPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region 9

75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

- 3) DTSC: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200
- 4) RWQCB: Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

3. NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

A. The Grantee is hereby notified that, due to the former use of the Property as a military installation, the Property may contain munitions and explosives of concern (MEC). The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes: (1) Unexploded Ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (3) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord and this EPP, MEC does not include small arms ammunition (i.e. ammunition with projectiles that do not contain explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).

B. The Property was previously used for a variety of munitions-related and other military related purposes, including operational ranges for live-fire training; demolitions training; chemical, biological and radiological training; engineering training; and tactical training. Munitions responses were conducted on the Property. Any MEC discovered were disposed of by a variety of methods, including open detonation (blown in place (BIP)) or in a consolidated shot, or destroyed using contained detonation technology. A summary of MEC discovered on the Property is provided in Exhibit E. Site maps depicting the locations of munitions response sites are provided at Exhibit F.

C. After response actions are completed, if the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the local law enforcement agency having jurisdiction on the Property so that appropriate explosive ordnance disposal (EOD) personnel can

be dispatched to address such MEC as required under applicable laws and regulations and at no expense to the Grantee. The Grantee hereby acknowledges receipt of the "Ordnance and Explosives Safety Alert" pamphlet.

D. Easement and Access Rights.

1) The Grantor reserves a perpetual and assignable right of access on, over, and through the Property, to access and enter upon the Property in any case in which a munitions response action is found to be necessary, or such access and entrance is necessary to carry out a munitions response action on adjoining property as a result of the ongoing Munitions Response Remedial Investigation/Feasibility Study. Such easement and right of access includes, without limitation, the right to perform any additional munitions response action (e.g. investigation, sampling, testing, test-pitting, surface and subsurface removal) necessary for the United States to meet its responsibilities under applicable laws and as provided for in this Deed. This right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

2) In exercising this easement and right of access, the Grantor shall give the Grantee or the then record owner, reasonable notice of the intent to enter on the Property, except in emergency situations. Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid and/or minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property; however, the use and/or occupancy of the Property may be limited or restricted, as necessary, under the following scenarios: (a) to provide the required minimum separation distance employed during intrusive munitions response actions that may occur on or adjacent to the Property; and (b) if Army implemented prescribed burns are necessary for the purpose of a munitions response action (removal) in adjacent areas. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

3) In exercising this easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this Paragraph. In addition, the Grantee, its successors and assigns, shall not interfere with any munitions response action conducted by the Grantor on the Property.

E. The Grantee acknowledges receipt of the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Track 2 MR RI/FS) (August 2006).

4. NOTICE OF THE PRESENCE OF ASBESTOS AND COVENANT

Applicable to County of Monterey Parcels E11b.8, E19a.3, E19a.4, L20.2.1, and L20.3.1

A The Grantee is hereby informed and does acknowledge that non-friable asbestos or asbestos-containing material (ACM) has been found on the Property. The Property may contain improvements, such as buildings, facilities, equipment, and pipelines, above and below the ground, that contain non-friable asbestos or ACM. The Occupational Safety and Health Administration (OSHA) and the U.S. Environmental Protection Agency (USEPA) have determined that unprotected or unregulated exposure to airborne asbestos fibers increases the risk of asbestos-related diseases, including certain cancers that can result in disability or death.

B. The Grantee covenants and agrees that its use and occupancy of the Property will be in compliance with all applicable laws relating to asbestos. The Grantee agrees to be responsible for any remediation or abatement of asbestos found to be necessary on the Property to include ACM in or on buried pipelines that may be required under applicable law or regulation.

C. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property as to its asbestos and ACM content and condition and any hazardous or environmental conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property with respect to any asbestos or ACM hazards or concerns.

5. NOTICE OF THE PRESENCE OF LEAD-BASED PAINT (LBP) AND COVENANT AGAINST THE USE OF THE PROPERTY FOR RESIDENTIAL PURPOSE

Applicable to County of Monterey Parcels E11b.7.1.1, E19a.3, E19a.4, L20.2.1, and L20.3.1:

A. The Grantee is hereby informed and does acknowledge that all buildings on the Property, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property on which a residential dwelling was built prior to 1978 is notified that there is a risk of exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning.

B. The Grantee covenants and agrees that it shall not permit the occupancy or use of any buildings or structures on the Property as Residential Property, as defined under 24 Code of Federal Regulations part 35, without complying with this section and all applicable federal, state, and local laws and regulations pertaining to lead-based paint and/or lead-based paint hazards. Prior to permitting the occupancy of the Property where its use subsequent to sale is intended for residential habitation, the Grantee specifically agrees to perform, at its sole expense, the Army's abatement requirements under Title X of the Housing and Community Development Act of 1992 (Residential Lead-Based Paint Hazard Reduction Act of 1992).

C. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property as to its lead-based paint content and condition and any hazardous or environmental

conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property with respect to any lead-based paint hazards or concerns.

6. NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER AND COVENANT AGAINST ACCESS TO OR USE OF GROUNDWATER UNDERLYING THE PROPERTY FOR ANY PURPOSE

Applicable to County of Monterey Parcels L5.7, L20.2.1, and L32.1;

A. The Property is within the "Consultation Zone" of the "Special Groundwater Protection Zone". The Consultation Zone includes areas surrounding the "Prohibition Zone" where groundwater extraction may impact or be impacted by the four identified groundwater contamination plumes at the former Fort Ord. The Consultation Zone is also identified on the "Former Fort Ord Special Groundwater Protection Zone Map," which is on file with the County of Monterey (the County). County Ordinance No. 04011 requires consultation with the Grantor, the USEPA, the DTSC, the RWQCB, and the County for proposed water well construction within the Consultation Zone.

B. The Grantee covenants for itself, its successors, and assigns not to access or use groundwater underlying the Property for any purpose without the prior written approval of the Grantor, the USEPA, the DTSC, the RWQCB and the County. For the purpose of this restriction, "groundwater" shall have the same meaning as in section 101(12) of CERCLA.

C. The Grantee covenants for itself, its successors, and assigns that neither the Grantee, its successors or assigns, nor any other person or entity acting for or on behalf of the Grantee, its successors or assigns, shall interfere with any response action being taken on the Property by or on behalf of the Grantor, or interrupt, relocate, or otherwise interfere or tamper with any remediation system or monitoring wells now or in the future located on, over, through, or across any portion of the Property without the express written consent of the Grantor in each case first obtained.

D. The Grantee covenants for itself, its successors, or assigns, that it will not undertake nor allow any activity on or use of the Property that would violate the restrictions contained herein. These restrictions and covenants are binding on the Grantee, its successors and assigns; shall run with the land; and are forever enforceable.

7. NOTICE OF RARE, THREATENED AND ENDANGERED SPECIES MANAGEMENT

The Grantee acknowledges and agrees to implement the following provisions, as applicable, relative to listed species:

Applicable to County of Monterey Parcels E18.1.2, E19a.1, L20.5.4, L20.8, L20.18, and L32.1:

A. The Property is within a Habitat Management Plan (HMP) Development Area. No resource conservation requirements are associated with the HMP for these parcels. However, small pockets of habitat may be preserved within and around the Property.

B. The March 30, 1999, Biological and Conference Opinion on the Closure and Reuse of Fort Ord, Monterey County, California (1-8-99-F/C-39R), the Biological Opinion on the Closure and Reuse of Fort Ord, Monterey County, California, as it affects Monterey Spineflower Critical Habitat, (1-8-01-F-70R), and the Biological Opinion for the Cleanup and Reuse of Former Fort Ord, Monterey County, California, as it affects California Tiger Salamander and Critical Habitat for Contra Costa Goldfields Critical Habitat (1-8-04-F-25R) identify sensitive biological resources that may be salvaged for use in restoration activities within reserve areas, and allows for development of the Property.

C. The HMP does not exempt the Grantee from complying with environmental regulations enforced by Federal, State, or local agencies; however, CERCLA remedial actions undertaken by the Grantee will be conducted in accordance with the Army's requirements identified in Chapter 3 of the HMP and in existing Biological Opinions. Reuse activities not involving CERCLA may require the Grantee to obtain Endangered Species Act (ESA) (16 U.S.C. §§ 1531 - 1544 et seq.) Section 7 or Section 10(a) permits from the U.S. Fish and Wildlife Service (USFWS); comply with prohibitions against take of listed animals under ESA Section 9; comply with prohibitions against the removal of listed plants occurring on federal land or the destruction of listed plants in violation of any state laws; comply with measures for conservation of state-listed threatened and endangered species and other special-status species recognized by California ESA, or California Environmental Quality Act (CEQA); and comply with local land use regulations and restrictions.

D. The HMP serves as a management plan for both listed and candidate species, and is a prelisting agreement between the USFWS and the local jurisdiction for candidate species that may need to be listed because of circumstances occurring outside the area covered by the HMP.

E. Implementation of the HMP would be considered suitable mitigation for impacts to HMP species within HMP prevalent areas and would facilitate the USFWS procedures to authorize incidental take of these species by participating entities as required under ESA Section 10. No further mitigation will be required to allow development on the Property unless species other than HMP target species are proposed for listing or are listed.

F. The HMP does not authorize incidental take of any species listed as threatened or endangered under the ESA by entities acquiring land at the former Fort Ord except for those lands undergoing a CERCLA remedial action. The USFWS has recommended that all non-federal entities acquiring land at former Fort Ord apply for ESA Section 10(a)(1)(B) incidental take permits for the species covered in the HMP. The definition of "take" under the ESA

includes to harass, harm, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. Although the USFWS will not require further mitigation from these entities that are in conformation with the HMP, those entities without incidental take authorization would be in violation of the ESA if any of their actions resulted in the take of a listed animal species. To apply for a Section 10 (a)(1)(B) incidental take permit, an entity must submit an application form (Form 3-200), a complete description of the activity sought to be covered by the permit, and a conservation plan (50 CFR 17.22[b]).

Applicable to County of Monterey Parcels E11b.6.1, E11b.7.1.1, E11b.8, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, and L20.19.1.1:

G. The Property contains habitat occupied and/or potentially occupied by several sensitive wildlife and plant species, some of which are listed or proposed for listing as threatened or endangered under the Endangered Species Act (ESA). Applicable laws and regulations restrict activities that involve the potential loss of populations and habitats of listed species. To fulfill Grantor's commitment in the Fort Ord Disposal and Reuse Environmental Impact Statement Record of Decision, made in accordance with the National Environmental Policy Act of 1969, 42 U.S.C § 4321 et seq., this deed requires the conservation in perpetuity of these sensitive wildlife and plant species and their habitats consistent with the U.S. Fish and Wildlife Service Biological Opinions for disposal of the former Fort Ord lands issued pursuant to Section 7 of the ESA on March 30, 1999, October 22, 2002, and March 14, 2005 respectively. By requiring Grantee, and its successors and assigns to comply with the Installation-Wide Multispecies Habitat Management Plan (HMP), Grantor intends to fulfill its responsibilities under Section 7 of the ESA and to minimize future conflicts between species protection and economic development of portions of the Property.

H. Grantee acknowledges that it has received a copy of the HMP dated April 1997. The HMP, which is incorporated herein by reference, provides a basewide framework for disposal of lands within former Fort Ord wherein development and potential loss of species and/or habitat is anticipated to occur in certain areas of the former Fort Ord (the HMP Development Areas) while permanent species and habitat conservation is guaranteed within other areas of the former Fort Ord (i.e., the HMP Reserve and Corridor parcels). Disposal of former Fort Ord lands in accordance with and subject to the restrictions of the HMP is intended to satisfy the Army's responsibilities under Section 7 of the ESA.

I. The following parcels of land within the Property hereby conveyed or otherwise transferred to Grantee are subject to the specific use restrictions and/or conservation, management, monitoring, and reporting requirements identified for the parcel in the HMP:

- 1) Habitat Reserve Parcels: E11b.6.1, E11b.7.1.1, E19a.2, and E19a.4;
- 2) Habitat Corridor Parcel: L20.2.1;
- 3) Habitat Reserve within the Development with Reserve Areas or Development with Restrictions Parcels numbered: L20.3.1, L20.3.2, L20.5.1, L20.5.2, and L20.5.3;

4) Borderland Development Areas along Natural Resources Management Area (NRMA) Interface Parcels numbered: E11b.8, E19a.3, L5.7, and L20.19.1.1.

J. Any boundary modifications to the Development with Reserve Areas or Development with Restrictions parcels or the Borderland Development Areas Along NRMA Interface must be approved in writing by the U.S. Fish and Wildlife Service (USFWS) and must maintain the viability of the HMP for permanent species and habitat conservation.

K. The HMP describes existing habitat and the likely presence of sensitive wildlife and plant species that are treated as target species in the HMP. Some of the target species are currently listed or proposed for listing as threatened or endangered under the ESA. The HMP establishes general conservation and management requirements applicable to the Property to conserve the HMP species. These requirements are intended to meet mitigation obligations applicable to the Property resulting from the Army disposal and development reuse actions. Under the HMP, all target species are treated as if listed under the ESA and are subject to avoidance, protection, conservations and restoration requirements. Grantee shall be responsible for implementing and funding each of the following requirements set forth in the HMP as applicable to the Property:

1) Grantee shall implement all avoidance, protection, conservation and restoration requirements identified in the HMP as applicable to the Property and shall cooperate with adjacent property owners in implementing mitigation requirements identified in the HMP for adjacent sensitive habitat areas.

2) Grantee shall protect and conserve the HMP target species and their habitats within the Property, and, other than those actions required to fulfill a habitat restoration requirement applicable to the Property, shall not remove any vegetation, cut any trees, disturb any soil, or undertake any other actions that would impair the conservation of the species or their habitats. Grantee shall accomplish the Resource Conservation Requirements and Management Requirements identified in Chapters 3 and 4 of the HMP as applicable to any portion of the Property.

3) Grantee shall manage, through an agency or entity approved by USFWS, each HMP parcel, or portion thereof, within the Property that is required in the HMP to be managed for the conservation of the HMP species and their habitats, in accordance with the provisions of the HMP.

4) Grantee shall either directly, or indirectly through its USFWS approved habitat manager, implement the management guidelines applicable to the parcel through the development of a site-specific management plan. The site-specific habitat management plan must be developed and submitted to USFWS (and, for non-Federal recipients, California Department of Fish and Game (CDFG) as well) for approval within six months from the date the recipient obtains title to the parcel. Upon approval by USFWS (and, as appropriate, CDFG) the recipient shall implement the plan. Such plans may thereafter be modified through the Coordinated

Resource Management and Planning (CRMP) process or with the concurrence of USFWS (and, as appropriate, CDFG) as new information or changed conditions indicate the need for adaptive management changes. The six-month deadline for development and submission of a site-specific management plan may be extended by mutual agreement of USFWS, CDFG (if appropriate), and the recipient.

5) Grantee shall restrict access to the Property in accordance with the HMP, but shall allow access to the Property, upon reasonable notice of not less than 48 hours, by USFWS and its designated agents, for the purpose of monitoring Grantee's compliance, and for such other purposes as are identified in the HMP.

6) Grantee shall comply with all monitoring and reporting requirements set forth in the HMP that are applicable to the Property, and shall provide an annual monitoring report, as provided for in the HMP, to the Bureau of Land Management (BLM) on or before November 1 of each year, or such other date as may be hereafter agreed to by USFWS and BLM.

7) Grantee shall not transfer, assign, or otherwise convey any portion of, or interest in, the Property subject to the habitat conservation, management or other requirements of the HMP, without the prior written consent of Grantor, acting by and through the USFWS (or designated successor agency), which consent shall not be unreasonably withheld. Grantee covenants for itself, its successors and assigns, that it shall include and otherwise make legally binding the provisions of the HMP in any deed, lease, right of entry, or other legal instrument by which Grantee divests itself of any interest in all or a portion of the Property. The covenants, conditions, restrictions and requirements of this deed and the provisions of the HMP shall run with the land. The covenants, conditions, restrictions and requirements of this deed and the HMP benefit the lands retained by the Grantor that formerly comprised Fort Ord, as well as the public generally. Management responsibility for the Property may only be transferred as a condition of the transfer of the Property, with the consent of the USFWS. USFWS may require the establishment of a perpetual trust fund to pay for the management of the Property as a condition of transfer of management responsibility from Grantee.

8) This conveyance is made subject to the following ENFORCEMENT PROVISIONS:

a) Grantor hereby reserves a reversionary interest in all of the Property. If Grantor (or its assigns), acting through the USFWS or a designated successor agency, determines that those parcels identified in Paragraph 7.I. above or any other portion of the Property subject to a restriction or other requirement of the HMP is not being conserved and/or managed in accordance with the provisions of the HMP, then Grantor may, in its discretion, exercise a right to reenter the Property, or any portion thereof, in which case, the Property, or those portions thereof as to which the right of reentry is exercised, shall revert to Grantor. In the event that Grantor exercises its right of reentry as to all or portions of the Property, Grantee shall execute any and all documents that Grantor deems necessary to perfect or provide recordable notice of the reversion and for the complete transfer and reversion of all right, title and interest in

the Property or portions thereof. Subject to applicable federal law, Grantee shall be liable for all costs and fees incurred by Grantor in perfecting the reversion and transfer of title. Any and all improvements on the Property, or those portions thereof reverting back to Grantor, shall become the property of Grantor and Grantee shall not be entitled to any payment therefore.

b) In addition to the right of reentry reserved in paragraph a. above, if Grantor (or its assigns), acting through the USFWS or a successor designated agency, determines that Grantee is violating or threatens to violate the provisions of Paragraph 7 of this deed exhibit or the provisions of the HMP, Grantor shall provide written notice to Grantee of such violation and demand corrective action sufficient to cure the violation, and where the violation involves injury to the Property resulting from any use or activity inconsistent with the provisions of Paragraph 7 of this deed exhibit or the provisions of the HMP, to restore the portion of the Property so injured. If Grantee fails to cure a violation within sixty (60) days after receipt of notice thereof from Grantor, or under circumstances where the violation cannot reasonably be cured within a sixty (60) day period, or fails to continue to diligently cure such violation until finally cured, Grantor may bring an action at law or in equity in a court of competent jurisdiction to enforce the covenants, conditions, reservations and restrictions of this deed and the provisions of the HMP, to enjoin the violation, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the covenants, conditions, reservations and restrictions of this deed or the provisions of the HMP, or injury to any conservation value protected by this deed or the HMP, and to require the restoration of the Property to the condition that existed prior to such injury. If Grantor, in its good faith and reasonable discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the species and habitat conservation values of the Property, Grantor may pursue its remedies under this paragraph without prior notice to Grantee, or without waiting for the period provided for the cure to expire. Grantor's rights under this paragraph apply equally in the event of either actual or threatened violations of covenants, conditions, reservations and restrictions of this deed or the provisions of the HMP, and Grantee acknowledges that Grantor's remedies at law for any of said violations are inadequate and Grantor shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantor may be entitled, including specific performance of the covenants, conditions, reservations and restrictions of this deed and the provisions of the HMP.

c) Enforcement of the covenants, conditions, reservations and restrictions in this deed and the provisions of the HMP shall be at the discretion of Grantor, and any forbearance by Grantor to exercise its rights under this deed and the HMP in the event of any such breach or violation of any provision of this deed or the HMP by Grantee shall not be deemed or construed to be a waiver by Grantor of such provision or of any subsequent breach or violation of the same or any other provision of this deed or the HMP or of any of Grantor's rights under this deed or the HMP. No delay or omission by Grantor in the exercise of any right or remedy upon any breach or violation by Grantee shall impair such right or remedy or be construed as a waiver.

d) In addition to satisfying Army's responsibilities under Section 7 of the ESA, Grantee's compliance with the covenants, conditions, reservations and restrictions contained in this deed and with the provisions of the HMP are intended to satisfy mitigation obligations included in any future incidental take permit issued by USFWS pursuant to Section 10(a)(1)(B) of the Endangered Species Act which authorizes the incidental take of a target HMP species on the Property. Grantee acknowledges that neither this deed nor the HMP authorizes the incidental take of any species listed under the ESA except while conducting CERCLA remedial actions consistent with Chapter 3 of the HMP and in accordance with the existing biological opinions. Authorization to incidentally take any target HMP wildlife species as a result of reuse activities must be obtained by Grantee separately, or through participation in a broader habitat conservation plan and Section 10(a)(1)(B) permit based on the HMP and approved by USFWS.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-3 Old Demolition Training Area, Range 49 (Parcel E19a.4)	Munitions Debris (MD) Munitions and Explosives of Concern (MEC)	Unknown	As noted in the Archives Search Report (ASR), the site served as a land mine warfare, anti-armor, Molotov Cocktail training and demolition area with a ¼ - pound explosive limit. Site is adjacent to MRS-37, MRS-53EXP and MRS-54. A munitions response (sampling investigation) at this site resulted in discovery of 153 inert 81mm practice mortars, 34 inert antitank (AT) training mines and miscellaneous firing devices, including two MEC items (a blasting cap and mine fuze). A munitions response (removal) to a depth of 4 feet ¹ was performed. According to the MMRP database 44 MEC items (firing devices, signals and practice grenades) and 794 munitions debris items were removed. Review of military munitions clearance grid records identified several ammunition burn pits and empty and burned 55-gallon drums. MRS-3 is included in the Parker Flats Munitions Response Area (MRA; Plate 6). The Parker Flats MRA was evaluated in the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Parker Flats MR RI/FS). No MEC is expected to remain at MRS-3 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-4A Chemical, Biological, and Radiological (CBR) Training Area (Parcels E18.1.3, E18.4 and E19a.1)	MD MEC	At least from 1957 to 1964	According to the ASR, the CBR Training Areas appear on the 1957 and 1958 Fort Ord Training Areas and Facilities Training maps. Three munitions responses were conducted on MRS-4A, including two phases of grid investigation and a removal over the entire site. All grid investigations and the removal were to a depth of 4 feet. According to the MMRP database 72 MEC items (mostly grenade fuzes) and 13 munitions debris items (mostly practice hand grenades) were removed. One MEC item was found in Parcel E18.1.3 and no MEC were found in Parcel E18.4. Three munitions debris items were found in Parcel E18.4 and no munitions debris was found in Parcel E18.1.3. No MEC is expected to remain at MRS-4A and no further munitions response was recommended (<i>USA, 2000a</i>). MRS-4A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-4B CBR Training Area (Parcel E19a.3)	MD MEC	At least from 1958	A CBR Training Area (MRS-4B) is shown on the 1958 Fort Ord Training Areas & Facilities map. The ASR noted classroom training using chemical agents similar to tear gas. A munitions response (sampling investigation) in 1993 found one MEC item (40mm practice cartridge), two munitions debris items and small arms ammunition. Additional sampling conducted in 1997 found three MEC items (smoke grenades) and munitions debris. In 1998, USA Environmental, Inc. performed a munitions response (removal) and found 293 MEC items, primarily blasting caps, simulators, smoke signals, and fuzes. The USA After Action Report notes nine burial pits, ranging in depth from 6 inches to 42 inches, containing grenades, grenade fuzes, simulators, pyrotechnics and blasting caps. Trash, including tires and wire, was found in one pit. A battery was found in a second pit. MRS-4B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-4B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-11 Demolition Training Area (Parcel E11b.7.1.1)	MD MEC	At least from 1946 to 1957	As noted in the ASR, MRS-11 was identified as an old EOD range. The 1946 Historic Map Master Plan Fort Ord shows a live hand grenade training range. Additionally, the 1957 Fort Ord Training Areas & Facilities map shows a Frag Zone and Engineer Training Area "C". MRS-11 underwent a munitions response (removal) to a depth of 1 foot in the southern half of the site using geophysical equipment. Twenty MEC items, including nine MKII fragmentation hand grenades, and 2,316 munitions debris items (mostly hand grenade fuzes) were found and removed during the 1-foot removal. The northern half of MRS-11 was investigated (sampled) using SiteStats/GridStats (SS/GS) methodology. No MEC was found during SS/GS investigation. Based on the results of the munitions responses, additional munitions response (investigation) was recommended within MRS-11 and to the east of the site (<i>USA, 2001e</i>). MRS-11 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-13B Practice Mortar Range (Parcels E19a.2 and E19a.3)	CWM MD MEC	1950s	MRS-13B is labeled as Sinkhole Training Area and Sinkhole Practice Mortar on 1950s training maps. A munitions response (sampling) was conducted in 57 grids in 1993 and 1994. Based on the results of the investigation, MRS-13B underwent removal actions to a depth of 4 feet from August 1995 to April 1998 using geophysical equipment. According to the MMRP database, a total of 343 MEC items and 2,014 munitions debris items were found during investigation and removal actions. Numerous trash pits containing range-related debris were also observed at MRS-13B. Two chemical agent identification sets (CAIS) were found in a burial pit. The CAIS, chemical warfare materiel (CWM), were used to train soldiers to recognize and protect themselves from chemical agents. The CAIS contain dilute solutions of chemical agents in small (1-ounce) hermetically sealed glass containers. All glass containers were found to be intact and were removed by the Army's Technical Escort Unit from Dugway Proving Ground, Utah (<i>Army, 1997b</i>). No MEC items or trash pits were found in the portion of MRS-13B within Parcel E19a.2. MRS-13B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-13B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-13C CSU Footprint – Wedge (Parcel S1.3.2)	MD MEC	1940s through 1950s	MRS-13C is comprised of a wedge shaped strip of land lying between MRS-31 to the north and MRS-13B to the south. MRS-13C is located within a larger area identified as a Tactical Training Area on historical training maps. A portion of a mortar square (non-firing area) was also identified on historical training maps in the site vicinity. Based on the results of munitions responses (investigation) conducted in adjacent sites in 1994, a munitions response (removal) to a depth of 4 feet was conducted over all of MRS-13C in 1997 and all MEC and munitions debris found was removed. According to the Fort Ord MMRP database, 59 MEC items and 203 munitions debris items were recovered during the removal. No MEC is expected to remain at MRS-13C and no further munitions response was recommended (<i>USA, 2000c</i>). MRS-13C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-14A Lookout Ridge II (LOR2) (Parcel L20.5.1 and	MD MEC	At least since 1957	This site is part of MRS-14, which is divided into five areas, 14A through 14E. This site was believed to be an impact location for 7-inch to 8-inch naval gun projectiles that overshoot the Impact Area. As mentioned in the ASR, a 1957 Fort Ord Training Areas & Facilities map shows a mortar position in this area. MRS-14A has undergone munitions responses (one investigation and two removals). MEC found during investigation included 22mm sub-caliber cartridges, pyrotechnic signals, rifle-fired smoke grenades, and practice projectiles. To support the use of a portion of the parcel as a parking area for the Laguna Seca Raceway, a munitions response (removal) to a depth of 3 feet using geophysical equipment was performed over a portion of the parcel in 1994.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
L20.5.2)			All MEC detected was removed. Follow-up munitions responses (removals) to depths of 1 foot and 4 feet were performed in June 1997 through April 1998. The 1-foot removal was conducted in habitat reserve areas. A 4-foot removal was conducted in development areas (parking). The area where the 4-foot removal was performed included the area previously cleared to 3 feet. All MEC detected was removed. No high explosive MEC was encountered and no further munitions response was recommended (USA, 2001b). It was also recommended that grids not investigated due to vegetation and terrain constraints be investigated in a future munitions response. According to the MMRP database, 66 MEC items and 577 munitions debris items were recovered during the munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-14A. MEC is not expected to remain at MRS-14A. MRS-14A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-23 (Parcel E11b.7.1.1)	MEC MD		MRS-23 was formerly an Engineer Training Area and Field Expedient Area. A munitions response (removal) to a depth of 4 feet was completed in 1997. One MEC item (½ pound of TNT) and one munitions debris item (practice antitank mine) were found during the munitions response. Based on the results of the munitions response, no further munitions response was recommended within MRS-23 (USA, 2001d). MEC is not expected to remain at MRS-23. MRS-23 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27A Training Site 1 (Parcels E19a.2 and E19a.3)	MD MEC	1970s through facility closure	MRS-27A is one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The USACE conducted a munitions response (site walk) of MRS-27A in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27A. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. One MEC item (hand grenade fuze) was found and removed (Parsons, 2002a). The southern portion of MRS-27A overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27A underwent a munitions response (removal) to a depth of 4 feet. According to the former Fort Ord MMRP database, munitions debris and MEC were found within the portion of MRS-27A that overlaps the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27A and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27B Training Site 2 (Parcels E19a.2, E19a.3 and	MD MEC	1970s through facility closure	MRS-27B was one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The ASR also notes this site is located northeast of Parker Flats Training Area. The USACE conducted a munitions response (site walk) of MRS-27B in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27B. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.4)			munitions response contractors under the direction of the USACE in 2001 and 2002. No MEC items were found at MRS-27B during the visual surface removal (<i>Parsons, 2002a</i>). According to the MMRP database, one munitions debris item (a smoke grenade) was detected in a latrine within the site boundaries. Miscellaneous pyrotechnic items have also been discovered within the site boundaries. No MEC or munitions debris were found during the visual surface removal conducted within MRS-27B. The southern portion of MRS-27B overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27B underwent a munitions response (removal) to a depth of 4 feet. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27B will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27C Training Site 3 (Parcel E19a.4)	MD	1970s through facility closure	The ASR states that MRS-27C is located northeast of TS-2 (MRS-27B) and south of the Tactical Training Area (MRS-45; Plate 4). This area was used from the 1970s as an overnight bivouac area. Munitions responses (investigations) conducted within Parcel E19a.4 included a site walk of MRS-27C completed by the USACE in 1996 during the Archives Search (<i>USADEH, 1997</i>). Only spent blank small arms ammunition and expended pyrotechnics (munitions debris) were found at MRS-27C. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. No MEC items were found at MRS-27C (<i>Parsons, 2002a</i>). A reconnaissance of MRS-27C was also completed as part of the Basewide Range Assessment. No targets or range features were observed. Several fighting positions were mapped. An expended smoke grenade (munitions debris) was found in one of the fighting positions. No MEC is expected to be present at MRS-27C. MRS-27C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27E Training Site 5 (Parcel L20.2.1)	MD	1970s through facility closure	This area was used since the 1970s as an overnight bivouac area. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27E as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris including expended flares and illumination signals were found. No evidence of other types of training or use as an impact area was observed. No MEC is expected to be present at MRS-27E. MRS-27E will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27F Training Site 6 (Parcel L20.2.1)	MEC MD	1970s through facility closure	This site is located in the northern portion of MRS-59. This area was used as an overnight bivouac area since the 1970s. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27F and MRS-59 as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. Additionally, a review of Range Control files included the incomplete entry for an item reportedly located within Training Site 6. No other information in the entry was provided. MRS-27F was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at MRS-27F and no further action related to MEC was

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			recommended for the site (<i>Army, 2006b</i>). The USEPA and the DTSC concurred in letters dated July 21 and July 26, 2006, respectively.
MRS-27G Training Site 7 (Parcel E19a.5)	MD MEC	1970s through facility closure	This area was incorporated into Site MRS-53. See MRS-53.
MRS-27O Training Site 15 (Parcel L20.8)	MD MEC	1964 through facility closure	The northern portion of Barloy Canyon Road passes through MRS-27O (Plate 10). MRS-27O is identified as a former training site in the 1994 supplement to the ASR and was used as a bivouac area since at least 1964. In support of the ASR, a UXO Safety Specialist performed a munitions response (site walk) in March 1996 and found expended small arms blanks and expended pyrotechnic items (<i>USADEH, 1997</i>). A follow-up munitions response was performed by a munitions response contractor. This munitions response was completed in October 1999 and included a surface investigation conducted over a large portion of Barloy Canyon Road. No MEC or munitions debris were found on the parcel. Two MEC items (pyrotechnics) and munitions debris (expended grenade fuze) were found on a trail that parallels Parcel L20.8, south of MRS-27O. Additionally, a visual surface Time-Critical Removal Action (TCRA) was performed that included MRS-27O following an accidental fire in the area (Eucalyptus Fire Area). One MEC item (pyrotechnic signal) was found within MRS-27O (<i>Shaw, 2005b</i>). MEC is not expected to be present on Parcel L20.8. MRS-27O and the surrounding area will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-28 Military Operations on Urbanized Terrain (MOUT) Site (Parcel F1.7.2)	MD MEC	Ongoing	This site includes Impossible City, a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies. MRS-28 was investigated during two separate munitions responses. Additionally, a visual surface TCRA was performed following an accidental fire in the area (Eucalyptus Fire Area). According to the MMRP database, 118 MEC items and 293 munitions debris items were removed during the investigations and the TCRA. MEC is not expected to remain on the surface at MRS-28. MRS-28 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-29 Laguna Seca Bus Turn Around (Parcels L20.5.2 and L20.5.3)	MEC MD	Unknown	This area was believed to be an impact location for 7-inch to 8-inch naval gun projectiles. A munitions response (sampling investigation) that included over 50% of MRS-29 was conducted in 1995 (<i>HFA, 1995</i>). Following investigation, a munitions response (removal) to a depth of 4 feet using geophysical equipment was completed. According to the MMRP database, one MEC item (smoke grenade) and 208 munitions debris items were discovered during these munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-29 or in adjacent MRS-14A. Based on the results of the munitions responses, no further munitions responses were recommended within MRS-29 (<i>USA, 2000d</i>). MEC is not expected to remain at MRS-29. MRS-29 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			MMRP.
MRS-30 Laguna Seca Turn 11 (Parcels L20.3.1, L20.3.2 and L20.5.4)	MD MEC	At least since 1945	The December 1956 Training Areas map shows the area as a training site. The ASR notes this site is considered a military munitions site because it lies within the boundaries of the Impact Area and is adjacent to the Wolf Hill Training Area (Plate 11). A munitions response (removal) to a depth of 4 feet was conducted using geophysical equipment. According to the MMRP database, two MEC items and eight munitions debris items were removed. Based on the results of the munitions response, no further munitions response was recommended within MRS-30 (<i>UXB, 1995b</i>). Upon completion of the munitions response, approximately 30 feet to 40 feet of fill material was placed over most of MRS-30 in support of construction activities associated with the expansion of Turn 11 of Laguna Seca Raceway. MEC is not expected to be found at MRS-30. MRS-30 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-31 CSU Footprint (Parcel S1.3.2)	MD MEC	1940s through 1990s	MRS-31 encompasses MRS-4C, MRS-7, MRS-8, and MRS-18 (Plate 4). The boundary of MRS-31 was established to correspond to the boundary of transfer Parcel S1.3.2 and to include each of the MRSs. Initial munitions response (investigation) at MRS-31 was conducted in 1994. Based on the results, 3-foot and 4-foot removals were conducted throughout the site. According to the MMRP database, 1,831 MEC items and 2,485 munitions debris items were found during munitions responses at MRS-4C, MRS-7, MRS-8, MRS-18, and MRS-31. MEC is not expected to remain at MRS-31 and no further munitions response was recommended (<i>UXB, 1995c</i>). MRS-31, as well as the MRSs within MRS-31, will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-37 Parker Flats Practice Mortar Range (Parcel E19a.3 and E19a.4)	MD MEC	Unknown	According to the ASR, this site appeared on an undated map from the Fort Ord Fire Department. This area was most likely used for firing practice mortars or in non-firing drills (dry-fire). A munitions response (sampling investigations) were performed in March and June of 1998. All munitions responses were to a depth of 4 feet. According to the MMRP database, 58 MEC items and 994 munitions debris items were found and removed during munitions responses. MRS-37 is included in the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-37 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-40 Parker Flats Gas House (Parcel E18.1.2)	MD MEC	Unknown	MRS-40 is identified as the Parker Flats Gas House and included a facility to train troops in the use of gas masks. According to the ASR, this site has the same characteristics as Sites MRS-4A and MRS-4B. Tear gas agents (CS and CN) may have been used in the gas chambers. Based on a review of a 1983 U.S. Chemical Systems Laboratory document, classroom training occurred in Building 2820 on this site, and part of the training involved use of minute quantities of mustard gas. SiteStats/GridStats sampling investigation was performed at this site in October 1997. No MEC was found. Three munitions debris items (unknown fragments) were found. MRS-40 is included in the Parker Flats MRA and the entire site underwent a munitions response (removal) to a depth

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			<p>of 4 feet using geophysical equipment. The data associated with the removal at MRS-40 was included with the data for adjacent MRS-50 and MRS-50EXP (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-40 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p>
<p>MRS-42/MRS-42EXP Demolition Area-Rifle Grenade Area (Parcels E11b.7.1.1, E11b.8 and L20.19.1.1)</p>	<p>MD MEC</p>	<p>1940s</p>	<p>MRS-42 was formerly the Fort Ord Ammunition Supply Point (ASP) Rifle Grenade Area, as identified on a 1946 training map. This area includes the northern portion of the ASP (Plate 5). MRS-42 underwent a munitions response (removal) to a depth of 4 feet using geophysical equipment. Due to the presence of MEC and munitions debris at the edge of the site the munitions response extended beyond the original boundary of MRS-42. The extended area is identified as MRS-42EXP. According to the former Fort Ord MMRP database, 61 MEC items (primarily M9 series antitank rifle grenades) and 27 munitions debris items (mostly MKII hand grenade fragments and practice antitank rifle grenades) were removed. It was recommended additional investigations be conducted within MRS-42 (<i>USA, 2001f</i>). MRS-42 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
<p>MRS-43 South Boundary Area (Parcels E29.1, L6.2, L20.13.1.2 and L20.13.3.1)</p>	<p>MD MEC</p>	<p>1942 to 1944</p>	<p>According to the former Fort Ord Fire Chief, a portion of the ridge in this site was used as a backstop for rifle grenades and shoulder launched projectiles from 1942-1944. During a munitions response (investigation) by an UXO Safety Specialist, a 37mm fragment was discovered at the northwest end of the site. In 1999, nineteen 100-foot by 200-foot grids were investigated using SS/GS and 100% grid sampling, and 19 munitions debris items were recovered. Based on the sampling results a munitions response (removal) to a depth of 4 feet was conducted at the northwest end of MRS-43 (Parcels E29.1 and L6.2). Upon completion of the removal, the removal area was investigated using digital geophysical equipment. The digital geophysical investigation of MRS-43 included the unpaved shoulder of South Boundary Road (Parcels L20.13.1.2 and L20.13.3.1; Plate 9). All munitions responses were conducted to a depth of 4 feet. According to the MMRP database 28 MEC items and 36 munitions debris items were removed during the munitions responses. Five of the 28 MEC items removed from MRS-43 were found in Parcels L20.13.3.1 and L6.2 and only one MEC item was found in Parcel E29.1. No MEC items were found within Parcel L23.13.1.2. Based on the results of the munitions responses, no further munitions response was recommended within the Del Rey Oaks (DRO) Group, which includes MRS-43 (<i>USA, 2001c</i>). No MEC is expected to remain at MRS-43. MRS-43 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Also see MRS-15 DRO 01.</p>

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-44EDC (Parcels E18.1.1, E18.1.2 and E20c.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of the PA/SI (USAEHDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigations) were conducted at the site. The sampling investigations were completed to a depth of 4 feet. According to the MMRP database, 11 MEC items and 53 munitions debris items were removed during investigation. It was recommended that a munitions response (removal) to 4 feet be conducted at MRS-44EDC (USA, 2001i). MRS-44EDC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-44PBC (Parcels L20.18 and L23.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEHDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigation and a removal action) were conducted at MRS-44PBC. All munitions responses were to a depth of 4 feet. According to the MMRP database, 16 MEC items and 73 munitions debris items were removed during munitions responses. MRS-44PBC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-45 Tactical Training Area-TTA (Parcels L20.2.1, L5.7, E19a.3, and E19a.4)	MD MEC	Unknown	A portion of MRS-45 lies within Parcel L20.2.1 (Plate 4). Munitions response (sampling investigation) of MRS-45 was conducted in 1997. According to the MMRP database, a total of 5 MEC items (all pyrotechnic or practice/training-related items) and 224 munitions debris items were found during the sampling investigation in MRS-45. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas, including the eastern portion of MRS-45, was performed by a munitions response contractor under the direction of the USACE. Three MEC items (pyrotechnic signals) and small arms ammunition were found and removed. None of these items were found in the portion of MRS-45 that lies within Parcel L20.2.1 (Parsons, 2002b). Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to remain at MRS-45. MRS-45 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-47 Wolf Hill (Parcels L20.3.1 and L20.3.2)	MD MEC	1950s	MRS-47 was identified on a 1957 training map as the Wolf Hill Training Area. MRS-47 has undergone munitions responses (two sampling investigations and a removal). During investigation, evidence that the site was used as an impact area was found. The MEC items found included high explosive mortars and projectiles. A removal to a depth of 4 feet using geophysical equipment was performed. According to the MMRP database, 261 MEC items and 127 munitions debris items were removed from MRS-47. Seventy of the MEC items were rifle-fired smoke grenades found intentionally buried in a pit at a depth of 3 feet. MEC is not expected to remain at MRS-47. No further military munitions investigation was recommended (USA, 2000b). MRS-47 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-48 Former Dummy Grenade Range (Parcel L20.19.1.1)	MD MEC	1940s through 1950s	MRS-48 lies on the west side of Barloy Canyon Road (Plate 5). The eastern boundary of MRS-48 overlaps portions of the right-of-way associated with Barloy Canyon Road. MRS-48 was identified on a 1946 Fort Ord Master Plan as a "Dummy Grenade Range." During a munitions response (investigation) by a UXO Safety Specialist, fragments from 4.2-inch mortars and other debris were discovered. A munitions response (grid sampling) was completed at the site in 1988. According to the MMRP database, 3 MEC items (practice hand grenade fuze, a rifle-fired signal, and a screening smoke pot) and 22 munitions debris items were removed. Additionally, over 100 pounds of fragments, mostly from 4.2-inch smoke mortars and smoke grenades, were removed. No sampling occurred within Parcel L20.19.1.1. It was concluded that a grenade and 4.2-inch mortar impact area existed within or near the site and that additional munitions responses be conducted within, to the north and to the south of the site (USA, 2001h). MRS-48 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-50 Artillery Hill (Parcels E18.1.1 and E18.1.2)	MD MEC	1940s through 1960s	This area was identified during interviews conducted as part of the ASR. Artillery Hill was reportedly used as a target area for rifle grenades and shoulder launched projectiles in the 1940s, 1950s and 1960s. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI. During the munitions response, fragments from 37mm projectiles and 75mm high explosive (HE) projectiles were discovered. A munitions response (removal) to a depth of 4 feet was completed over all of the Parker Flats MRA, including MRS-50, using digital geophysical equipment. According to the MMRP database, 442 MEC items and 724 munitions debris items were removed from the site. MRS-50 is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-50EXP (Parcels E18.1.1, E18.1.2 and E19a.1)	MD MEC	1940s through 1960s	MRS-50EXP was identified as a MRS due to the expansion of the removal area associated with MRS-50. MEC and munitions debris were found at the boundary of MRS-50, which warranted an expansion of the investigation area in all directions. The investigation of MRS-50 and its expansion areas included a munitions response (removal) conducted over the entire site to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 430 MEC items and 1,186 munitions debris items were found and removed from MRS-50EXP. MRS-50EXP is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50EXP and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-52 Rifle Grenade and Projectile Target Area (Parcel E19a.3 and E19a.4)	MD MEC	1950s	This site was identified during interviews conducted as part of the ASR and a 1958 map of Fort Ord Training Areas & Facilities shows a Rifle Grenade and Projectile Target Area. During a site inspection, a 37mm fragment and an AT mine (inert) were discovered. Because of the expansion of the removal area associated with adjacent MRS-53, MRS-52 is now part of MRS-53 and included in the Parker Flats MRA (Plate 6). The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. The munitions data for MRS-52 is reported with the MRS-53 data. The items found included both MEC and munitions debris. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-52 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-53 Shoulder-Launched Projectile Area (Parcel E19a.5)	MD MEC	1940s through 1960s	Parcel E19a.5 lies predominantly within MRS-53 and MRS-53 EXP (Plate 6). According to the ASR, MRS-53 was a Shoulder Launched Projectile Target Area from the 1940s through the 1960s. The hill between the two flats was a target area for rifle grenades and shoulder-launched projectiles. Rifle grenades and shoulder-launched projectiles were shot from the southeast at the hill. The hill south of the large flat at Parker Flats was a target area for rifle grenades and ground/tube launched projectiles. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEHDH, 1997). During the munitions response, a 3-inch stokes mortar round was found and additional investigation was recommended. During a second munitions response (sampling investigation), a 75mm shrapnel projectile, two more 3-inch Stokes mortars and projectile fragments were found. Based on the sampling results, a 4-foot removal was conducted. Munitions responses (removals) resulted in discovery of MEC and live small arms ammunition. MRS-53 is included in the Parker Flats MRA. The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 465 MEC items and 5,163 munitions debris items were removed from MRS-53. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-53EXP (Parcels E19a.1, E19a.3, E19a.4, and E19a.5)	MD MEC	1940s - 1960s	MRS-53EXP was identified as a MRS due to the expansion of the removal area associated with MRS-53. MEC and munitions debris were found at the boundary of MRS-53, which warranted an expansion of the investigation area in all directions. MRS-53EXP and the adjacent sites now comprise the Parker Flats MRA (Plate 6). The munitions response at MRS-53 and its expansion areas included a removal conducted over the entire site to a depth of 4 feet below ground surface. According to the MMRP database, 803 MEC items and 4,500 munitions debris items were removed from MRS-53EXP. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53EXP and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-54EDC Canyon Target Area (Parcel E19a.4)	MD MEC	Unknown	MRS-54EDC is the portion of MRS-54 within Parcel E19a.4, which is slated for development. MRS-54 (Canyon Target Area) was identified during interviews conducted during the PA/SI Phase of the Archives Search. The area was reportedly used for flamethrowers, but was also a firing point and range for hand grenades (unknown type), rifle grenades (unknown type), and shoulder-launched projectiles (unknown type). During a munitions response (investigation) conducted in 1996 by a USACE UXO Safety Specialist, munitions debris was discovered, including a 2.36-inch practice rocket, two 75mm shrapnel projectiles, and three 81mm practice mortars. A munitions response (removal) to a depth of 4 feet over the entire site using digital geophysical equipment was performed in 1999. According to the MMRP database, 18 MEC items and 192 munitions debris items were removed from MRS-54EDC. MRS-54EDC is part of the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-54EDC and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-55 Parker Flats (Parcels)	MD MEC	Unknown	This area was identified during interviews conducted as part of the ASR and was reportedly a firing point and range for hand grenades, rifle grenades, shoulder-launched projectiles, and artillery. This site includes portions of MRS-27A and MRS-27B. During a munitions response (investigation) in 1996, an expended 75mm shrapnel projectile, and two fragments from 37mm

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.3 and E19a.4)			practice projectiles, and one mine fuze were discovered. SS/GS sampling investigation was conducted in March 1998. Following the investigation, a removal over the entire site using digital geophysical equipment was performed. All munitions responses were to a depth of 4 feet. According to the MMRP database, 144 MEC items and 1,608 munitions debris items were removed from MRS-55. Items removed include simulators, smoke pots, and grenades. MRS-55 is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-55 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-57 Unnamed (Parcel L20.2.1)	MD MEC	1940's – 1960's	MRS-57 was identified during interviews conducted as part of the ASR (Plate 4). This area was reportedly used in the 1940s, 1950s, and 1960s. The intersection of Hennekens Ranch Road and Watkins Gate Road was reportedly a firing point for machine guns, M-1, rifle grenades, smoke grenades, and shoulder-launched projectiles. Rifle grenades and bazooka rounds were reportedly found on the hill at Watkins Gate Road and Parker Flats Road intersection. This area was often burned to detonate the UXO. A munitions response (site walk) that included MRS-57 was conducted in January 1996 by a USACE UXO Safety Specialist as part of a PA/SI. Military munitions found included an expended 75mm shrapnel projectile, a smoke grenade, and illumination signals. The data was insufficient to determine if the smoke grenade and the illumination signals were MEC or munitions debris. Additionally, 4 expended smoke grenades were found on a dirt road adjacent to MRS-57 during a munitions response (investigation) completed in October 1999. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. The visual surface removal included MRS-57. No MEC items were found at MRS-57 (<i>Parsons, 2002b</i>). Historical research and field investigations identified past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. No evidence of other types of training or use as an impact area was observed. MEC is not expected to be found at MRS-57. MRS-57 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-59 Unnamed (Parcel L20.2.1)	MD	Unknown	A small portion of MRS-59 overlaps Parcel L20.2.1 (Plate 4). MRS-59 was identified during interviews conducted as part of the ASR and was reported to have included a 2.36-inch rocket range in the early 1940s. A munitions response (investigation) that included MRS-59 and MRS-27F was conducted by a USACE UXO Safety Specialist as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) and two fragments from the incomplete detonation of a 60mm mortar were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. MEC is not expected to be present within MRS-59. MRS-59 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 DRO 01 (Parcels L20.13.1.2 and L20.13.3.1)	MD MEC	Unknown	MRS-15 DRO 01 and Parcel L6.1 lie adjacent to Parcel L6.2 (Plate 9). Sites MRS-15 DRO 01, MRS-15 DRO 02, and MRS-43 are collectively called the DRO Group (Plate 9). The initial munitions responses (investigations) conducted at MRS-15 DRO 01 included random grid sampling, a removal to a depth of 4 feet along a fuel break on the east side of MRS-15 DRO 01, a removal to a depth of 4 feet on the roads and trails within the site, SS/GS sampling at MRS-15 DRO 01 and MRS-43, and removal of spent small arms ammunition in Ranges 24, 25 and 26 (HA-24, HA-25 and HA-26). MEC and munitions debris were identified within the eastern portion of MRS-15 DRO 01 and the area was subjected to a munitions response (removal) to a depth of 4 feet. Upon

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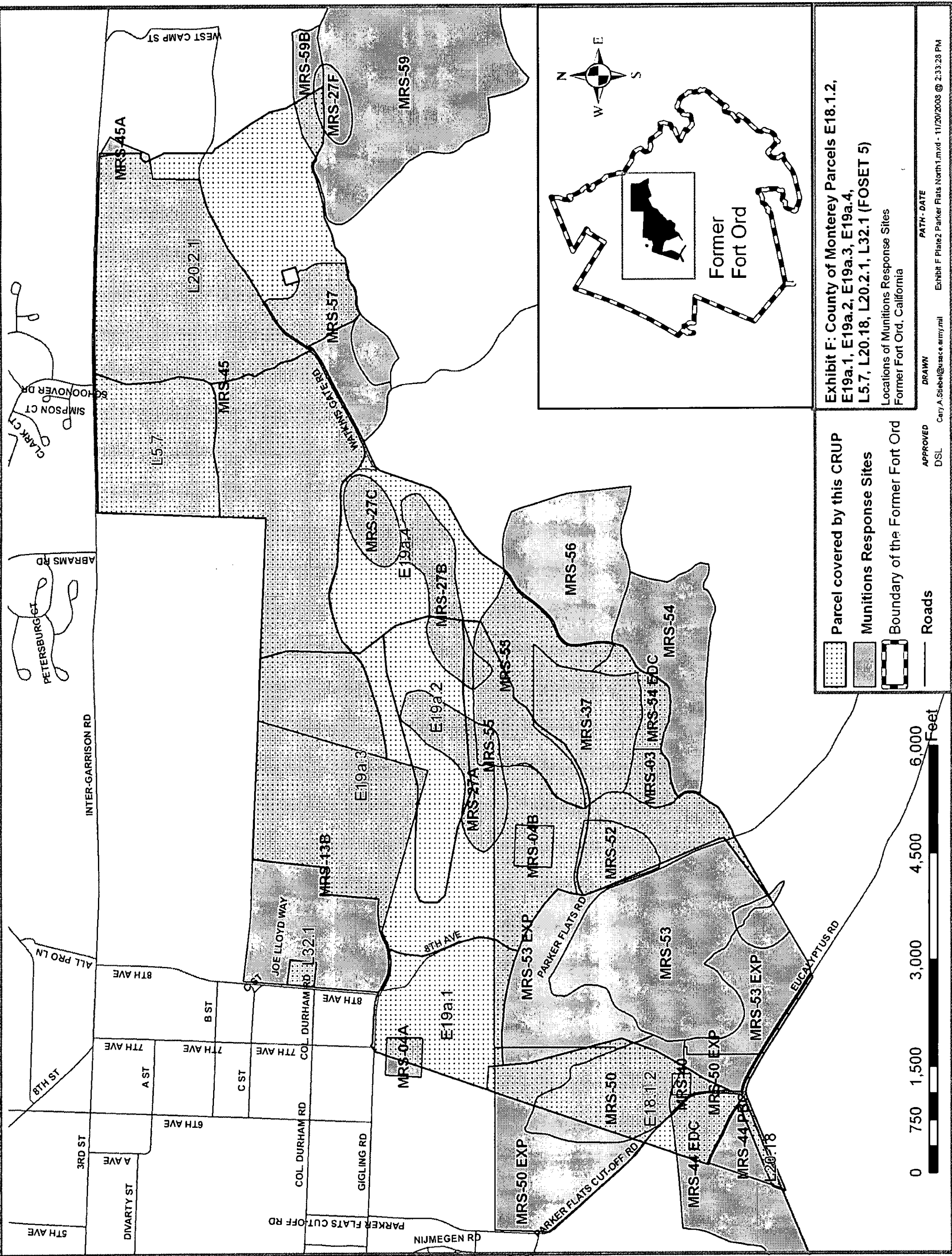
Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
and adjacent to Parcel L6.2)			completion of the removal, the removal area and the rest of MRS-15 DRO 01 were resurveyed using digital geophysical equipment. The digital geophysical survey on the southern margin of MRS-15 DRO 01 included investigation up to the fence-line running parallel to South Boundary Road (Parcels L20.13.3.1 and L20.13.1.2). According to the MMRP database 168 MEC items and 15,300 munitions debris items were removed from MRS-15 DRO 01. The removal at MRS-15 DRO 01 is complete and no MEC is expected to remain in the portions of MRS-15 DRO 01 overlapping Parcels L20.13.1.2 and L20.13.3.1. MRS-15 DRO 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 MOCO 02 (Parcel E21b.3)	MD MEC	Unknown	The boundary of MRS-15 MOCO 02 was developed to support the transfer of Parcel E21b.3 and not on evidence of munitions use. MRS-15 MOCO 02 lies within the boundary of the former Fort Ord Impact Area and contains the firing lines for Ranges 44 and 45. Range 44 was used for firing of antitank weapons and Range 45 was a 40mm grenade range. Munitions response (investigation) at the site was performed in 1999 and approximately 100 military munitions-related items (MEC and munitions debris) were found (<i>USA, 2001g</i>). To address the threat to human health associated with MEC at MRS-15 MOCO 02, a non-time critical removal action (NTCRA) to a depth of 4 feet was completed across the northern portion of the site. According to the MMRP database 663 MEC items and 3,964 munitions debris items were removed from the site. All accessible areas within the northern portion of MRS-15 MOCO 02 were investigated to a depth of 4 feet. Based on the results of the NTCRA the threat to the public posed by the presence of MEC at the site has been mitigated (<i>Parsons, 2006c</i>). MRS-15 MOCO 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-Ranges 43-48 (Parcels E38, E39, E40, E41, and E42)	MD MEC	1940s through 1990s	MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Range 43-48, several munitions responses were performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. Inaccessible SCAs ² (Plate 7, Attachment 1) and pending areas underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2007</i>). According to the MMRP database 11,955 MEC items and 28,840 munitions debris items were removed from the site. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 01 (Parcel E24)	MD MEC	Unknown	The boundary of MRS-15 SEA 01 was developed to support the transfer of Parcel E24 and not on evidence of munitions use. MRS-15 SEA 01 included the firing points and some of the targets associated with three small arms ranges (Ranges 21, 22, and 23) and a non-firing target detection range. Several munitions responses were conducted on MRS-15 SEA 01, including an investigation of field latrines, road clearances, grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 01 not covered by the NTCRA. According to the MMRP database, 203 MEC items and 17,845 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 01 have been conducted to a depth of 4 feet. Inaccessible SCAs ³ (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-15 SEA 02 (Parcel E34)	MD MEC	Unknown	<p>addressed in a follow-up investigation. MRS-15 SEA 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>The boundary of MRS-15 SEA 02 was developed to support the transfer of Parcel E34 and not on evidence of munitions use. MRS-15 SEA 02 included the firing points and some of the targets associated with two small arms ranges (Ranges 19 and 20). Several munitions responses were conducted on MRS-15 SEA 02, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 02 not covered by the NTCRA. According to the MMRP database, 12 MEC items and 1,390 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 02 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
MRS-15 SEA 03 (Parcel E23.1)	MD MEC	Unknown	<p>The boundary of MRS-15 SEA 03 was developed to support the transfer of Parcel E23.1 and not on evidence of munitions use. MRS-15 SEA 03 includes a portion of Range 18, a former small arms range. Features associated with Range 18 that lie within Parcel E23.1 include some of the firing points and some of the targets. Several munitions responses were conducted on MRS-15 SEA 03, including grid sampling, removals within the small arms range, roads and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 03 not covered by the NTCRA. According to the MMRP database, 124 MEC items and 220 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 03 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 03 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
MRS-15 SEA 04 (Parcel E23.2)	MD MEC	Unknown	<p>The boundary of MRS-15 SEA 04 was developed to support the transfer of Parcel E23.2 and not on evidence of munitions use. MRS-15 SEA 04 included the firing points and some of the targets associated with two small arms ranges (Ranges 18 and 46), and the firing points for a mortar and antitank weapons range (Range 48). Several munitions responses were conducted on MRS-15 SEA 04, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 04 not covered by the NTCRA. According to the MMRP database, 189 MEC items and 380 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 04 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 04 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
<p>*Munitions and Explosives of Concern (MEC)U. This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 101(e)(5); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.</p>			<p>¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g. special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.</p>
<p>² SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-Ranges 43-48 are high density munitions debris and range-related debris areas (Ranges 44 and 48); high density MEC and range-related debris (Range 47); target box trench (Range 45); non-completed areas; steel-reinforced concrete observation bunker; and metallic fence. See the <i>Final MRS-Ranges 43-48 Interim Action Technical Information Paper, Former Fort Ord, Monterey, California, Military Munitions Response Program</i>, January 26, 2007, for additional information.</p>			<p>³ SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-15 SEA 01-4 are metallic fence; asphalt and concrete paved areas; non-completed backhoe excavation areas; heavy equipment excavation areas (concrete bunkers, fighting positions, flag poles, target boxes, tie downs, utility poles and wood stairs); berms (wood retaining walls with metal connectors); structures and latrines; former remote automated weather station (Range 46); and debris piles. See the <i>Final Technical Information Paper MRS-15 SEA 01-4, Time-Critical Removal Action and Geophysical Operations (Phase I), Former Fort Ord, Monterey, Military Munitions Response Program</i>, February 11, 2006, for additional information.</p>







-  Parcel covered by this CRUP
-  Munitions Response Sites
-  Boundary of the Former Fort Ord
-  Roads

Exhibit F: County of Monterey Parcels E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.18, L20.2.1, L32.1 (FOSET 5)

Locations of Munitions Response Sites Former Fort Ord, California

DRAWN: Cary A. Stebel@gsa.mil
 APPROVED: DSL
 PATH - DATE: Exhibit F Plate2 Parker Flats North1.mxd - 11/20/2008 @ 2:33:28 PM

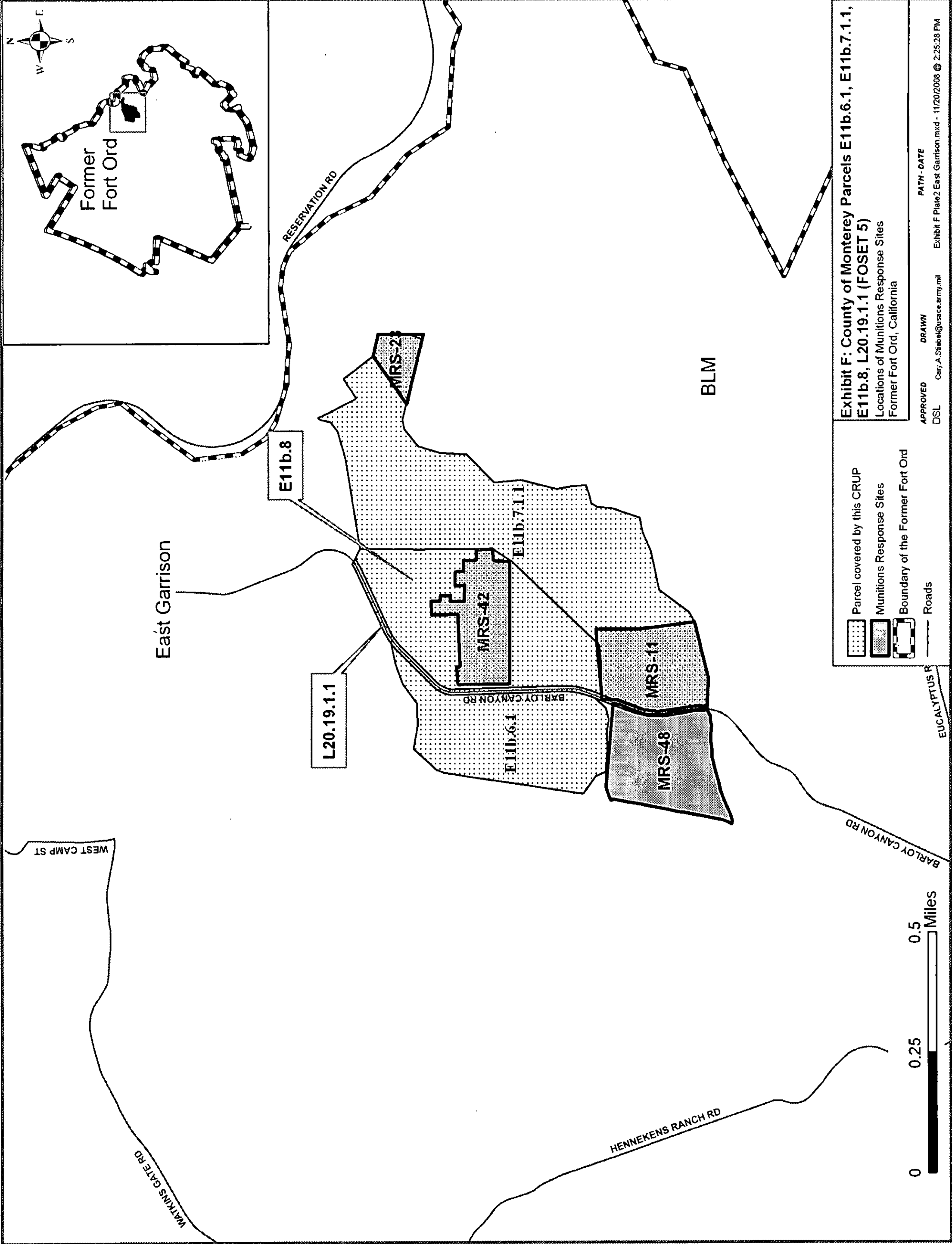
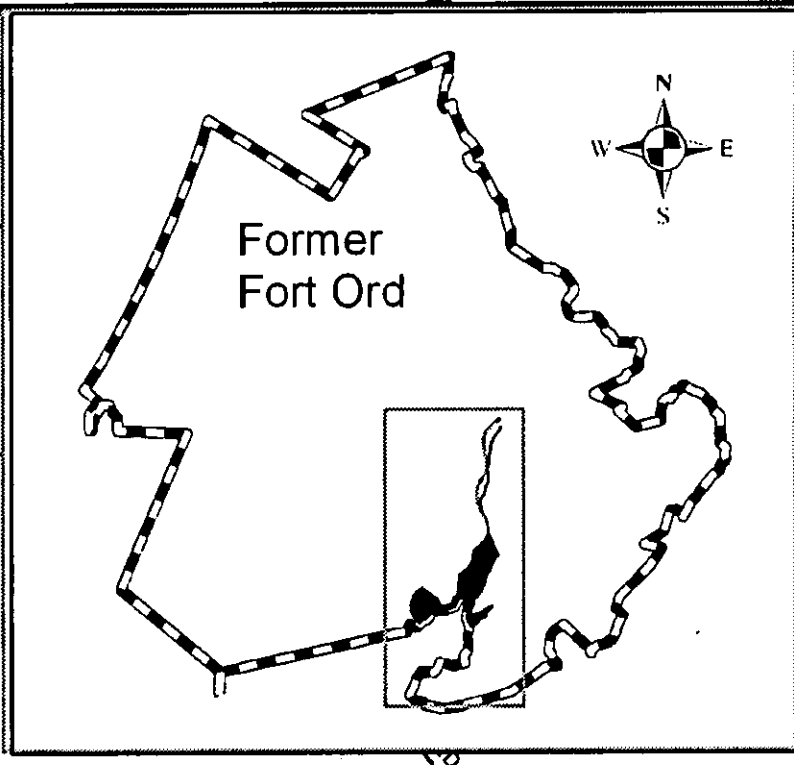
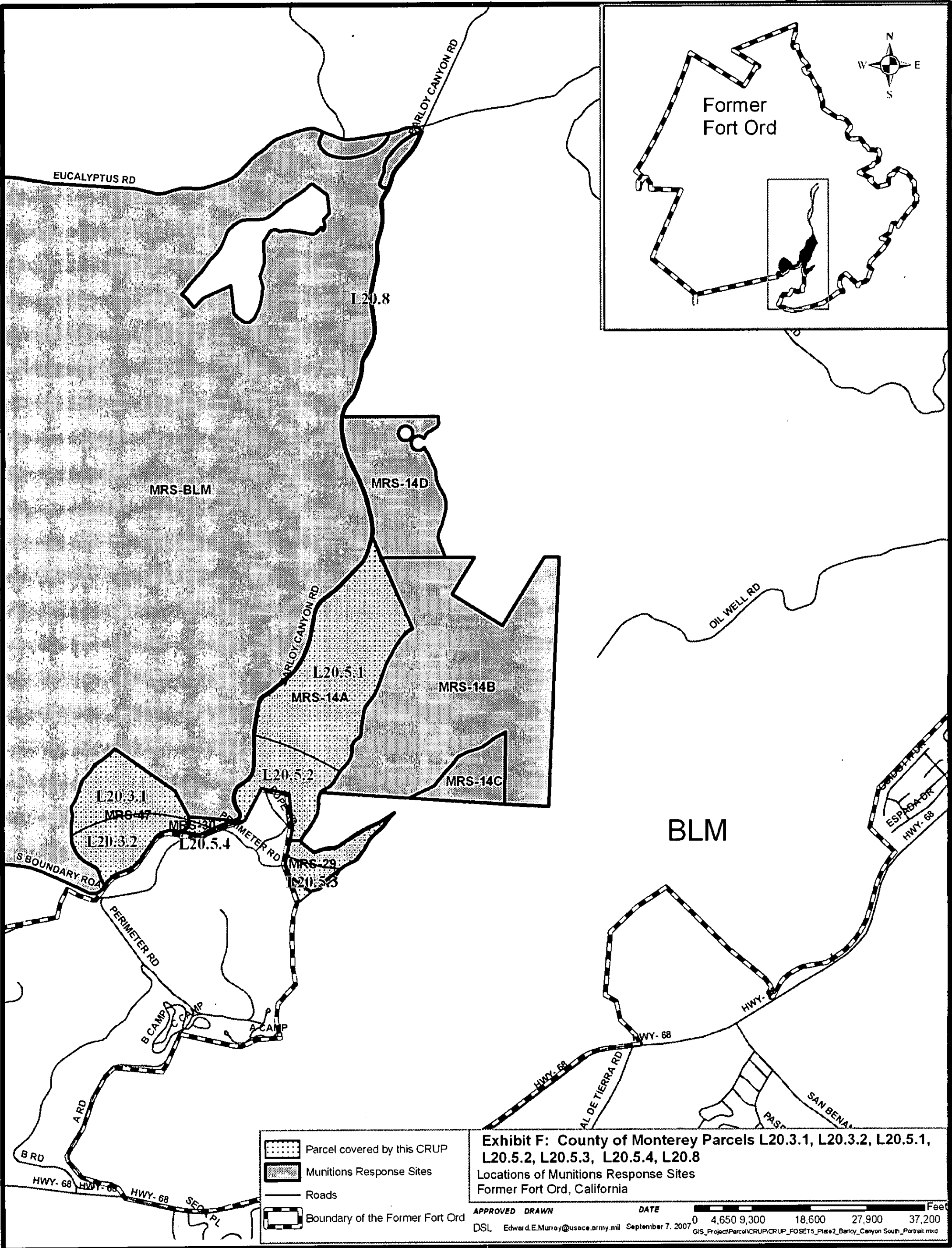


Exhibit F: County of Monterey Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1 (FOSET 5)
 Locations of Munitions Response Sites
 Former Fort Ord, California

- Parcel covered by this CRUP
- Munitions Response Sites
- Boundary of the Former Fort Ord
- Roads

APPROVED: DSL
 DRAWN: Cary, A. Stiel@usace.army.mil
 PATH - DATE: Exhibit F Plate2 East Garrison.mxd - 11/20/2008 @ 2:25:28 PM



- Parcel covered by this CRUP
- Munitions Response Sites
- Roads
- Boundary of the Former Fort Ord

Exhibit F: County of Monterey Parcels L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8
 Locations of Munitions Response Sites
 Former Fort Ord, California

APPROVED DRAWN DATE
 DSL Edward.E.Murray@usec.army.mil September 7, 2007

0 4,650 9,300 18,600 27,900 37,200 Feet
 GIS_Project\Parcel\CRUP\CRUP_FOSETS_Plane2_Barloy_Canyon_South_Portrait.mxd

EXHIBIT G

UNRECORDED EASEMENTS AND ENCUMBRANCES

Existing utilities, if any, along Intergarrison Road, Impossible Canyon Road and Barloy Canyon Road.

Existing utilities, if any, along paved roads within these parcels including Gigling Road, 8th Avenue, Normandy Road, Parker Flats Road, Parker Flats Cut-Off and Eucalyptus Road, which may currently service U.S. Department of the Interior, Bureau of Land Management (BLM) facilities.

END OF DOCUMENT

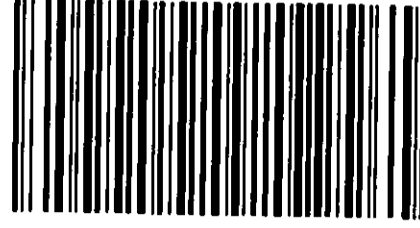
Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

CRMELISSA
5/08/2009
8:00:00

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

DOCUMENT: **2009028274**

Titles: 1/ Pages: 72



Fees....
Taxes...
Other...
AMT PAID _____

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
MONTEREY PENINSULA COLLEGE
COUNTY OF MONTEREY, CALIFORNIA
(Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2)**

Documentary Transfer Tax \$0-government agency, exempt from DTT

____ Computed on full value of property conveyed
____ Computed on full value less liens and encumbrances
remaining at time of sale

Signature of Declarant or agent - Firm name

**FORT ORD REUSE AUTHORITY
OFFICIAL BUSINESS
REQUEST DOCUMENT TO BE RECORDED
AND EXEMPT FROM RECORDING FEES
PER GOVERNMENT CODE 6103**

**Recording requested by and
when recorded mail to:**

George R. Schlossberg, Esq.
Kutak Rock LLP
1101 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036

Space Above This Line Reserved for Recorder's Use

**QUITCLAIM DEED FOR
FORT ORD REUSE AUTHORITY (FORA)
MONTEREY PENINSULA COLLEGE
COUNTY OF MONTEREY, CALIFORNIA
(Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2)**

THIS QUITCLAIM DEED, made and entered into between the **UNITED STATES OF AMERICA**, acting by and through the **SECRETARY OF THE ARMY** (the "**Grantor**"), under and pursuant to the power and authority contained in the Defense Base Closure and Realignment Act of 1990, as amended (Public Law No. 101-510, 10 U.S.C. § 2687) ("**DBCRA**"), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 101 *et seq.*); and the **FORT ORD REUSE AUTHORITY** ("**FORA**") (the "**Grantee**"), created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, *et seq.*, and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, *et seq.*, and Article 4, commencing with Section 33492.70, *et seq.*, and recognized as the Local Redevelopment Authority for the former Fort Ord Army Base, California, by the Office of Economic Adjustment on behalf of the Secretary of Defense.

WITNESSETH THAT:

WHEREAS, the Secretary of the Army may convey surplus property to a local redevelopment authority at a closing military installation for economic development purposes pursuant to the power and authority provided by DBCRA and the implementing regulations of the Department of Defense (32 CFR 174 and 176);

WHEREAS, Grantee, by application, requested an economic development conveyance of portions of the former Fort Ord, California, consistent with the redevelopment plan prepared by the Grantee;

WHEREAS, Section 334 of Public Law 104-201 allows, with the concurrence of the Governor of the State of California and the approval of the Administrator of the EPA, for the deferral of the requirement of 42 U.S.C. § 9620 (h)(3)(A)(ii)(I) prior to completion of all the necessary environmental remediation actions required under the CERCLA, which approval and concurrence have been received.

WHEREAS, the Grantor and the State of California Department of Toxic Substance Control have entered into a Munitions and Explosives of Concern ("MEC") Covenant to Restrict Use of Property, dated 4/21/09 2009 and recorded on May 8, 2009, *Series Number 2009028273* ^{or}

NOW THEREFORE, the GRANTOR, for good and valuable consideration, the receipt of all of which is hereby acknowledged, does hereby REMISE, RELEASE, AND FOREVER QUITCLAIM unto the GRANTEE, its successors and assigns, all its right, title, and interest in the property situated, lying and being in the County of Monterey, in the State of California, Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2 containing approximately 546.529 acres as shown on Exhibit A, attached hereto and made a part hereof (hereinafter referred to as the "Property").

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the GRANTEE, by its acceptance of this Deed, agrees that, as part of the consideration for this Deed, the GRANTEE covenants and agrees for itself, its successors and assigns, forever, that this Deed is made and accepted upon each of the following covenants, which covenants shall be binding upon and enforceable against the GRANTEE, its successors and assigns, in perpetuity by the United States and other interested parties as allowed by federal, state or local law; that the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS set forth herein are a binding servitude on the Property herein conveyed and shall be deemed to run with the land in perpetuity; and that the failure to include the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in subsequent conveyances does not abrogate the status of these restrictions as binding upon the parties, their successors and assigns:

I. PROPERTY DESCRIPTION:

The Property includes:

1. All buildings, facilities, roadways, and other improvements, including the storm drainage systems and the telephone system infrastructure, and any other improvements thereon;

2. All appurtenant easements and other rights appurtenant thereto, permits, licenses, and privileges not otherwise excluded herein; and

3. All hereditaments and tenements therein and reversions, remainders, issues, profits, privileges and other rights belonging or related thereto.

II. EXCLUSIONS AND RESERVATIONS

This conveyance is made subject to the following **EXCLUSIONS** and **RESERVATIONS**:

1. The Property is taken by the Grantee subject to any and all valid and existing recorded outstanding liens, leases, easements, and any other encumbrances made for the purpose of roads, streets, utility systems, rights-of-way, pipelines, and/or covenants, exceptions, interests, liens, reservations, and agreements of record; and any unrecorded easements and any other encumbrances made for the limited purpose of roads, streets, utility systems, and pipelines set forth in Exhibit G.

2. The reserved rights and easements set forth in this section are subject to the following terms and conditions:

A. The Grantee is to comply with all applicable Federal law and lawful existing regulations;

B. The Grantor is to allow the occupancy and use by the Grantee, its successors, assigns, permittees, or lessees of any part of the easement areas not actually occupied or required for the purpose of the full and safe utilization thereof by the Grantor, so long as such occupancy and use does not compromise the ability of the Grantor to use the easements for their intended purposes, as set forth herein;

C. The easements previously granted or granted herein shall be for the specific use described and may not be construed to include the further right to authorize any other use within the easements unless approved in writing by the fee holder of the land subject to the easement;

D. Any transfer of the easements by assignment, lease, operating agreement, or otherwise must include language that the transferee agrees to comply with and be bound by the terms and conditions of the original grant;

E. Unless otherwise provided, no interest reserved shall give the Grantor any right to remove any material, earth, or stone for consideration or other purpose except as necessary in exercising its rights hereunder; and

F. The Grantor is to restore the area of any easement or right of access so far as it is reasonably possible to do so upon abandonment or release of any easement as provided herein, unless this requirement is waived in writing by the then owner of the Property.

3. Grantor reserves mineral rights that Grantor owns with the right of surface entry in a manner that does not unreasonably interfere with Grantee's development and quiet enjoyment of the Property.

TO HAVE AND TO HOLD the Property granted herein to the GRANTEE and its successors and assigns, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, or claim whatsoever of the GRANTOR, either in law or in equity and subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed.

III. CERCLA NOTICE, ASSURANCES, **WARRANTY**, AND ACCESS PROVISIONS

1. CERCLA NOTICE

For the Property, the Grantor provides the following notice and description:

A. Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided in Exhibit B, attached hereto and made a part hereof. Additional information regarding the storage, release, and disposal of hazardous substances on the Property has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges.

B. Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the Property is provided in Exhibit C, attached hereto and made a part hereof. Additional information regarding the remedial action taken, if any, has been provided to the Grantee in the Finding of Suitability for Early Transfer (FOSET) and the documents referenced therein, receipt of which the Grantee hereby acknowledges.

2. CERCLA RESPONSE ACTION ASSURANCES

For the Property, the Grantor provides the following description and assurances:

A. Pursuant to section 120(h)(3)(C)(ii)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.

§9620(h)(3)(C)(ii)(I) and (II)), the Environmental Protection Provisions located at Exhibit D, attached hereto and made a part hereof, provide the conditions, restrictions, and notifications necessary to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord.

B. Pursuant to section 120(h)(3)(C)(ii)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(III)), all corrective, remedial, or response actions necessary to protect human health and the environment will be taken with respect to any hazardous substance remaining on the Property as a result of storage, release, or disposal prior to the date of transfer, in accordance with the compliance schedule. The schedule will be developed in cooperation with the U.S. Environmental Protection Agency and the State of California. The schedules may be changed as provided by the Fort Ord Federal Facility Agreement (FFA), as amended, and the Administrative Order on Consent (AOC).

C. Any corrective, remedial, or response action found to be necessary after the date of transfer shall be conducted by the Grantor, except those actions conducted by the Grantee on behalf of the Grantor. This **warranty** shall not apply in any case in which the person or entity to whom the Property is transferred is a potentially responsible party with respect to such property. For purposes of this **warranty**, Grantee shall not be considered a potentially responsible party solely due to the presence of a hazardous substance remaining on the Property on the date of this instrument. Further, the Grantor shall not be relieved of any obligation under CERCLA to perform any remedial action found to be necessary after the date of this Deed with regard to any hazardous substances remaining on the Property as of the date of this Deed if the Grantee is subsequently determined to be a potentially responsible party with respect to hazardous substances placed on the Property after the date of this Deed.

D. Pursuant to section 120(h)(3)(C)(ii)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(C)(ii)(IV)), the Grantor has submitted and will continue to submit through its established budget channels to the Director of the Office of Management and Budget a request for funds that adequately addresses schedules for investigation and completion of all response actions required. Expenditure of any federal funds for such investigations or response actions is subject to Congressional authorization and appropriation of funds for that purpose. The Grantor will submit its funding request for the projects needed to meet the schedule of necessary response actions.

3. RIGHT OF ACCESS

A. Pursuant to section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)), the United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which a remedial or corrective action is found to be necessary on the part of the United States, without regard to whether such

remedial action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

B. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this covenant, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means, but without significant additional costs to the United States, to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

C. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the Grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act . In addition, the Grantee, its successors and assigns, shall not interfere with any response action or corrective action conducted by the Grantor on the Property.

IV. "AS IS"

A. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the subject Property. Except as otherwise provided herein, the Grantee understands and agrees that the Property and any part thereof is offered "AS IS" without any representation, **warranty**, or guaranty by the Grantor as to quantity, quality, title, character, condition, size, or kind, or that the same is in condition or fit to be used for the purpose(s) intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

B. No warranties either express or implied are given with regard to the condition of the Property, including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property, including, without limitation, any asbestos or lead-based paint. The failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of all or any portion of the Property offered will not constitute grounds for any claim or demand against the United States.

C. Nothing in this "As Is" provision will be construed to modify or negate the Grantor's obligation under law.

V. HOLD HARMLESS

A. To the extent authorized by law, the Grantee, its successors and assigns, covenant and agree to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, and judgments arising out of, or in any manner predicated upon, exposure to asbestos or lead-based paint on any portion of the Property after the date of conveyance.

B. The Grantee, its successors and assigns, covenant and agree that the Grantor shall not be responsible for any costs associated with modification or termination of the **NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS** in this Deed, including without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property.

C. Nothing in this Hold Harmless provision will be construed to modify or negate the Grantor's obligation under law.

VI. POST-TRANSFER DISCOVERY OF CONTAMINATION

Grantee, its successors and assigns, as consideration for the conveyance of the Property, agree to release Grantor from any liability or responsibility for any claims arising solely out of the release of any hazardous substance or petroleum product on the Property occurring after the date of the delivery and acceptance of this Deed, where such substance or product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the Grantor's responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations, or the Grantor's indemnification obligations under applicable laws.

VII. ENVIRONMENTAL PROTECTION PROVISIONS

The Environmental Protection Provisions are at Exhibit D, which is attached hereto and made a part hereof. These provisions are intended to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities at the former Fort Ord. The Grantee shall not transfer or lease the Property or any portion thereof, or grant any interest, privilege, or license whatsoever in connection with the Property, or any portion thereof, without the inclusion of the Environmental Protection Provisions contained herein to the extent applicable to the Property or a portion thereof, and shall require the inclusion of applicable Environmental Protection Provisions in all further deeds, easements, transfers, leases, or grant of any interest, privilege, or license concerning the Property or the applicable portion thereof.

VIII. AIR NAVIGATION RESERVATION AND RESTRICTIONS

The Monterey Peninsula Airport and the former Fritzsche Army Airfield, now known as the Marina Municipal Airport, are in close proximity to the Property. Accordingly, in coordination with the Federal Aviation Administration, the Grantee covenants and agrees, on behalf of itself, its successors and assigns and every successor in interest to the Property herein described, or any part thereof, that there will be no construction or alteration unless a determination of no hazard to air navigation is issued by the Federal Aviation Administration in accordance with Title 14, Code of Federal Regulations, Part 77, entitled, "Objects Affecting Navigable Airspace," or under the authority of the Federal Aviation Act of 1958, as amended.

IX. ENFORCEMENT AND NOTICE REQUIREMENT

A. The provisions of this Deed benefit the governments of the United States of America, the State of California, acting on behalf of the public in general, the local governments, and the lands retained by the Grantor and, therefore, are enforceable, by resort to specific performance or legal process by the United States, the State of California, the local governments, and by the Grantor, and its successors and assigns. Enforcement of this Deed shall be at the discretion of the parties entitled to enforcement hereof, and any forbearance, delay or omission to exercise their rights under this Deed in the event of a breach of any term of this Deed, shall not be deemed to be a waiver by any such party of such term or of any subsequent breach of the same or any other terms, or of any of the rights of said parties under this Deed. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. The enforcement rights set forth in this Deed against the Grantee, or its successors and assigns, shall only apply with respect to the Property conveyed herein and held by such Grantee, its successors or assigns, and only with respect to matters occurring during the period of time such Grantee, its successors or assigns, owned or occupied such Property or any portion thereof.

X. NOTICE OF NON-DISCRIMINATION

With respect to activities related to the Property, the Grantee covenants for itself, its successors and assigns, that the Grantee, and such successors and assigns, shall not discriminate upon the basis of race, color, religion, sex, age, handicap, or national origin in the use, occupancy, sale or lease of the Property, or in their employment practices conducted thereon in violation of the provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); and the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794). This covenant shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit; nor shall it apply with respect to religion to premises used primarily for religious purposes. The Grantor shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the Property hereby conveyed, and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

XI. ANTI-DEFICIENCY ACT STATEMENT

The Grantor's obligation to pay or reimburse any money under this Deed is subject to the availability of appropriated funds to the Department of the Army, and nothing in this Deed shall be interpreted to require obligations or payments by the Grantor in violation of the Anti-Deficiency Act (Public Law 97-258, 31 U.S.C. § 1341).

XII. GENERAL PROVISIONS

A. SEVERABILITY. If any provision of this Deed, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this Deed, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

B. CAPTIONS. The captions in this Deed have been inserted solely for convenience of reference and are not a part of this Deed and shall have no effect upon construction or interpretation.

C. RIGHT TO PERFORM. Any right which is exercisable by the Grantee, and its successors and assigns, to perform under this Deed may also be performed, in the event of default by the Grantee, or its successors and assigns, by a lender of the Grantee and its successors and assigns.

XIII. OTHER CONDITIONS

Should the Property be considered for the proposed acquisition and construction of school properties utilizing State funding, at any time in the future, a separate environmental review

process in compliance with the California Education Code Section 17210 *et seq.*, will need to be conducted and approved by DTSC.

XIV. THE CONDITIONS, RESTRICTIONS, AND COVENANTS

The conditions, restrictions, and covenants set forth in this deed are a binding servitude on the herein conveyed Property and will be deemed to run with the land in perpetuity. Restrictions, stipulations and covenants contained herein will be inserted by the Grantee verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any other lesser estate in the Property or any portion thereof. All rights and powers reserved to the Grantor, and all references in this deed to Grantor shall include its successor in interest and assigns. The Grantor may agree to waive, eliminate, or reduce the obligations contained in the covenants, **PROVIDED, HOWEVER**, that the failure of the Grantor or its successor to insist in any one or more instances upon complete performance of any of the said conditions shall not be construed as a waiver or a relinquishment of the future performance of any such conditions, but the obligations of the Grantee, its successors and assigns, with respect to such future performance shall be continued in full force and effect.

XV. LIST OF EXHIBITS

The following listed Exhibits are made a part of this Deed:

- Exhibit A: Legal Description of Property
- Exhibit B: FOSET Hazardous Substance, Storage, Release and Disposal Table
- Exhibit C: FOSET Description of Property Table
- Exhibit D: Environmental Protection Provisions
- Exhibit E: Notification of Munitions and Explosives of Concern (MEC)
- Exhibit F: Site maps depicting the locations of munitions response sites
- Exhibit G: Unrecorded Easements and Encumbrances

[Signature Pages Follow]

IN WITNESS WHEREOF, the Grantor, the UNITED STATES OF AMERICA, acting by and through the SECRETARY OF THE ARMY, has caused these presents to be executed on this 19th day of MARCH 2009.

UNITED STATES OF AMERICA

By [Signature]
Joseph F. Calcara
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA (I&E)

COMMONWEALTH OF VIRGINIA)
) ss
COUNTY OF ARLINGTON)

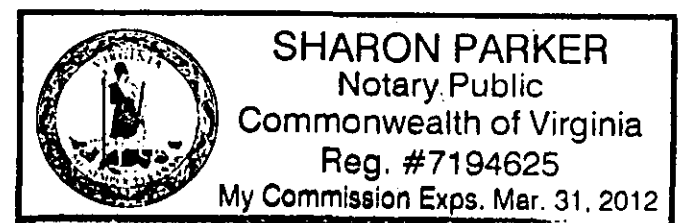
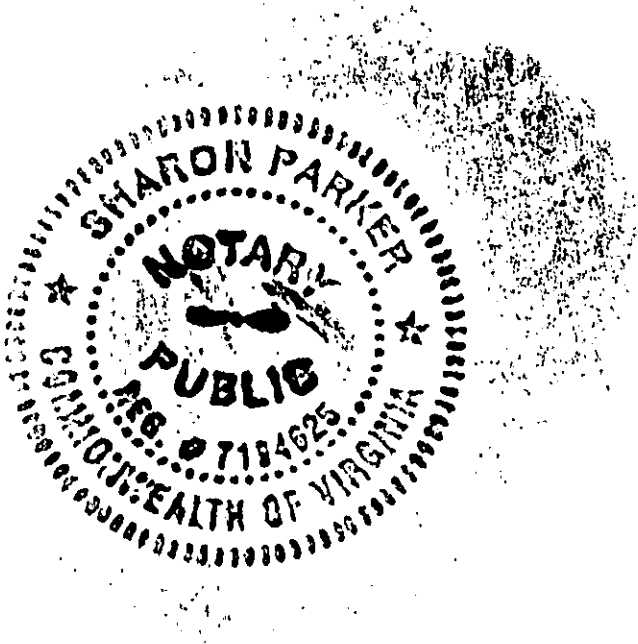
On 19 March 2009 before me, the undersigned, a Notary Public in and for said state, personally appeared Joseph F. Calcara, Deputy Assistant Secretary of the Army (Installations and Housing), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]

Notary Public, Commonwealth of Virginia

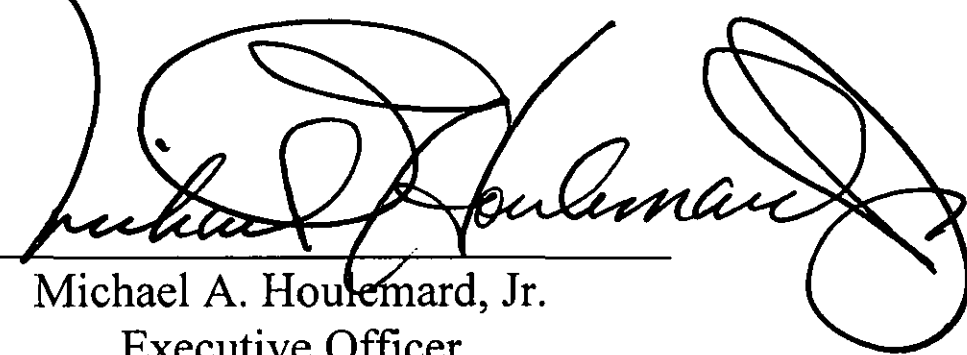
My commission expires: 31 March 2012



ACCEPTANCE:

In Testimony Whereof, witness the signature of the Fort Ord Reuse Authority ("Authority"), an organization organized and existing under the laws of the State of California under the Fort Ord Reuse Authority Act created under Title 7.85 of the California Government Code, Chapters 1 through 7, inclusive, commencing with Section 67650, et seq., and selected provisions of the California Redevelopment Law, including Division 24 of the California Health and Safety Code, Part 1, Chapter 4.5, Article 1, commencing with Section 33492, et seq., and Article 4, commencing with Section 33492.70, et seq., this SEVENTEENTH day of MARCH 2009 hereby accepts and approves this Quitclaim Deed for itself, its successors and assigns, and agrees to all the conditions, reservations, restrictions, and terms contained therein.

FORT ORD REUSE AUTHORITY
LOCAL REDEVELOPMENT AUTHORITY

By: 
Michael A. Houlemard, Jr.
Executive Officer

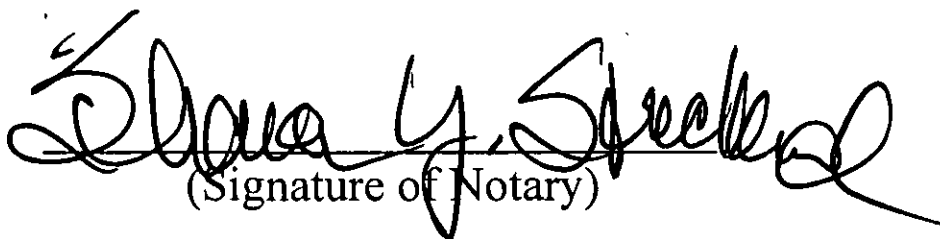
STATE OF CALIFORNIA

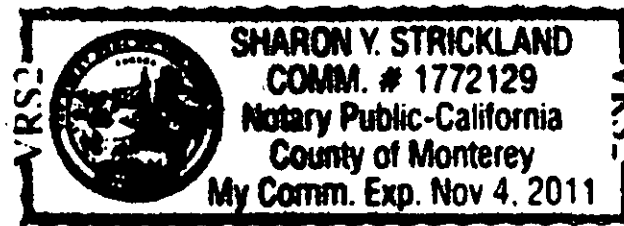
COUNTY OF MONTEREY

On 3-17-09 before me, Sharon Y. Strickland, (name of notary public) personally appeared Michael A. Houlemard Jr. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me that he/she/they executed the same in their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


(Signature of Notary)



EDC Parcel E19a.5
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 15, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110, which bears North 71° 12' 11" East, 18.27 feet from a brass disk marked "BLM AP61D" at an angle point in said "Monterey County III", thence from said Point of Beginning, along the southerly boundary of said "Monterey County III"

1. North 71° 12' 11" East for a distance of 111.11 feet to a brass disk marked "BLM AP60D" at an angle point in said "Monterey County III"; thence continuing along the southerly boundary of said "Monterey County III"
2. North 59° 39' 37" East for a distance of 1,040.44 feet; thence leaving the southerly boundary of said "Monterey County III"
3. North 52° 52' 17" East for a distance of 1,103.36 feet to a 5/8" rebar with cap stamped LS 5321; thence
4. North 12° 53' 13" West for a distance of 90.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
5. North 23° 03' 02" West for a distance of 1,755.77 feet to a 5/8" rebar with cap stamped LS 5321; thence
6. North 20° 08' 36" West for a distance of 268.73 feet to a 5/8" rebar with cap stamped LS 5321; thence
7. North 06° 42' 03" East for a distance of 153.53 feet to a 5/8" rebar with cap stamped LS 5321; thence
8. North 17° 38' 14" East for a distance of 226.03 to a 5/8" rebar with cap stamped LS 5321 feet; thence
9. North 48° 03' 46" West for a distance of 283.49 feet; thence

EDC Parcel E19a.5
FOSET 5
Fort Ord Military Reservation
Monterey County, California

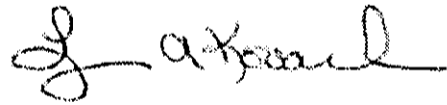
10. North 55° 11' 28" West for a distance of 278.91 feet to a 5/8" rebar with cap stamped LS 5321; thence
11. North 62° 41' 36" West for a distance of 227.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
12. North 65° 01' 11" West for a distance of 250.60 feet; thence
13. North 71° 11' 51" West for a distance of 335.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
14. North 79° 30' 16" West for a distance of 483.47 feet to a 5/8" rebar with cap stamped LS 5321; thence
15. North 84° 57' 11" West for a distance of 320.10 feet; thence
16. South 89° 14' 18" West for a distance of 321.74 feet to a 5/8" rebar with cap stamped LS 5321; thence
17. South 85° 32' 01" West for a distance of 169.80 feet; thence
18. South 04° 34' 26" East for a distance of 338.58 feet; thence
19. South 14° 47' 14" East for a distance of 1,369.35 feet; thence
20. South 20° 28' 20" West for a distance of 520.37 feet; thence
21. South 30° 46' 05" West for a distance of 753.57 feet; thence
22. South 25° 53' 24" West for a distance of 427.12 feet; thence
23. South 01° 39' 30" West for a distance of 156.63 feet to a nail and washer stamped LS 5321 on the northerly line of Eucalyptus Road, being Parcel 14, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along the northerly line of said Parcel 14
24. Along a non-tangent curve to the right, the center of which bears South 00° 33' 41" East, 280.00 feet, through a central angle of 17° 14' 41", having a radius of 280.00 feet, for a length of 84.27 feet, and whose long chord bears South 81° 56' 20" East for a distance of 83.96 feet to the beginning of a tangent compound curve; thence

EDC Parcel E19a.5
FOSET 5
Fort Ord Military Reservation
Monterey County, California

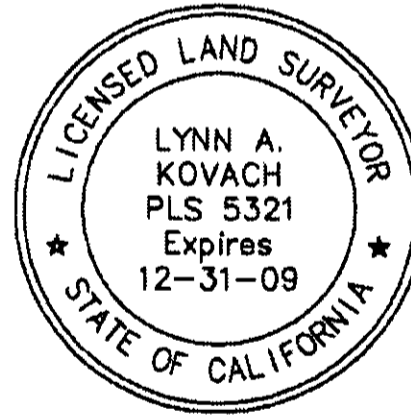
25. Along a curve to the right, through a central angle of $12^{\circ} 08' 00''$, having a radius of 830.00 feet, for a length of 175.77 feet, and whose long chord bears South $67^{\circ} 15' 00''$ East for a distance of 175.44 feet to the beginning of a compound tangent curve; thence
26. Along a curve to the right, through a central angle of $04^{\circ} 00' 00''$, having a radius of 10,030.00 feet, for a length of 700.23 feet, and whose long chord bears South $59^{\circ} 11' 00''$ East for a distance of 700.08 feet to a point of intersection with a tangent line; thence
27. South $57^{\circ} 11' 00''$ East for a distance of 948.60 feet to the beginning of a tangent curve; thence
28. Along a curve to the right, through a central angle of $00^{\circ} 18' 36''$, having a radius of 5,030.00 feet, for a length of 27.21 feet, and whose long chord bears South $57^{\circ} 01' 42''$ East for a distance of 27.22 feet to the common northerly corner of Parcels 14 and 15, as they are shown on that certain map recorded in Volume 20 of Surveys at Page 110, being also the beginning of a compound tangent curve; thence along the northerly boundary of said Parcel 15
29. Along a curve to the right, through a central angle of $00^{\circ} 14' 47''$, having a radius of 5,030.00 feet, for a length of 21.63 feet, and whose long chord bears South $56^{\circ} 45' 01''$ East for a distance of 21.62 feet to the POINT OF BEGINNING.

Containing an area of 226.464 acres, more or less.

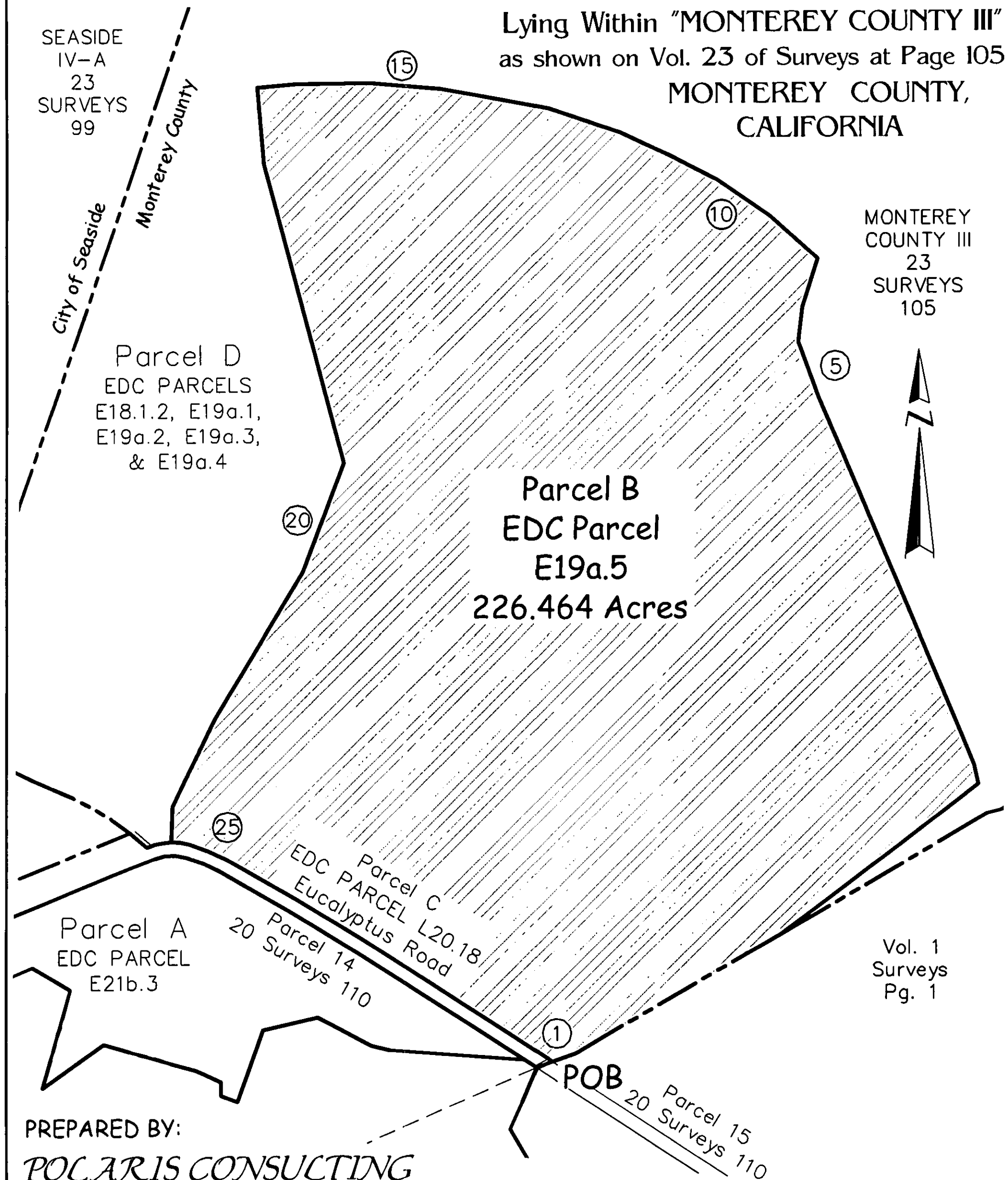
This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



**EXHIBIT OF EDC Parcel E19a.5,
Lying Within "MONTEREY COUNTY III"
as shown on Vol. 23 of Surveys at Page 105
MONTEREY COUNTY,
CALIFORNIA**



PREPARED BY:

POCARIS CONSULTING

P. O. BOX 1378
CARMEL VALLEY, CA 93924

SCALE: 1" = 600' VIEW: E19.a5 DATE: 10-26-2007

FILE NAME: FORA FOSET 5 MPC2.DWG 26114



EDC Parcel E21.b3
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North $18^{\circ} 59' 35''$ East (shown on said map as North $18^{\circ} 59' 46''$ East), 298.42 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

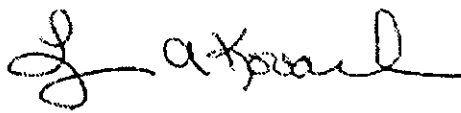
1. North $18^{\circ} 59' 35''$ East for a distance of 325.58 feet to a point on the southerly boundary line of Eucalyptus Road, being Parcel 14, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said southerly boundary line
2. North $67^{\circ} 40' 00''$ East for a distance of 1,051.60 feet (shown on said map as 1028.50 feet) to the beginning of a tangent curve; thence
3. Along a curve to the right, through a central angle of $00^{\circ} 58' 00''$, having a radius of 9,970.00 feet, for an arc length of 168.21 feet, and whose long chord bears North $68^{\circ} 09' 00''$ East for a distance of 168.21 feet to a point of intersection with a tangent line; thence
4. North $68^{\circ} 38' 00''$ East for a distance of 211.78 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of $38^{\circ} 03' 00''$, having a radius of 220.00 feet, for an arc length of 146.10 feet, and whose long chord bears North $87^{\circ} 39' 30''$ East for a distance of 143.43 feet to the beginning of a tangent curve; thence
6. Along a compound curve to the right through a central angle of $12^{\circ} 08' 00''$, having a radius of 770.00 feet, for an arc length of 163.06 feet, and whose long chord bears South $67^{\circ} 15' 00''$ East for a distance of 162.76 feet to the beginning of a tangent curve; thence
7. Along a compound curve to the right, through a central angle of $04^{\circ} 00' 00''$, having a radius of 9,970.00 feet, for an arc length of 696.04 feet, and whose long chord bears South $59^{\circ} 11' 00''$ East for a distance of 695.90 feet to a point of intersection with a tangent line; thence

EDC Parcel E21.b3
FOSET 5
Fort Ord Military Reservation
Monterey County, California

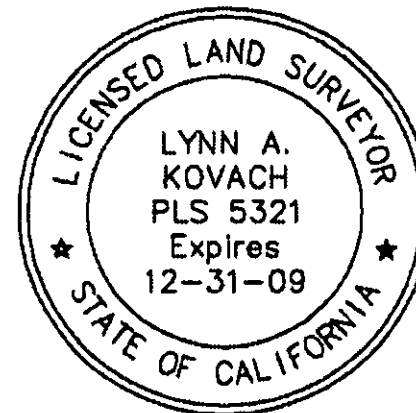
8. South 57° 11' 00" East for a distance of 889.89 feet to the northerly boundary of EDC Parcels E39, E40, E41, & E42; thence leaving said southerly boundary line and following along said northerly boundary line
9. North 85° 51' 38" West for a distance of 595.99 feet; thence
10. North 76° 37' 26" West for a distance of 86.38 feet; thence
11. North 61° 54' 12" West for a distance of 267.56 feet; thence
12. South 77° 05' 31" West for a distance of 246.21 feet; thence
13. South 19° 14' 23" West for a distance of 336.79 feet; thence
14. North 68° 47' 10" West for a distance of 77.24 feet; thence
15. North 01° 56' 56" West for a distance of 59.05 feet; thence
16. North 65° 07' 58" West for a distance of 118.98 feet; thence
17. North 74° 05' 58" West for a distance of 430.52 feet; thence
18. South 54° 47' 09" West for a distance of 332.90 feet; thence
19. North 15° 42' 12" East for a distance of 450.85 feet; thence
20. North 59° 15' 04" West for a distance of 195.50 feet; thence
21. South 67° 46' 14" West for a distance of 963.07 feet to the POINT OF BEGINNING.

Containing an area of 31.627 acres, more or less.

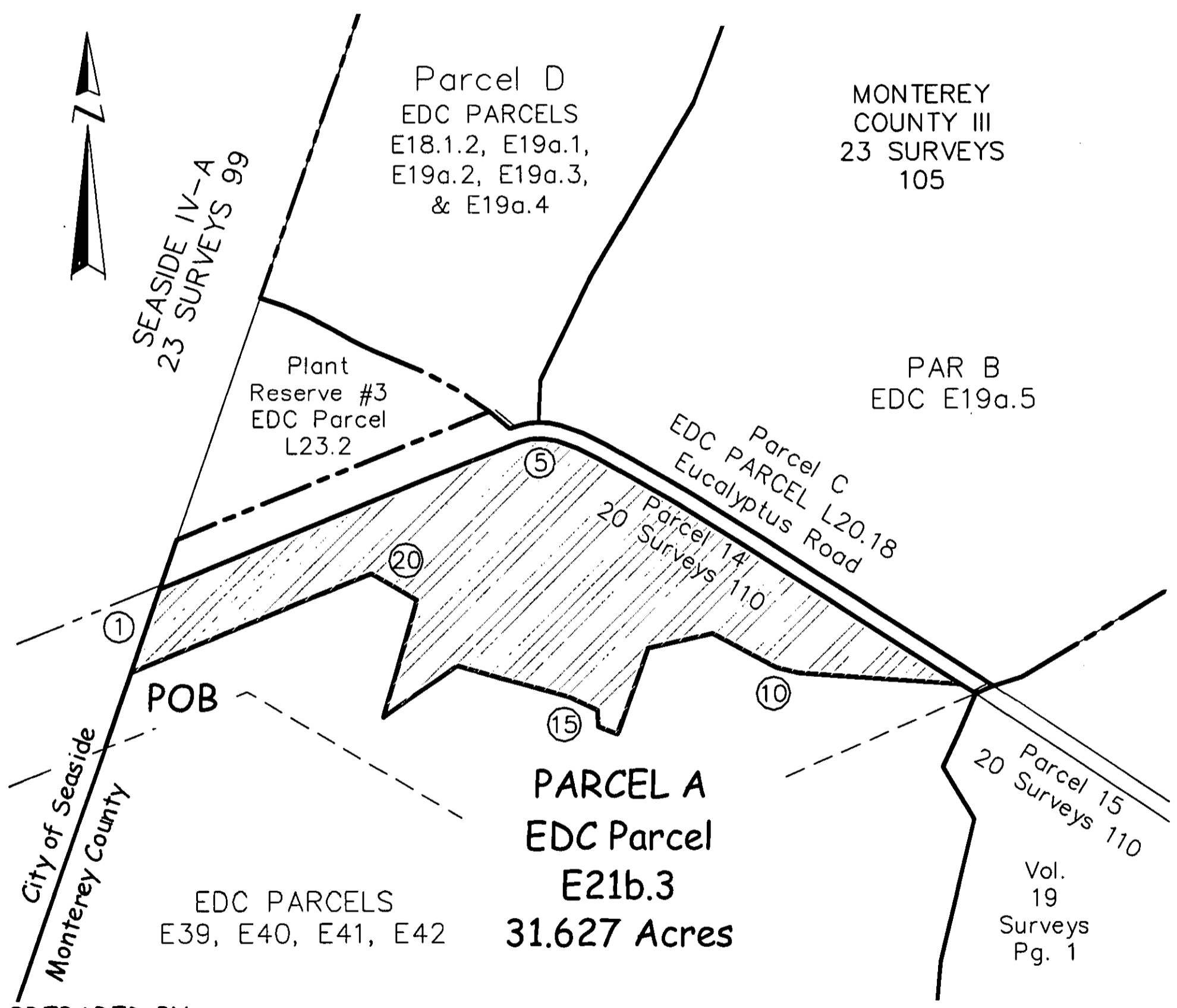
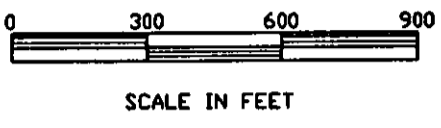
This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



**EXHIBIT OF EDC Parcel E21b.3,
Lying Within "MONTEREY COUNTY III"
as shown on Vol. 23 of Surveys at Page 105
MONTEREY COUNTY,
CALIFORNIA**



PREPARED BY:
POLARIS CONSULTING
P. O. BOX 1378
CARMEL VALLEY, CA 93924

SCALE: 1" = 600' VIEW: E21b.3 DATE: 10-26-2007
FILE NAME: FORA FOSET 5 MPC2.DWG 26114

Parcel C
EDC Parcel E38
FOSET 5
City of Seaside
Fort Ord Military Reservation
Monterey County, California

J.A.
C.M.
L



Legal Description

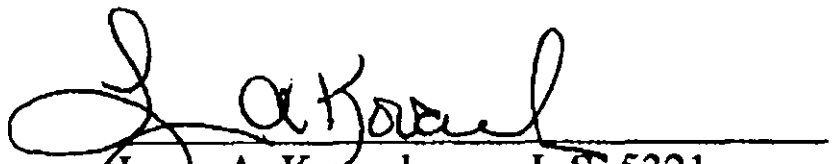
SITUATE within a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the most southerly corner common to Parcel 1, "Seaside IV-A" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99 and "Monterey County III", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, thence from said Point of Beginning along an extension southerly of the common boundary of said "Seaside IV-A" and "Monterey County III"

1. South 18° 59' 46" West a distance of 1549.04 feet; thence leaving said extended boundary
2. North 52° 57' 06" West for a distance of 20.33 feet; thence
3. North 05° 40' 08" East for a distance of 253.17 feet; thence
4. North 44° 56' 58" West for a distance of 103.26 feet; thence
5. North 56° 33' 32" West for a distance of 459.02 feet; thence
6. North 52° 21' 41" West for a distance of 226.05 feet; thence
7. North 66° 14' 49" West for a distance of 383.36 feet to a point on the southeasterly boundary of said "Seaside IV-A"; thence along said boundary
8. North 68° 33' 01" East for a distance of 1591.54 feet to the POINT OF BEGINNING.

Containing an area of 17.734 acres, more or less.

This legal description was prepared by


Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

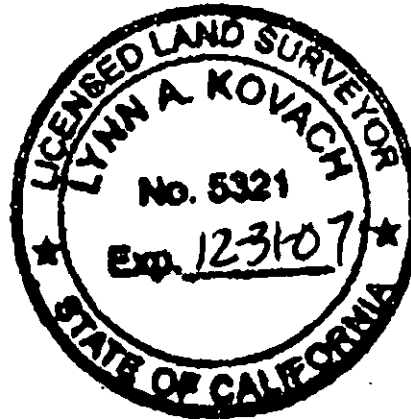
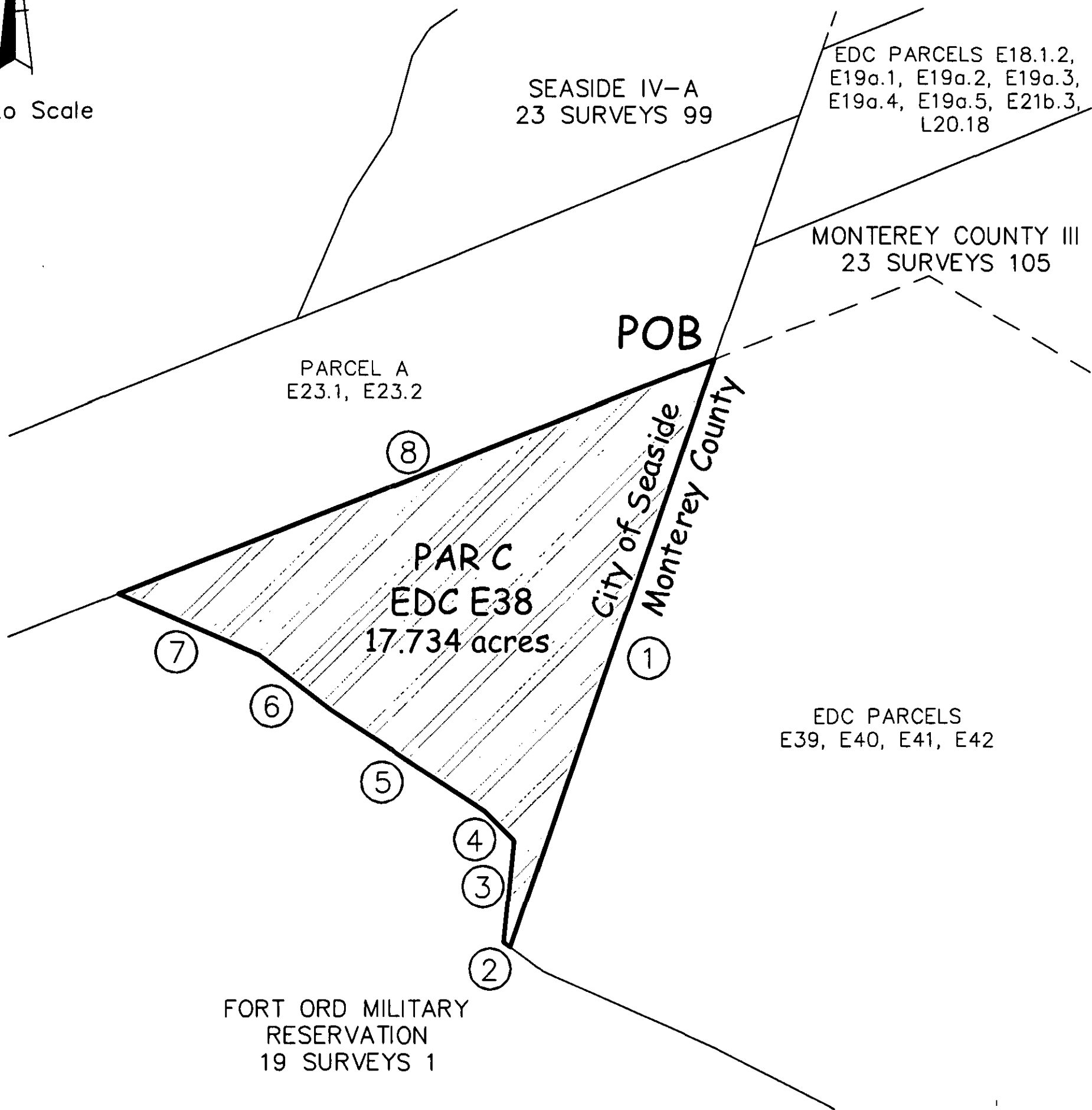


EXHIBIT
of
Parcel C
EDC Parcel E38
Fort Ord FOSET 5
City of Seaside Jurisdiction
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Not to Scale



Note: Course Numbers Refer to the
Legal Description.

Parcel 1
EDC Parcels E39, E40, E41 & E42
FOSET 5
Fort Ord Military Reservation
Monterey County, California

JA
cm
SC



Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North 18° 59' 46" East, 298.43 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, leaving said common boundary

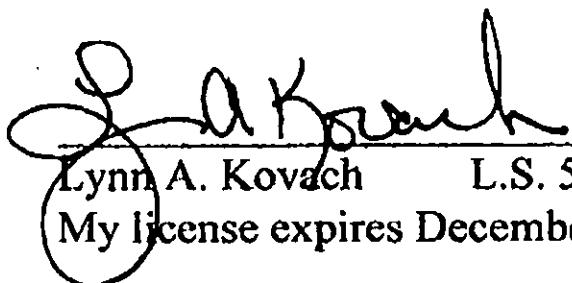
1. North 67° 46' 14" East for a distance of 963.05 feet; thence
2. South 59° 15' 04" East for a distance of 195.50 feet; thence
3. South 15° 42' 12" West for a distance of 450.85 feet; thence
4. North 54° 47' 09" East for a distance of 332.90 feet; thence
5. South 74° 05' 58" East for a distance of 430.52 feet; thence
6. South 65° 07' 58" East for a distance of 118.98 feet; thence
7. South 01° 56' 56" East for a distance of 59.05 feet; thence
8. South 68° 47' 10" East for a distance of 77.24 feet; thence
9. North 19° 14' 23" East for a distance of 336.79 feet; thence
10. North 77° 05' 31" East for a distance of 246.21 feet; thence
11. South 61° 54' 12" East for a distance of 267.56 feet; thence
12. South 76° 37' 26" East for a distance of 86.38 feet; thence
13. South 68° 31' 07" East for a distance of 630.78 feet; thence
14. South 24° 52' 08" West for a distance of 132.40 feet; thence

Parcel 1
EDC Parcels E39, E40, E41 & E42
FOSET 5
Fort Ord Military Reservation
Monterey County, California

15. South 30° 53' 24" East for a distance of 225.90 feet; thence
16. South 13° 06' 23" West for a distance of 543.13 feet; thence
17. South 04° 07' 20" West for a distance of 483.32 feet; thence
18. South 06° 31' 33" East for a distance of 230.52 feet; thence
19. South 08° 45' 20" West for a distance of 241.64 feet; thence
20. South 29° 03' 59" West for a distance of 280.62 feet; thence
21. South 15° 38' 15" West for a distance of 515.65 feet; thence
22. South 26° 54' 57" West for a distance of 367.63 feet; thence
23. South 65° 46' 16" West for a distance of 641.08 feet; thence
24. North 60° 00' 53" West for a distance of 350.01 feet; thence
25. North 44° 43' 48" West for a distance of 368.70 feet; thence
26. North 55° 02' 55" West for a distance of 1130.89 feet; thence
27. North 62° 22' 55" West for a distance of 600.00 feet; thence
28. North 65° 56' 29" West for a distance of 467.91 feet; thence
29. North 52° 57' 06" West a distance of 102.50 feet to a point on the City of Seaside Corporate Boundary line; thence along said boundary line
30. North 18° 59' 46" East for a distance of 1847.47 feet to the POINT OF BEGINNING

Containing an area of 207.463 acres, more or less.

This legal description was prepared by


Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

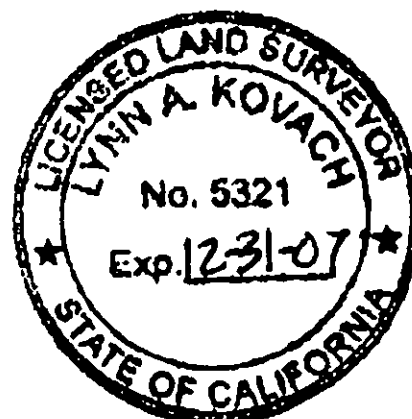
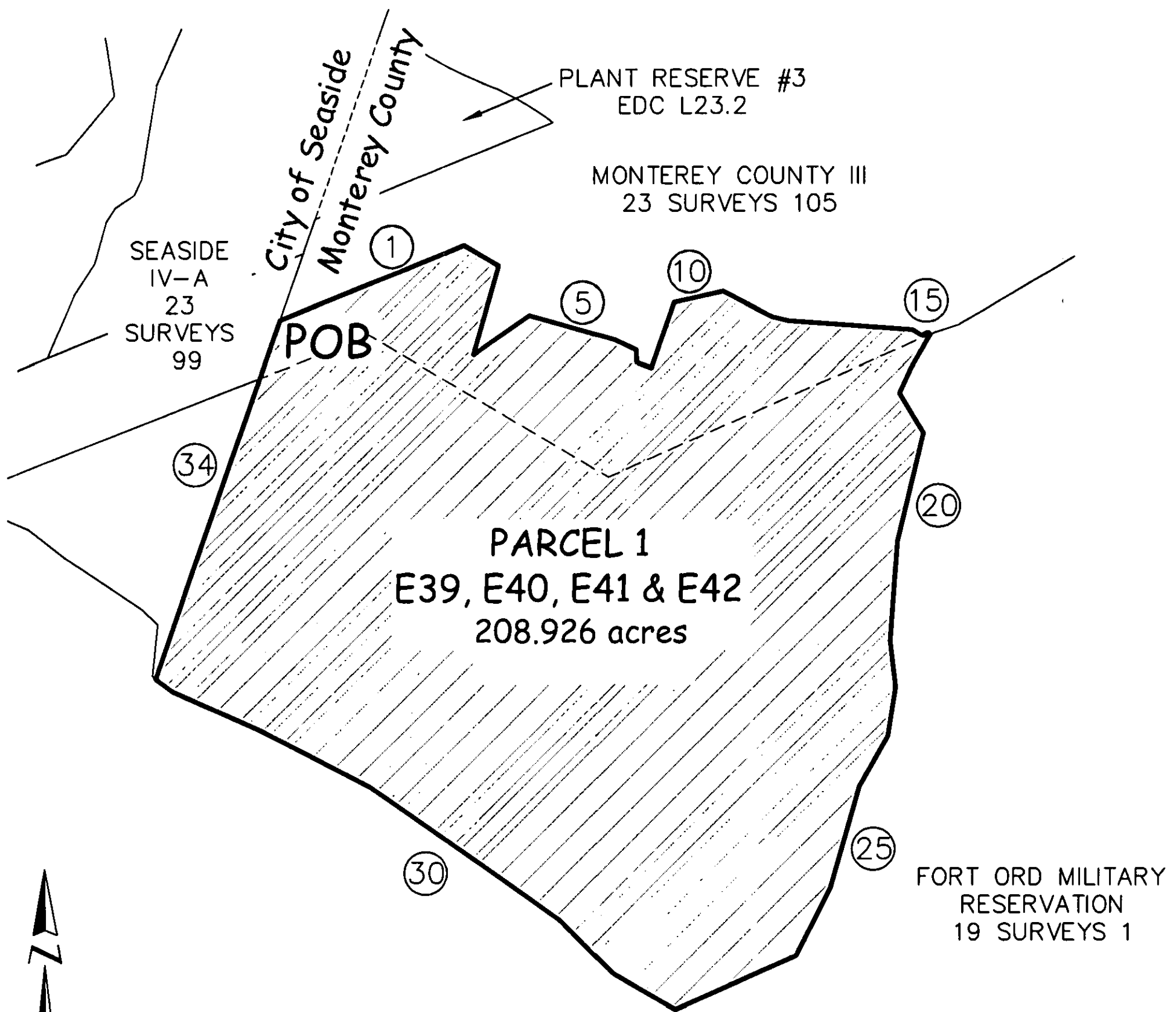
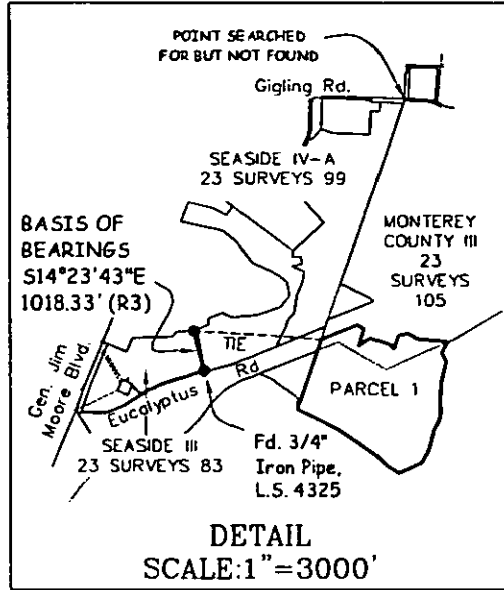


EXHIBIT
of
Parcel 1
EDC Parcels E39, E40, E41, & E42
Fort Ord FOSET 5
Being a Portion of
"Monterey County III (Parker Flats)" as shown on Vol. 23 of Surveys at Page 105 and
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Not to Scale

Note: Course Numbers Refer to the
Legal Description.



See Detail For Basis of Bearings

"SEASIDE IV-A" 23 SURVEYS 99

PARCEL C EDC PARCEL E38

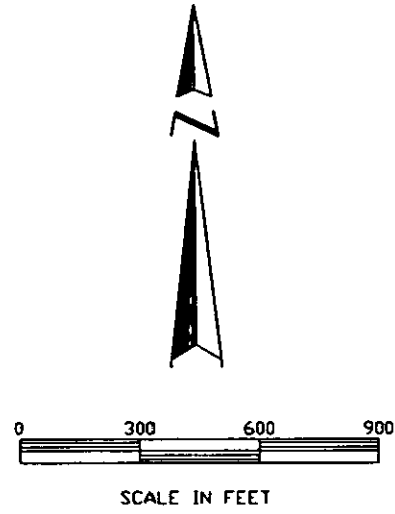
"MONTEREY COUNTY III" 23 SURVEYS 105

EDC PARCELS E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, E19a.5, E21b.3 & L20.18

Monterey County III Boundary

PARCEL 1
EDC PARCELS E39, E40, E41, & E42
208.926 Acres

FORT ORD MILITARY RESERVATION
19 SURVEYS 1



BASIS OF BEARINGS

THE BEARING OF S14°23'43"E ALONG THE WESTERLY BOUNDARY LINE OF PARCEL 1, "SEASIDE IV-A" AS SHOWN ON THE MAP RECORDED IN VOLUME 23 OF SURVEYS AT PAGE 99 AND THE EASTERLY BOUNDARY LINE OF "SEASIDE III" AS SHOWN ON THE MAP RECORDED IN VOLUME 23 OF SURVEYS AT PAGE 83, AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

NOTE

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

LEGEND

- SET 5/8" IRON ROD TAGGED L.S. 5321 UNLESS NOTED OTHERWISE
- FOUND 1" IRON PIPE TAGGED R.C.E. 15310 UNLESS NOTED OTHERWISE
- R1 RECORD DATA PER VOL. 23 -SURVEYS- PG. 105
- R2 RECORD DATA PER VOL. 23 -SURVEYS- PG. 99
- R3 RECORD DATA PER VOL. 23 -SURVEYS- PG. 83

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF FORA, IN SEPTEMBER, 2006.

DATED _____

LYNN A. KOVACH
L.S. 5321
MY REGISTRATION EXPIRES
DECEMBER 31, 2007

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS DAY OF _____ 2007.

BY _____
RON LUNDQUIST COUNTY SURVEYOR JERRY COMBS DEPUTY COUNTY SURVEYOR

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____ 2007
AT _____, IN VOLUME _____ OF _____
SURVEYS AT PAGE _____ AT THE REQUEST OF
LYNN A. KOVACH.

BY: _____ DEPUTY

COUNTY RECORDER
SERIAL NO. _____ FEE: \$ _____

RECORD OF SURVEY

OF
PARCEL 1
EDC PARCELS E39, E40, E41, & E42
LYING WITHIN A PORTION OF
"MONTEREY COUNTY III (PARKER FLATS)"
AS SHOWN ON VOL. 23 OF SURVEYS AT PAGE 105.

BEING ALSO WITHIN FORT ORD MILITARY RESERVATION AS SHOWN ON VOL. 19 OF SURVEYS AT PAGE 1,
BEING ALSO WITHIN MONTEREY CITY LANDS TRACT NO. 1

MONTEREY COUNTY, CALIFORNIA

PREPARED FOR: FORT ORD REUSE AUTHORITY
SURVEYED BY: *POCARIS CONSULTING*
P. O. BOX 1378
CARMEL VALLEY, CA 93924
831-659-9564

SCALE: 1" = 300' VIEW: ROS PAR 1 DATE: APRIL 6, 2007
FILE NAME: FORA F05ET 5 E39.DWG SHEET ONE OF ONE



Parcel F1.7.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point from which Monument No. 1, a granite monument marked "NB4A", on the Perimeter Boundary of the former Fort Ord Military Reservation, as it is shown on that certain map recorded in Vol. 19 of Surveys at Page 1, bears North $81^{\circ} 45' 31''$ West a distance of 17,968.22 feet; thence from said Point of Beginning

1. North $40^{\circ} 13' 06''$ East for a distance of 287.87 feet; thence
2. North $43^{\circ} 01' 43''$ East for a distance of 227.34 feet; thence
3. North $37^{\circ} 15' 12''$ East for a distance of 267.60 feet; thence
4. North $41^{\circ} 10' 12''$ East for a distance of 332.51 feet; thence
5. North $23^{\circ} 20' 24''$ East for a distance of 275.58 feet to the beginning of a tangent curve; thence
6. Along a curve to the right, through a central angle of $64^{\circ} 24' 10''$, having a radius of 419.00 feet, for an arc length of 470.97 feet, and whose long chord bears North $55^{\circ} 32' 29''$ East for a distance of 446.57 feet to a point of intersection with a tangent line; thence
7. North $87^{\circ} 44' 34''$ East for a distance of 14.60 feet; thence
8. North $89^{\circ} 46' 29''$ East for a distance of 180.02 feet to the beginning of a tangent curve; thence
9. Along a curve to the left, through a central angle of $37^{\circ} 50' 30''$, having a radius of 461.00 feet, for an arc length of 304.47 feet, and whose long chord bears North $70^{\circ} 51' 14''$ East for a distance of 298.97 feet to a point of intersection with a tangent line; thence
10. North $51^{\circ} 55' 59''$ East for a distance of 7.01 feet; thence
11. North $50^{\circ} 32' 05''$ East for a distance of 326.64 feet; thence
12. North $54^{\circ} 38' 14''$ East for a distance of 396.86 feet; thence
13. North $50^{\circ} 59' 24''$ East for a distance of 196.40 feet; thence

Parcel F1.7.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

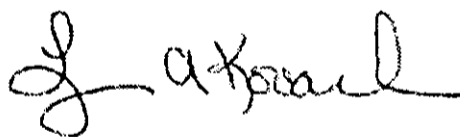
14. South 51° 23' 11" East for a distance of 331.15 feet; thence
15. South 06° 55' 36" East for a distance of 339.39 feet; thence
16. South 40° 05' 20" West for a distance of 166.04 feet; thence
17. South 15° 48' 13" East for a distance of 55.07 feet; thence
18. South 07° 42' 13" East for a distance of 81.71 feet; thence
19. South 26° 30' 43" West for a distance of 71.55 feet; thence
20. North 29° 46' 55" West for a distance of 64.55 feet; thence
21. South 46° 01' 07" West for a distance of 154.19 feet; thence
22. South 72° 19' 25" West for a distance of 52.51 feet; thence
23. North 79° 01' 05" West for a distance of 409.46 feet; thence
24. South 83° 05' 59" West for a distance of 208.51 feet; thence
25. North 43° 19' 16" West for a distance of 19.17 feet to the beginning of a tangent curve;
thence
26. Along a curve to the left, through a central angle of 104° 56' 60", having a radius of 100.00 feet, for an arc length of 183.17 feet, and whose long chord bears South 84° 12' 14" West for a distance of 158.62 feet to a point of intersection with a tangent line; thence
27. South 31° 43' 44" West for a distance of 224.42 feet; thence
28. South 02° 31' 11" East for a distance of 385.38 feet; thence
29. South 19° 01' 30" West for a distance of 248.61 feet; thence
30. South 14° 39' 17" East for a distance of 229.41 feet; thence
31. South 23° 50' 00" West for a distance of 37.21 feet; thence
32. South 08° 29' 01" West for a distance of 230.50 feet; thence
33. South 18° 40' 02" West for a distance of 156.18 feet; thence

Parcel F1.7.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

34. South 24° 51' 08" West for a distance of 152.10 feet to the beginning of a tangent curve; thence
35. Along a curve to the right, through a central angle of 120° 15' 38", having a radius of 153.00 feet, for an arc length of 321.14 feet, and whose long chord bears South 84° 58' 57" West for a distance of 265.35 feet to a point of intersection with a tangent line; thence
36. North 34° 53' 14" West for a distance of 22.16 feet; thence
37. North 47° 09' 19" West for a distance of 130.89 feet; thence
38. North 06° 16' 21" West for a distance of 522.12 feet; thence
39. South 66° 30' 03" West for a distance of 544.15 feet; thence
40. South 46° 52' 48" West for a distance of 256.14 feet; thence
41. North 37° 32' 29" West for a distance of 201.82 feet; thence
42. North 52° 34' 51" West a distance of 123.44 feet to the POINT OF BEGINNING.

Containing an area of 51.206 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

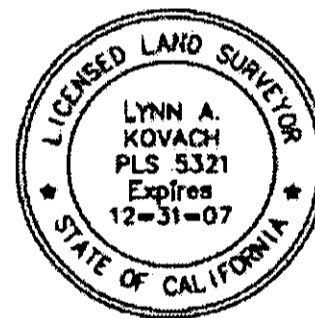
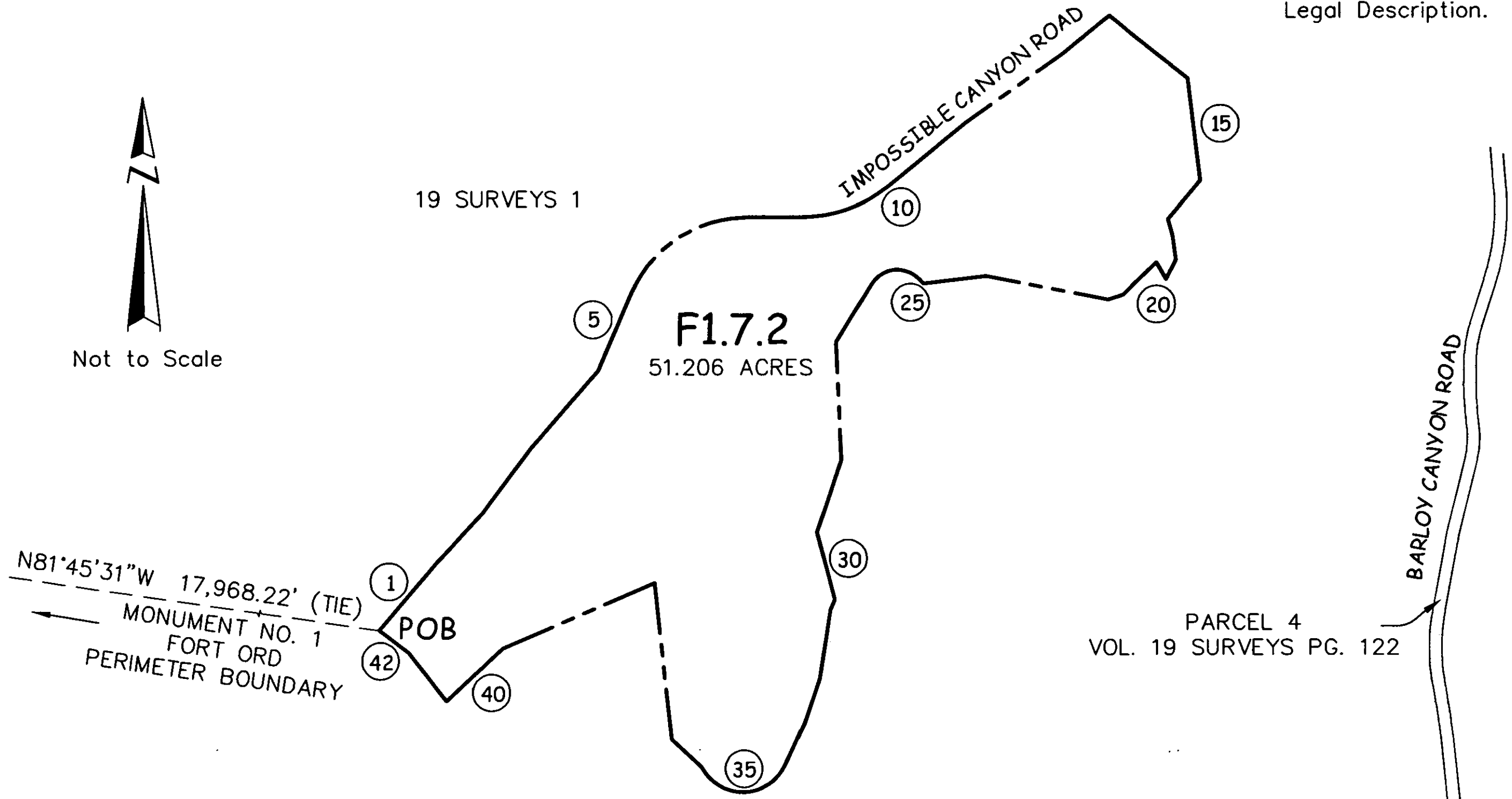


EXHIBIT
of
Parcel F1.7.2
Fort Ord FOSET 5
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California

Note: Course Numbers Refer to the
Legal Description.



Not to Scale

19 SURVEYS 1

F1.7.2
51.206 ACRES

IMPOSSIBLE CANYON ROAD

BARLOY CANYON ROAD

N81°45'31"W 17,968.22' (TIE)
MONUMENT NO. 1
FORT ORD
PERIMETER BOUNDARY

PARCEL 4
VOL. 19 SURVEYS PG. 122

BASIS OF BEARINGS

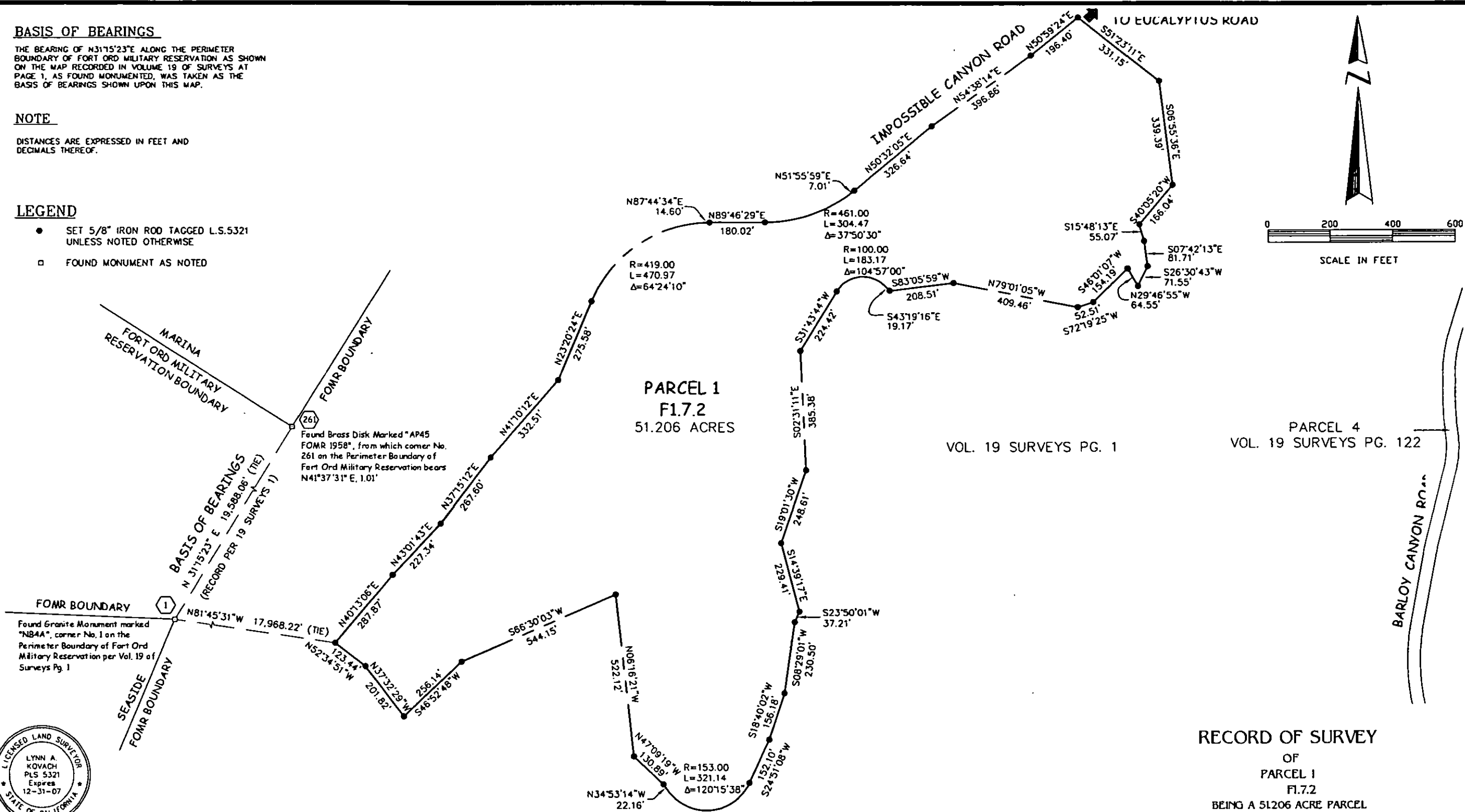
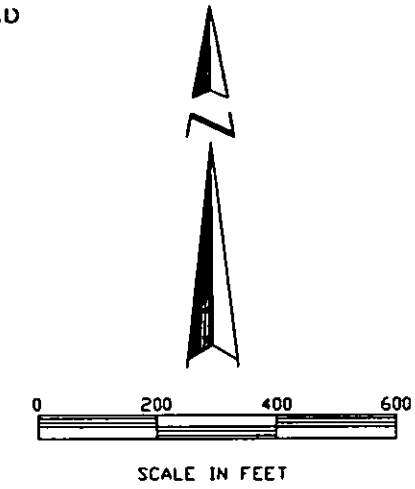
THE BEARING OF N31°15'23"E ALONG THE PERIMETER BOUNDARY OF FORT ORD MILITARY RESERVATION AS SHOWN ON THE MAP RECORDED IN VOLUME 19 OF SURVEYS AT PAGE 1, AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

NOTE

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

LEGEND

- SET 5/8" IRON ROD TAGGED L.S.5321 UNLESS NOTED OTHERWISE
- FOUND MONUMENT AS NOTED



PARCEL 1
F1.7.2
51.206 ACRES

VOL. 19 SURVEYS PG. 1

PARCEL 4
VOL. 19 SURVEYS PG. 122

Found Granite Monument marked "NB4A", corner No. 1 on the Perimeter Boundary of Fort Ord Military Reservation per Vol. 19 of Surveys Pg. 1

Found Brass Disk Marked "AP45" FOMR 1958", from which corner No. 261 on the Perimeter Boundary of Fort Ord Military Reservation bears N41°37'31" E, 1.01'



SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF FORA, IN SEPTEMBER, 2006.

DATED _____
LYNN A. KOVACH
L.S. 5321
MY REGISTRATION EXPIRES
DECEMBER 31, 2007

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS DAY OF _____ 2006.

BY _____
RON LUNDOQUIST COUNTY SURVEYOR JERRY COMBS DEPUTY COUNTY SURVEYOR

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____ 2006 AT _____, IN VOLUME _____ OF SURVEYS AT PAGE _____ AT THE REQUEST OF LYNN A. KOVACH.

BY _____ DEPUTY
COUNTY RECORDER
SERIAL NO. _____ FEE: \$ _____

RECORD OF SURVEY

OF
PARCEL 1
F1.7.2
BEING A 51.206 ACRE PARCEL WITHIN FORT ORD MILITARY RESERVATION AS SHOWN ON VOL. 19 OF SURVEYS AT PAGE 1. BEING ALSO WITHIN MONTEREY CITY LANDS TRACT NO. 1 MONTEREY COUNTY, CALIFORNIA

PREPARED FOR: FORT ORD REUSE AUTHORITY
SURVEYED BY: POLARIS CONSULTING
P. O. BOX 1378
CARMEL VALLEY, CA 93924
831-659-9564

SCALE: 1" = 200' VIEW: ROS 200 DATE: DECEMBER 12, 2006
FILE NAME: FORA FOSET 5 F1-7-2.DWG SHEET ONE OF ONE

EDC Parcel L23.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

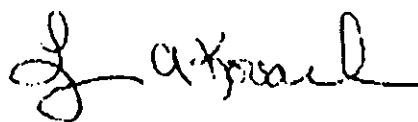
SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at an angle point on the westerly boundary of "Monterey County III" as shown on that certain map recorded in Volume 23 of Surveys at Page 105, from which the most southerly corner common to said "Monterey County III" and "Seaside IV-A" as it is shown on Volume 23 of Surveys at Page 99 bears South 18° 59' 46" West a distance of 817.41 feet; thence from said Point of Beginning leaving said westerly boundary

1. North 18° 59' 46" East for a distance of 949.84 feet to the beginning of a non-tangential curve, point also being an angle point on said westerly boundary of "Monterey County III"; thence following said westerly boundary
2. Along a curve to the right, the center of which bears South 15° 06' 21" West for a distance of 970.00 feet, through a central angle of 16° 42' 29", having a radius of 970.00 feet, for an arc length of 262.86 feet and whose long chord bears South 66° 32' 24" East for a distance of 281.86 feet to the beginning of a tangent reverse curve; thence
3. Along a curve to the left, the center of which bears North 31° 48' 50" East for a distance of 1430.00 feet, through a central angle of 10° 50' 30", having a radius of 1430.00 feet, for an arc length of 270.59 feet and whose long chord bears South 63° 36' 25" East for a distance of 270.19 feet to the beginning of a tangent reverse curve; thence
4. Along a curve to the right, the center of which bears South 20° 58' 20" West for a distance of 1370.00 feet through a central angle of 16° 36' 37", having a radius of 1370.00 feet, for an arc length of 397.17 feet, and whose long chord bears South 60° 43' 22" East for a distance of 395.78 feet to a point of intersection with a non-tangential line; thence
5. South 67° 45' 41" West a distance of 1247.79 feet to the POINT OF BEGINNING.

Containing an area of 10.572 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

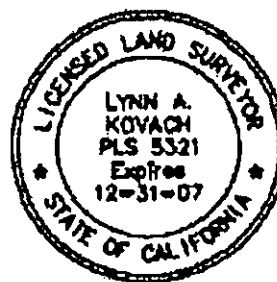
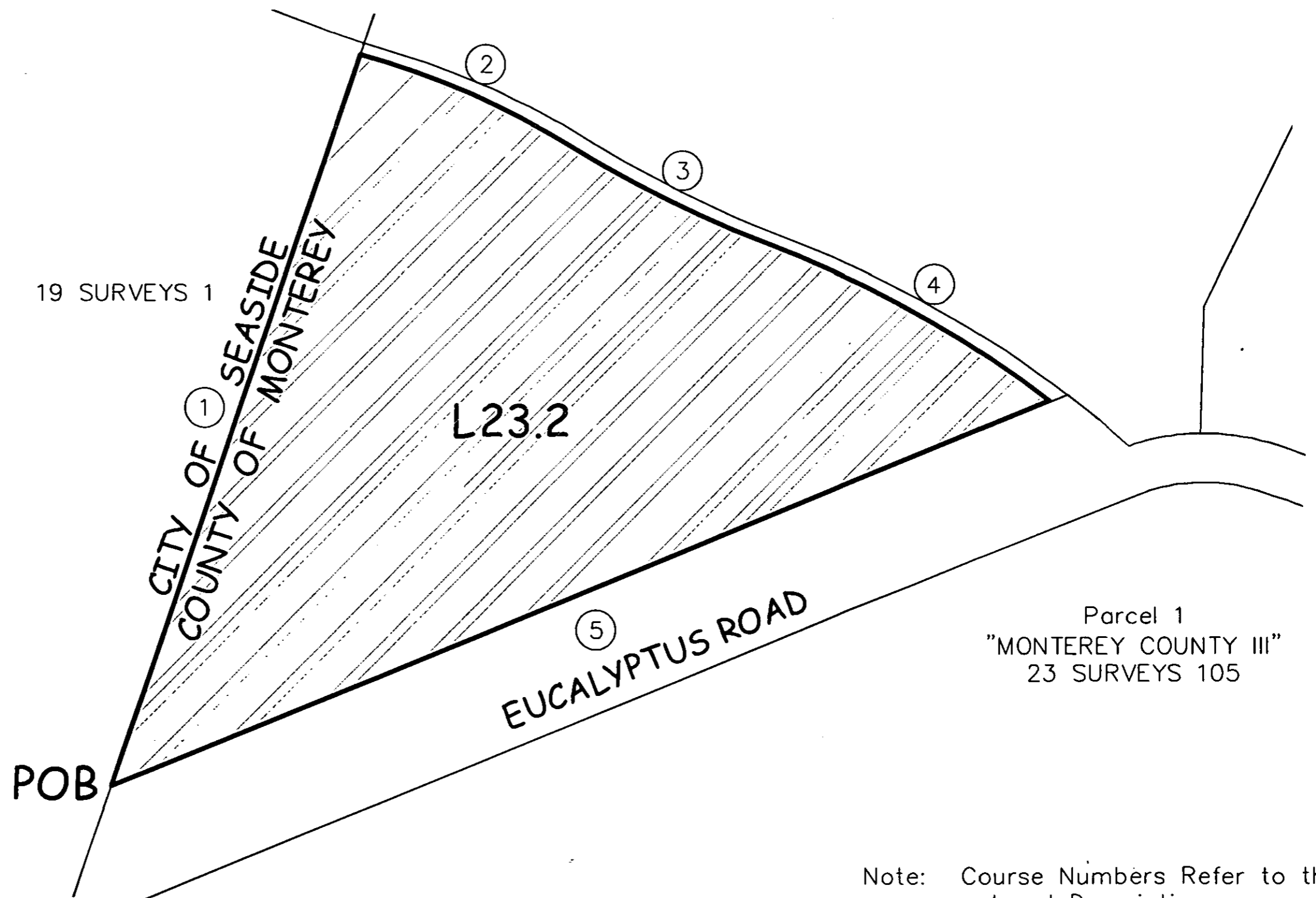
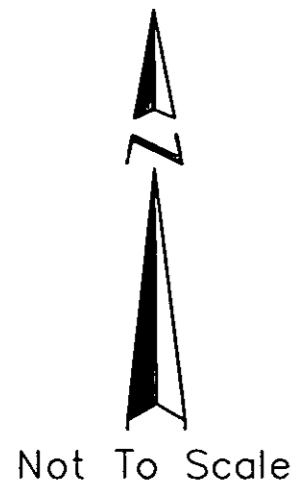


EXHIBIT
of
EDC Parcel L23.2
Fort Ord FOSET 5
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Note: Course Numbers Refer to the
Legal Description.

**Exhibit B – Notification of Hazardous Substance Storage,
Release, or Disposal**

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
County of Monterey			
Parcel F1.7.2 – HA-35A	Lead (7439921); copper (7440508); antimony (7440360)	1975 to Present	Release of lead, copper and antimony associated with small arms ammunition use at the Combat Pistol Range (HA-35A). Because this range is still active, no action related to MC is recommended for HA-35A.
Parcel E4.7.2 – OUCTP	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the remedial alternative (<i>Army, 2006b</i>).
Parcel E11b.7.1.1 – IRP Site 41	Toluene (108883); pentachlorophenol (87865); dioxins; arsenic (7440382); beryllium (7440417); cadmium (7440439); total chromium (7440473); copper (7440508); lead (7439921); nickel (744020); selenium (7782492); silver (7440224); thallium (7440280); zinc (7440666)	Possibly the 1940s and 1950s	The interim action (IA) at IRP Site 41 (Crescent Bluff Fire Drill Area) included the excavation and removal of approximately 76 cubic yards of soil from three former burn pits. Results of the confirmation sampling indicated that soil with chemical concentrations above the target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1997a</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at IRP Site 41 in letters dated April 14, 1997 and March 10, 2006, respectively.
Parcel E19a.4 – IRP Site 8	Diesel; hydrocarbons	Unknown	The IA at IRP Site 8 (Range 49) included the excavation and removal of approximately 102 cubic yards of soil and debris from the former Molotov Cocktail Range. Results of the confirmation sampling indicated that soil with TPH concentrations above the target cleanup concentration of 500 mg/kg was removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health, the environment, or groundwater was anticipated and no further investigation or remediation was recommended (<i>HLA, 1996c</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 8 in letters dated April 14, 1997 and October 20, 2006.
City of Marina			
Parcel	Benzene (71432); Carbon	1956-2002	Release of VOCs from OU2 Fort Ord Landfills; SWMU FTO-002. Migration of groundwater plume containing VOCs at

**Exhibit B – Notification of Hazardous Substance Storage,
Release, or Disposal**

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
E4.3.2.2	tetrachloride (56235); Chloroform (67663); 1,1-dichlorethane (75343); 1,2-dichlorethane (107062); cis-1,2-dichlorethane (156605); 1,2-dichlorpropene (78875); dichloromethane (75092); tetrachloroethene (127184); trichloroethene (79016); vinyl chloride (75014)		concentrations exceeding MCLs from the Fort Ord Landfills. Groundwater remediation system in place. USEPA concurrence that OU2 groundwater treatment system is operating properly and successfully 1/4/96.
Parcels E4.3.2.2, E4.7.1, E5a.1, L5.10.1	Carbon tetrachloride (56235)	Unknown	Migration of groundwater plume containing predominantly carbon tetrachloride at concentrations exceeding the MCL. The Army has completed an RI/FS for the OUCTP study area and selected a remedial alternative. Remediation of the OUCTP will commence after regulatory approval of the preferred remedial alternative (<i>Army, 2006b</i>).
City of Seaside			
Parcel E23.1	Lead (7439921); copper (7440508); antimony (7440360)	1960 to 1993	Remediation at IRP Site 39, Range 18 (HA-18D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E23.2	Lead (7439921); copper (7440508); antimony (7440360)	Early 1960s to 1993	Remediation at IRP Site 39, Ranges 18 and 46 (HA-18D and HA-46D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action at Range 18 included the removal of approximately 24,900 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. The remedial action at Range 46 included the removal of approximately 3,900 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 46 was 26 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E24	Lead (7439921); copper	1968 to	Remediation at IRP Site 39, Range 21 (HA-21D), was conducted to remove lead, copper, and antimony in soil from spent

**Exhibit B – Notification of Hazardous Substance Storage,
Release, or Disposal**

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
	(7440508); antimony (7440360)	1993	small arms ammunition. The remedial action included the removal of approximately 9,600 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 21 was 35 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
Parcel E34	Lead (7439921); copper (7440508); antimony (7440360)	1950s to 1993	Remediation at IRP Site Range 19 (HA-19D) was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action included the removal of approximately 1,400 cubic yards of impacted soil. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed.
California State University, Monterey Bay			
Parcel S1.3.2 – IRP Site 39B	Benzo(a)anthracene (56553); 1,4-dichlorobenzene (106467); total petroleum hydrocarbons	1950s to 1993	The IA at IRP Site 39B (Inter-Garrison Site) included the excavation and removal of approximately 164 cubic yards of soil mixed with debris from two locations. The soil contained semi-volatile organic compounds exceeding health based screening levels and total petroleum hydrocarbons exceeding the preliminary remediation goals. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. Results of the confirmation sampling and subsequent risk evaluation indicated that no further threat to human health or the environment is expected and no further investigation or remediation was recommended (<i>HLA, 1997b</i>). The USEPA and the DTSC concurred that no further remedial action was necessary at Site 39B in letters dated January 13, 1998 and October 20, 2006, respectively.

* The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or ‘Superfund’) 42 U.S.C. §9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substance’s CERCLA reportable quantity (which ever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances CERCLA reportable quantity. See 40 CFR Part 373.

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
Monterey Peninsula College ESCA acreage – 547 (approximately) Non-ESCA acreage – 0				
<p>ESCA Parcel E19a.5 – 226.564-acre development parcel that borders the NRMA interface. The unoccupied buildings and structures on the parcel include air transportation mock-ups (3949, 3949A, and 3949B), field latrines (4A22, 4A29, 4A30, 4A35, 4A64, and 4B50), and an observation tower (3953B). This parcel contains all or portions of several MRSs that were identified during the archives search, including MRS-27G, MRS-50, MRS-50EXP, MRS-53, and MRS-53EXP.</p>	<p>Excavation Restriction</p> <p>Residential Use Restriction</p>	<p>The evaluation of HA-139 (MRS-27G) included a literature search and reconnaissance of the site. An expended signal flare was found within the portion of HA-139 that lies within the parcel. One fighting position was also observed. No targets, spent ammunition or range features were observed. Because no evidence of a range or stained soil was observed, no further action related to MC was recommended for HA-139 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-180 (MRS-50 and MRS-50EXP) included a literature search, review of the information gathered during the munitions response, site reconnaissance, and site investigation sampling. Surface soil samples were collected to evaluate whether explosive residue was present in an area where high numbers of military munitions were found. Because no explosive related compounds were detected and metals concentrations were below Fort Ord background levels, no further action related to MC was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-183 (MRS-53 and MRS-53EXP) included a literature search, review of the information gathered during the munitions response, site reconnaissance, and site investigation sampling. Soil sample results indicated that low levels of metals, motor oil, and diesel were detected. No explosive compounds were detected. Because sample results were below cleanup levels, no further action was recommended for HA-183 under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>Small portions of MRS-50 and MRS-50 EXP lie within Parcel E19a.5 (Plate 6). Please refer to the property description for Parcel E18.1.2 for a discussion of these sites.</p> <p>Parcel E19a.5 lies predominantly within MRS-53 and MRS-53 EXP (Plate 6). According to the ASR, MRS-53 was a Shoulder Launched Projectile Target Area from the 1940s through the 1960s. The hill between the two flats was a target area for rifle grenades and shoulder-launched projectiles. Rifle grenades and shoulder-launched projectiles were shot from the southeast at the hill. The hill south of the large flat at Parker Flats was a target area for rifle grenades and ground/tube launched projectiles. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI (<i>USAEDH, 1997</i>). During the munitions response, a 3-inch stokes mortar round was found and additional investigation was recommended. During a second munitions response (sampling investigation), a 75mm shrapnel projectile, two more 3-inch Stokes mortars and projectile fragments were found. Based on the sampling results, a 4-foot removal was conducted. Munitions responses (removals) resulted in discovery of MEC and live small arms ammunition. MRS-53 is included in the Parker Flats MRA. The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 465 MEC items and 5,163 munitions debris</p>	<p>MRS-53BLM lies adjacent to Parcel E19a.5 (Plate 6). Please refer to the property description for Parcel E19a.4 for a discussion of this site.</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
			<p>items were removed from MRS-53. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.</p> <p>MRS-53EXP was identified as a MRS due to the expansion of the removal area associated with MRS-53. Please refer to the property description for Parcel E19a.1 for a discussion of this site.</p>	
<p>ESCA Parcel E21b.3 – 31.553-acre development parcel that borders the NRMA interface. This parcel lies within the former Fort Ord Impact Area and includes an unoccupied a covered training area (3991) and a field latrine (R9441). This parcel includes MRS-15 MOCO 02.</p>	<p>Excavation Restriction Residential Use Restriction Access Restriction</p>	<p>The evaluation of HA-117 (MRS-15 MOCO 02) included a literature search, review of the information gathered during the munitions response at the site and a site reconnaissance. No suspect areas outside of the previously identified overlapping HAs were identified during the reconnaissance of the site and no further action related to MC was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>The boundary of MRS-15 MOCO 02 was developed to support the transfer of Parcel E21b.3 and not on evidence of munitions use. MRS-15 MOCO 02 lies within the boundary of the former Fort Ord Impact Area and contains the firing lines for Ranges 44 and 45. Range 44 was used for firing of antitank weapons and Range 45 was a 40mm grenade range. Munitions response (investigation) at the site was performed in 1999 and approximately 100 military munitions-related items (MEC and munitions debris) were found (<i>USA, 2001g</i>). To address the threat to human health associated with MEC at MRS-15 MOCO 02, a non-time critical removal action (NTCRA) to a depth of 4 feet was completed across the northern portion of the site. According to the MMRP database 663 MEC items and 3,964 munitions debris items were removed from the site. All accessible areas within the northern portion of MRS-15 MOCO 02 were investigated to a depth of 4 feet. Based on the results of the NTCRA the threat to the public posed by the presence of MEC at the site has been mitigated (<i>Parsons,</i></p>	<p>MRS-44, MRS53EXP, MRS-Ranges 43-48, and MRS-15 SEA 04 lie adjacent to Parcel E21b.3 (Plate 6). Please refer to the property description for Parcel E18.1.2 for a discussion of MRS-44, and Parcel E19a.1 for a discussion of MRS-53EXP.</p> <p>MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Ranges 43-48, several munitions responses have been performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. MRS-Ranges 43-48 were investigated to a depth of 4 feet. Inaccessible areas (Special Case Areas [SCAs]) and pending areas underwent a surface removal only (Plate 7). The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2007</i>). According to the MMRP database 11,955 MEC items and 28,840 munitions debris items were removed from the site. MEC is not expected to remain at MRS-Ranges 43-48. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
			<p>2006c). MRS-15 MOCO 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>	<p>RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p> <p>The boundary of MRS-15 SEA 04 was developed to support the transfer of Parcel E23.2 and not on evidence of munitions use. MRS-15 SEA 04 included the firing points and some of the targets associated with two small arms ranges (Ranges 18 and 46), and the firing points for a mortar and antitank weapons range (Range 48). Several munitions responses were conducted on MRS-15 SEA 04, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 04 not covered by the NTCRA. According to the MMRP database, 189 MEC items and 380 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 04 were conducted to a depth of 4 feet. Inaccessible SCAs underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MEC is not expected to remain at MRS-15 SEA 04. MRS-15 SEA 04 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
<p>ESCA Parcel E38 – 17.734-acre habitat reserve parcel. This parcel lies within the former Fort Ord Impact Area and lies within MRS-Ranges 43-48. The parcel includes portions of Ranges 46 and 47. No buildings are located on this parcel.</p>	<p>Excavation Restriction Residential Use Restriction Access Restriction</p>	<p>Remediation at IRP Site 39, Range 46 (HA-46D), was conducted to remove lead, copper, and antimony in soil from spent small arms ammunition. The remedial action at Range 46 included the removal of approximately 3,900 cubic yards of impacted soil. The average lead concentration of soil remaining in place following remedial activities at Range 46 was 26 mg/kg. Results of the confirmation sampling indicated that soil with chemical concentrations above target cleanup concentrations were removed. No further action related to MC was recommended for HA-46D under the Fort Ord BRA</p>	<p>MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Range 43-48, several munitions responses were performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and</p>	<p>Parcel E38 lies adjacent to MRS-15 SEA 04 and MRS-15 BLM (Plate 7). Please refer to the property description for Parcel E23.2 for a discussion of these sites.</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
		<p><i>(MACTEC/Shaw, 2006).</i></p> <p>The evaluation of HA-46H (Range 46) included a literature search, site reconnaissance, and investigation sampling for MC. Surface soil samples were collected to evaluate whether explosive residue or metals were present in areas where high numbers of military munitions or small arms ammunition were found. Because no explosive residues or elevated metals concentrations were found, no further action related to MC was recommended under the BRA <i>(MACTEC/Shaw, 2006).</i></p> <p>The evaluation of HA-47 (Range 47) included a literature search, review of the information gathered during the munitions response at MRS-Ranges 43-48 and sampling for MC. Surface soil samples were collected to evaluate whether explosive residue or metals were present in areas where high numbers of military munitions or small arms ammunition were found. Because no explosive residues or elevated metals concentrations were found, no further action related to MC was recommended under the BRA <i>(MACTEC/Shaw, 2006).</i></p>	<p>subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. Inaccessible SCAs and pending areas underwent a surface removal only. No SCAs were located within Parcel E38 (Plate 7). The immediate threat posed to the public by the SCAs in adjacent parcels has been significantly mitigated because the MEC on the ground surface was removed <i>(Parsons, 2007)</i>. According to the MMRP database 11,955 MEC items and 28,840 munitions debris items were removed from the site. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>	
<p>ESCA Parcel E39 – 166.152- acre habitat reserve parcel. This parcel lies within the former Fort Ord Impact Area and includes MRS-Ranges 43-48. The parcel includes portions of Ranges 43, 44, 45, 46 and 47. No buildings or structures are located within this parcel.</p>	<p>Excavation Restriction</p> <p>Residential Use Restriction</p> <p>Access Restriction</p>	<p>The evaluation of HA-43 (Range 43) included a literature search, review of the information gathered during the munitions response at the site, site reconnaissance and investigation sampling. Sampling results identified lead above ecological risk screening levels. Based on the presence of lead in soil it was recommended in the BRA that an evaluation of remedial alternatives be conducted in the Site 39 Feasibility Study Addendum <i>(MACTEC/Shaw, 2006)</i>.</p> <p>MC were detected at HA-44 (Range 44) during sampling conducted as part of the basewide RI/FS. Site reconnaissance and investigation sampling were performed under the BRA. Elevated concentrations of cadmium, lead and the explosive compound HMX, were detected during BRA sampling. Based on the presence of these compounds in soil it was recommended in the BRA that HA-44 be further evaluated <i>(MACTEC/Shaw, 2006)</i>.</p> <p>The evaluation of HA-45 (Range 45) included a literature search, and sampling conducted during the basewide RI/FS.</p>	<p>MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Range 43-48, several munitions responses were performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. Inaccessible SCAs (Plate 7) and pending areas underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed <i>(Parsons, 2007)</i>. According to the MMRP database 11,955 MEC items and 28,840 munitions debris</p>	<p>MRS-15 MOCO 02 and MRS-15 BLM lie adjacent to Parcel E39 (Plate 7). Please refer to the property description for Parcel E21b.3 for a discussion of MRS-15 MOCO 02 and refer to the property description for Parcel E19.4 for a discussion of MRS-15 BLM.</p> <p>Parcel E39 lies adjacent to portions of the former Fort Ord Impact Area (MRS-15 BLM) that have not been cleared of MEC. MRS-15 BLM is currently being evaluated under the ongoing former Fort Ord MMRP and is included in the Track 3 Impact Area MR RI/FS. The presence of the former Fort Ord Impact Area on adjacent property does not present an unacceptable risk to human health and the environment because security fencing will be erected between Parcel E39 and the MRS-15 BLM to prevent unauthorized access to the adjacent Impact Area until it is deemed safe for public use.</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
		<p>Site reconnaissance and investigation sampling were performed under the BRA. Because no explosive residues or elevated metals concentrations were found, no further action related to MC at HA-45 was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-46H (Range 46) included a literature search, site reconnaissance, and investigation sampling. Surface soil samples were collected to evaluate whether explosive residue or metals were present in areas where high numbers of military munitions or small arms ammunition were found. Because no explosive residues or elevated metals concentrations were found, no further action related to MC was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-47 (Range 47) included a literature search and review of the information gathered during the munitions response (MEC removal) at MRS-Ranges 43-48. Surface soil samples were collected to evaluate whether explosive residue or metals were present in areas where high numbers of military munitions or small arms ammunition were found. Because no explosive residues or elevated metals concentrations were found, no further action related to MC was recommended under the BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>items were removed from the site. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>	
<p>ESCA Parcel E40 – 25.32-acre development parcel that borders the NRMA interface parcel. The parcel contains three unoccupied buildings and structures, Building 2A41, Observation Tower 3917, and a field latrine (R9451). This parcel lies within the former Fort Ord Impact Area and includes MRS-Ranges 43-48. The parcel includes portions of Ranges 44 and 45.</p>	<p>Excavation Restriction Residential Use Restriction Access Restriction</p>	<p>MC were detected at HA-44 (Range 44) during sampling conducted as part of the basewide RI/FS. Site reconnaissance and investigation sampling were performed under the BRA. Elevated concentrations of cadmium, lead and the explosive compound HMX, were detected during BRA sampling. Based on the presence of these compounds in soil it was recommended in the BRA that HA-44 be further evaluated (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-45 (Range 45) included a literature search, and sampling conducted during the basewide RI/FS. Site reconnaissance and investigation sampling were performed under the BRA. Because no explosive residues or elevated metals concentrations were found, no further action related to MC at HA-45 was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>MRS-Ranges 43-48 lie within Parcel E40 (Plate 7). Please refer to the property description for Parcel E39 for a discussion of this site.</p>	<p>MRS-15 MOCO 02 lies adjacent to Parcel E40 (Plate 7). Please refer to the property description for Parcel E21b.3 for a discussion of this site.</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
<p>ESCA Parcel E41 – 9.14-acre habitat reserve parcel. This parcel lies within the former Fort Ord Impact Area and includes MRS-Ranges 43-48. The parcel includes a portion of Range 45. No buildings or structures are located within this parcel.</p>	<p>Excavation Restriction Residential Use Restriction Access Restriction</p>	<p>The evaluation of HA-45 (Range 45) included a literature search, and sampling conducted during the basewide RI/FS. Site reconnaissance and investigation sampling were performed under the BRA. Because no explosive residues or elevated metals concentrations were found, no further action related to MC at HA-45 was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	<p>MRS-Ranges 43-48 lie within Parcel E41 (Plate 7). MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Range 43-48, several munitions responses were performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. Inaccessible SCAs and pending areas underwent a surface removal only (Plate 7). The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). According to the MMRP database 2,329 MEC items and 138 munitions debris items were removed from the site. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>	<p>MRS-15 MOCO 02 and MRS-15 SEA 04 lie adjacent to Parcel E41 (Plate 7). Please refer to the property description for Parcel E21b.3 for a discussion of this site.</p> <p>The boundary of MRS-15 SEA 04 was developed to support the transfer of Parcel E23.2 and not on evidence of munitions use. MRS-15 SEA 04 included the firing points and some of the targets associated with two small arms ranges (Ranges 18 and 46), and the firing points for a mortar and antitank weapons range (Range 48). Several munitions responses were conducted on MRS-15 SEA 04, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 04 not covered by the NTCRA. According to the MMRP database, 189 MEC items and 380 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 04 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MEC is not expected to remain at MRS-15 MOCO 02. MRS-15 SEA 04 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.</p>
<p>ESCA Parcel E42 – 12.786-acre habitat reserve parcel. This parcel lies within the former Fort Ord Impact Area and includes MRS-Ranges 43-48. The parcel includes a portion of Range 44. No buildings or structures</p>	<p>Excavation Restriction Residential Use Restriction Access Restriction</p>	<p>MC were detected at HA-44 (Range 44) during sampling conducted as part of the basewide RI/FS. Site reconnaissance and investigation sampling were performed under the BRA. Elevated concentrations of cadmium, lead and the explosive compound HMX, were detected during BRA sampling. Based on the presence of these compounds in soil it was recommended in the BRA that HA-44 be further evaluated (<i>MACTEC/Shaw, 2006</i>).</p>	<p>MRS-Ranges 43-48 lie within Parcel E42 (Plate 7). Please refer to the property description for Parcel E39 for a discussion of this site.</p>	<p>MRS-15 MOCO 02 lies adjacent to Parcel E42 (Plate 7). Please refer to the property description for Parcel E21b.3 for a discussion of this site.</p>

Exhibit C – Description of Property

Property Description	Property Restrictions	Remedial Actions	Munitions Response Actions	Adjacent Property Conditions
are located within this parcel.				
ESCA Parcel F1.7.2 – 51.206-acre development parcel that contains the Military Operations on Urbanized Terrain (MOUT) training area (MRS-28) which is still active. The MOUT complex includes 42 unoccupied buildings and structures and a pistol range (Range 35A).	Excavation Restriction Residential Use Restriction Access Restriction	<p>The evaluation of HA-158 (MRS-28) included a literature search and reconnaissance of the site. Small arms ammunition including live blanks and expended blank casings were found. Additionally, MEC and munitions debris were observed. This site is still active as a training area for tactical training of military, federal, and local law enforcement agencies. Because this site is still active, no further investigation for MC is recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p> <p>The evaluation of HA-35A (Combat Pistol Range) included a literature search and reconnaissance of the site. Because this range is still active, no further action related to MC is recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).</p>	MRS-28 includes Impossible City, a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies. MRS-28 was investigated during two separate munitions responses. Additionally, a visual surface TCRA was performed following an accidental fire in the area (Eucalyptus Fire Area). According to the MMRP database, 118 MEC items and 293 munitions debris items were removed during the investigations and the TCRA. MEC is not expected to remain on the surface at MRS-28. MRS-28 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.	Parcel F1.7.2 lies within the former Fort Ord Impact Area (MRS-15 BLM). Firing ranges established within the Impact Area were used for live fire exercises using a variety of military weapons. In general, the firing points for the ranges were established around the perimeter and the direction of fire was toward the center of the Impact Area. MRS-15 BLM is currently being evaluated under the ongoing former Fort Ord MMRP and is included in the Track 3 Impact Area MR RI/FS. The presence of the former Fort Ord Impact Area on adjacent property does not present an unacceptable risk to human health and the environment because security fencing will be erected between Parcel F1.7.2 and the MRS-15 BLM to prevent unauthorized access to the adjacent Impact Area until it is deemed safe for public use.
ESCA Parcel L23.2 – 10.572-acre development parcel. This parcel is overlapped by a portion of MRS-44PBC. No buildings are located on this parcel.	Excavation Restriction Residential Use Restriction	The evaluation of HA-174 (MRS-44PBC and MRS-44EDC) included a literature search, review of the information gathered during the munitions response, site reconnaissance and sampling for MC. Several blank small arms ammunition casings and one expended 75mm projectile casing were found. Surface soil samples were collected to evaluate whether MC were present in areas where high numbers of military munitions were found. Because no explosive related compounds were detected and metals concentrations were below Fort Ord background levels, no further action related to MC was recommended under the Fort Ord BRA (<i>MACTEC/Shaw, 2006</i>).	A portion of MRS-44PBC lies within Parcel L23.2 (Plate 6). Please refer to the property description for Parcel E18.1.2 for a discussion of this site. MRS-44PBC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.	NA

¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g., special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.

EXHIBIT D

ENVIRONMENTAL PROTECTION PROVISIONS

1. FEDERAL FACILITY AGREEMENT

The Grantor acknowledges that the former Fort Ord has been identified as a National Priorities List (NPL) Site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended. The Grantee acknowledges that the Grantor has provided it with a copy of the Fort Ord Federal Facility Agreement (FFA), as amended, entered into by the United States Environmental Protection Agency (USEPA) Region 9, the State of California Department of Toxic Substances Control (DTSC) and the State of California Regional Water Quality Control, Central Coast Region (RWQCB), and the Department of the Army (Army), effective on November 19, 1990, and will provide the Grantee with a copy of the First Amendment to the Federal Facility Agreement and any further amendments thereto. For so long as the Property remains subject to the FFA, the Grantee, its successors and assigns, agree that they will not interfere with United States Department of the Army activities required by the FFA, as amended. In addition, should any conflict arise between the FFA, as amended, and the deed provisions, the FFA provisions, as amended, will take precedence. The Grantor assumes no liability to the Grantee, its successors and assigns, should implementation of the FFA, as amended, interfere with their use of the Property.

2. LAND USE RESTRICTIONS

A. The Army has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the Property that would violate the land use restrictions contained herein.

Applicable to Monterey Peninsula College Parcels E19a.5, E21b.3, E39, E40, E41, E42, F1.7.2, and L23.2:

B. Excavation Restriction. The Grantee, its successors and assigns, shall comply with Monterey County Code Chapter 16.10 when conducting or permitting others to conduct any ground disturbing or intrusive activities (e.g. digging, drilling, etc.). The Grantee, its successors and assigns, or any approved contractor, shall not construct, make, or permit any alterations, additions, or improvements to the Property in any way that may violate this restriction.

Applicable to Monterey Peninsula College Parcel E38:

C. Excavation Restriction. The Grantee, its successors and assigns, shall comply with City of Seaside Municipal Code Chapter 15.34 when conducting or permitting others to conduct any ground disturbing or intrusive activities (e.g. digging, drilling, etc.). The Grantee, its successors and assigns, or any approved contractor, shall not construct, make, or permit any

alterations, additions, or improvements to the Property in any way that may violate this restriction.

Applicable to Monterey Peninsula College Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2:

D. Residential Use Restriction. The Grantee, its successors and assigns, shall not use the Property for residential purposes. The Army has agreed to enter into a Covenant to Restrict Use of Property (CRUP), which will include a Residential Use Restriction, with the DTSC pursuant to California Health and Safety Code sections 25222.1 and 215355.5 and Civil Code Section 1471. The USEPA also believes any proposals for the residential reuse of the Property should be subject to regulatory review. The CRUP will place additional use restrictions on all of the transferring Property and will be signed prior to transfer. The Army and the DTSC agree that the use of the Property will be restricted as set forth in the CRUP. For purposes of this provision, residential use includes, but is not limited to: single family or multi-family residences; child care facilities; nursing home or assisted living facilities; and any type of educational purpose for children/young adults in grades kindergarten through 12.

Applicable to Monterey Peninsula College Parcels E19a.5, E21b.3, and L23.2:

E. Access Restriction. Except as provided below, the Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. This Access Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

Applicable to Monterey Peninsula College Parcel F1.7.2:

F. Access Restriction. The Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC, a facility for law enforcement tactical training (Military Operations on Urbanized Terrain (MOUT) training area), and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. The Property lies within the historical boundaries of the Impact Area of the former Fort Ord. The Grantor has performed munitions responses on the Property; however, these munitions responses are not complete. The Grantee, its successors and assigns shall not allow access to the Property by unauthorized personnel, and will ensure that personnel authorized to access the Property are provided MEC recognition training, a briefing on the potential explosive hazards present, and coordinate with the Grantee's designated UXO-Qualified Personnel during activities on the Property. The Grantor has not completed munitions responses in the portions of the Impact Area Munitions Response Area (MRA) adjacent to the

Property. The Grantee, its successors and assigns, shall not allow access to the Impact Area MRA adjacent to the Property, except as agreed to in writing with the Grantor.

Applicable to Monterey Peninsula College Parcels E38, E40, E41, and E42:

G. Access Restriction. The Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. The Property lies within the historical boundaries of the Impact Area of the former Fort Ord. The Grantor has performed munitions responses on the Property; however, these munitions responses are not complete. The Grantee, its successors and assigns shall not allow access to the Property by unauthorized personnel, and will ensure that personnel authorized to access the Property are provided MEC recognition training, a briefing on the potential explosive hazards present, and coordinate with the Grantee's designated UXO-Qualified Personnel during activities on the Property. The Grantor has not completed munitions responses in the portions of the Impact Area Munitions Response Area (MRA) adjacent to the Property. The Grantee, its successors and assigns, shall not allow access to the Impact Area MRA adjacent to the Property.

Applicable to Monterey Peninsula College Parcel E39:

H. Access Restriction. The Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the USEPA, in consultation with the DTSC, has certified the completion of remedial action. The Property lies within the historical boundaries of the Impact Area of the former Fort Ord. The Grantor has performed munitions responses on the Property; however, these munitions responses are not complete. The Grantee, its successors and assigns shall not allow access to the Property by unauthorized personnel, and will ensure that personnel authorized to access the Property are provided MEC recognition training, a briefing on the potential explosive hazards present, are either UXO qualified personnel or escorted by such personnel or by EOD personnel, and coordinate with the Grantee's designated UXO-Qualified Personnel during activities on the Property. The Grantor has not completed munitions responses in the portions of the Impact Area Munitions Response Area (MRA) adjacent to the Property. The Grantee, its successors and assigns, shall not allow access to the Impact Area MRA adjacent to the Property.

I. Modifying Restrictions. Nothing contained herein shall preclude the Grantee, its successors or assigns, from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such additional action necessary to allow for other less restrictive use of the Property. Prior to such use of the Property, Grantee shall consult with and obtain the approval of the Grantor, and, as appropriate, the State or federal regulators, or the local authorities in accordance with this EPP and the provisions of all applicable CRUP(s). Upon the Grantee's obtaining the approval of the Grantor and, as appropriate, state or federal regulators, or local authorities, the Grantor agrees to record an amendment hereto. This recordation shall be the responsibility of the Grantee and at no additional cost to the Grantor.

J. Submissions. The Grantee, its successors and assigns, shall submit any requests for modifications to the above restrictions to the Grantor, the USEPA, and the DTSC, in accordance with the provisions of the applicable CRUP(s), by first class mail, postage prepaid, addressed as follows:

- 1) Grantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008
- 2) USEPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901
- 3) DTSC: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

3. NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

A. The Grantee is hereby notified that, due to the former use of the Property as a military installation, the Property may contain munitions and explosives of concern (MEC). The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes: (1) Unexploded Ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (3) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord and this EPP, MEC does not include small arms ammunition (i.e. ammunition with projectiles that do not contain explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).

B. The Property was previously used for a variety of munitions-related and other military related purposes, including operational ranges for live-fire training; demolitions training; chemical, biological and radiological training; engineering training; and tactical training. Munitions responses were conducted on the Property. Any MEC discovered were disposed of by a variety of methods, including open detonation (blown in place (BIP)) or in a consolidated shot, or destroyed using contained detonation technology. A summary of MEC discovered on the

Property is provided in Exhibit E. Site maps depicting the locations of munitions response sites are provided at Exhibit F.

C. After response actions are completed, if the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the local law enforcement agency having jurisdiction on the Property so that appropriate explosive ordnance disposal (EOD) personnel can be dispatched to address such MEC as required under applicable laws and regulations and at no expense to the Grantee. The Grantee hereby acknowledges receipt of the "Ordnance and Explosives Safety Alert" pamphlet.

D. Easement and Access Rights.

1) The Grantor reserves a perpetual and assignable right of access on, over, and through the Property, to access and enter upon the Property in any case in which a munitions response action is found to be necessary, or such access and entrance is necessary to carry out a munitions response action on adjoining property as a result of the ongoing Munitions Response Remedial Investigation/Feasibility Study. Such easement and right of access includes, without limitation, the right to perform any additional munitions response action (e.g. investigation, sampling, testing, test-pitting, surface and subsurface removal) necessary for the United States to meet its responsibilities under applicable laws and as provided for in this Deed. This right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

2) In exercising this easement and right of access, the Grantor shall give the Grantee or the then record owner, reasonable notice of the intent to enter on the Property, except in emergency situations. Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid and/or minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property; however, the use and/or occupancy of the Property may be limited or restricted, as necessary, under the following scenarios: (a) to provide the required minimum separation distance employed during intrusive munitions response actions that may occur on or adjacent to the Property; and (b) if Army implemented prescribed burns are necessary for the purpose of a munitions response action (removal) in adjacent areas. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

3) In exercising this easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to

and in accordance with this Paragraph. In addition, the Grantee, its successors and assigns, shall not interfere with any munitions response action conducted by the Grantor on the Property.

E. The Grantee acknowledges receipt of the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Track 2 MR RI/FS) (August 2006).

4. NOTICE OF THE PRESENCE OF ASBESTOS AND COVENANT

Applicable to Monterey Peninsula College Parcels E19a.5, E38, and E40:

A. The Grantee is hereby informed and does acknowledge that non-friable asbestos or asbestos-containing material (ACM) has been found on the Property. The Property may contain improvements, such as buildings, facilities, equipment, and pipelines, above and below the ground, that contain non-friable asbestos or ACM. The Occupational Safety and Health Administration (OSHA) and the U.S. Environmental Protection Agency (USEPA) have determined that unprotected or unregulated exposure to airborne asbestos fibers increases the risk of asbestos-related diseases, including certain cancers that can result in disability or death.

B. The Grantee covenants and agrees that its use and occupancy of the Property will be in compliance with all applicable laws relating to asbestos. The Grantee agrees to be responsible for any remediation or abatement of asbestos found to be necessary on the Property to include ACM in or on buried pipelines that may be required under applicable law or regulation.

C. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property as to its asbestos and ACM content and condition and any hazardous or environmental conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property with respect to any asbestos or ACM hazards or concerns.

5. NOTICE OF THE PRESENCE OF LEAD-BASED PAINT (LBP) AND COVENANT AGAINST THE USE OF THE PROPERTY FOR RESIDENTIAL PURPOSE

Applicable to Monterey Peninsula College Parcels E19a.5, E21b.3, E40, and F1.7.2:

A. The Grantee is hereby informed and does acknowledge that all buildings on the Property, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property on which a residential dwelling was built prior to 1978 is notified that there is a risk of exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning.

B. The Grantee covenants and agrees that it shall not permit the occupancy or use of any buildings or structures on the Property as Residential Property, as defined under 24 Code of Federal Regulations part 35, without complying with this section and all applicable federal, state, and local laws and regulations pertaining to lead-based paint and/or lead-based paint hazards.

Prior to permitting the occupancy of the Property where its use subsequent to sale is intended for residential habitation, the Grantee specifically agrees to perform, at its sole expense, the Army's abatement requirements under Title X of the Housing and Community Development Act of 1992 (Residential Lead-Based Paint Hazard Reduction Act of 1992).

C. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property as to its lead-based paint content and condition and any hazardous or environmental conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property with respect to any lead-based paint hazards or concerns.

6. NOTICE OF RARE, THREATENED AND ENDANGERED SPECIES MANAGEMENT

Applicable to Monterey Peninsula College Parcels F1.7.2 and L23.2:

The Grantee acknowledges and agrees to implement the following provisions, as applicable, relative to listed species:

A. The Property is within a Habitat Management Plan (HMP) Development Area. No resource conservation requirements are associated with the HMP for these parcels. However, small pockets of habitat may be preserved within and around the Property.

B. The March 30, 1999, Biological and Conference Opinion on the Closure and Reuse of Fort Ord, Monterey County, California (1-8-99-F/C-39R), the Biological Opinion on the Closure and Reuse of Fort Ord, Monterey County, California, as it affects Monterey Spineflower Critical Habitat, (1-8-01-F-70R), and the Biological Opinion for the Cleanup and Reuse of Former Fort Ord, Monterey County, California, as it affects California Tiger Salamander and Critical Habitat for Contra Costa Goldfields Critical Habitat (1-8-04-F-25R) identify sensitive biological resources that may be salvaged for use in restoration activities within reserve areas, and allows for development of the Property.

C. The HMP does not exempt the Grantee from complying with environmental regulations enforced by Federal, State, or local agencies; however, CERCLA remedial actions undertaken by the Grantee will be conducted in accordance with the Army's requirements identified in Chapter 3 of the HMP and in existing Biological Opinions. Reuse activities not involving CERCLA may require the Grantee to obtain Endangered Species Act (ESA) (16 U.S.C. §§ 1531 - 1544 et seq.) Section 7 or Section 10(a) permits from the U.S. Fish and Wildlife Service (USFWS); comply with prohibitions against take of listed animals under ESA Section 9; comply with prohibitions against the removal of listed plants occurring on federal land or the destruction of listed plants in violation of any state laws; comply with measures for conservation of state-listed threatened and endangered species and other special-status species recognized by California ESA, or California Environmental Quality Act (CEQA); and comply with local land use regulations and restrictions.

D. The HMP serves as a management plan for both listed and candidate species, and is a prelisting agreement between the USFWS and the local jurisdiction for candidate species that may need to be listed because of circumstances occurring outside the area covered by the HMP.

E. Implementation of the HMP would be considered suitable mitigation for impacts to HMP species within HMP prevalent areas and would facilitate the USFWS procedures to authorize incidental take of these species by participating entities as required under ESA Section 10. No further mitigation will be required to allow development on the Property unless species other than HMP target species are proposed for listing or are listed.

F. The HMP does not authorize incidental take of any species listed as threatened or endangered under the ESA by entities acquiring land at the former Fort Ord except for those lands undergoing a CERCLA remedial action. The USFWS has recommended that all non-federal entities acquiring land at former Fort Ord apply for ESA Section 10(a)(1)(B) incidental take permits for the species covered in the HMP. The definition of "take" under the ESA includes to harass, harm, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. Although the USFWS will not require further mitigation from these entities that are in conformation with the HMP, those entities without incidental take authorization would be in violation of the ESA if any of their actions resulted in the take of a listed animal species. To apply for a Section 10 (a)(1)(B) incidental take permit, an entity must submit an application form (Form 3-200), a complete description of the activity sought to be covered by the permit, and a conservation plan (50 CFR 17.22[b]).

Applicable to Monterey Peninsula College Parcels E19a.5, E21b.3, E38, E39, E40, E41, and E42:

G. The Property contains habitat occupied and/or potentially occupied by several sensitive wildlife and plant species, some of which are listed or proposed for listing as threatened or endangered under the Endangered Species Act (ESA). Applicable laws and regulations restrict activities that involve the potential loss of populations and habitats of listed species. To fulfill Grantor's commitment in the Fort Ord Disposal and Reuse Environmental Impact Statement Record of Decision, made in accordance with the National Environmental Policy Act of 1969, 42 U.S.C § 4321 et seq., this deed requires the conservation in perpetuity of these sensitive wildlife and plant species and their habitats consistent with the U.S. Fish and Wildlife Service Biological Opinions for disposal of the former Fort Ord lands issued pursuant to Section 7 of the ESA on March 30, 1999, October 22, 2002, and March 14, 2005, respectively. By requiring Grantee, and its successors and assigns to comply with the Installation-Wide Multispecies Habitat Management Plan (HMP), Grantor intends to fulfill its responsibilities under Section 7 of the ESA and to minimize future conflicts between species protection and economic development of portions of the Property.

H. Grantee acknowledges that it has received a copy of the HMP dated April 1997. The HMP, which is incorporated herein by reference, provides a basewide framework for disposal of lands within former Fort Ord wherein development and potential loss of species and/or habitat is anticipated to occur in certain areas of the former Fort Ord (the HMP Development Areas) while

permanent species and habitat conservation is guaranteed within other areas of the former Fort Ord (i.e., the HMP Reserve and Corridor parcels). Disposal of former Fort Ord lands in accordance with and subject to the restrictions of the HMP is intended to satisfy the Army's responsibilities under Section 7 of the ESA.

I. The following parcels of land within the Property hereby conveyed or otherwise transferred to Grantee are subject to the specific use restrictions and/or conservation, management, monitoring, and reporting requirements identified for the parcel in the HMP:

- 1) Habitat Reserve Parcels: E38, E39, E41, and E42;
- 2) Borderland Development Areas along Natural Resources Management Area (NRMA) Interface Parcels numbered: E19a.5, E21b.3, and E40.

J. Any boundary modifications to the Development with Reserve Areas or Development with Restrictions parcels or the Borderland Development Areas Along NRMA Interface must be approved in writing by the U.S. Fish and Wildlife Service (USFWS) and must maintain the viability of the HMP for permanent species and habitat conservation.

K. The HMP describes existing habitat and the likely presence of sensitive wildlife and plant species that are treated as target species in the HMP. Some of the target species are currently listed or proposed for listing as threatened or endangered under the ESA. The HMP establishes general conservation and management requirements applicable to the Property to conserve the HMP species. These requirements are intended to meet mitigation obligations applicable to the Property resulting from the Army disposal and development reuse actions. Under the HMP, all target species are treated as if listed under the ESA and are subject to avoidance, protection, conservations and restoration requirements. Grantee shall be responsible for implementing and funding each of the following requirements set forth in the HMP as applicable to the Property:

- 1) Grantee shall implement all avoidance, protection, conservation and restoration requirements identified in the HMP as applicable to the Property and shall cooperate with adjacent property owners in implementing mitigation requirements identified in the HMP for adjacent sensitive habitat areas.

- 2) Grantee shall protect and conserve the HMP target species and their habitats within the Property, and, other than those actions required to fulfill a habitat restoration requirement applicable to the Property, shall not remove any vegetation, cut any trees, disturb any soil, or undertake any other actions that would impair the conservation of the species or their habitats. Grantee shall accomplish the Resource Conservation Requirements and Management Requirements identified in Chapters 3 and 4 of the HMP as applicable to any portion of the Property.

- 3) Grantee shall manage, through an agency or entity approved by USFWS, each HMP parcel, or portion thereof, within the Property that is required in the HMP to be managed

for the conservation of the HMP species and their habitats, in accordance with the provisions of the HMP.

4) Grantee shall either directly, or indirectly through its USFWS approved habitat manager, implement the management guidelines applicable to the parcel through the development of a site-specific management plan. The site-specific habitat management plan must be developed and submitted to USFWS (and, for non-Federal recipients, California Department of Fish and Game (CDFG) as well) for approval within six months from the date the recipient obtains title to the parcel. Upon approval by USFWS (and, as appropriate, CDFG) the recipient shall implement the plan. Such plans may thereafter be modified through the Coordinated Resource Management and Planning (CRMP) process or with the concurrence of USFWS (and, as appropriate, CDFG) as new information or changed conditions indicate the need for adaptive management changes. The six-month deadline for development and submission of a site-specific management plan may be extended by mutual agreement of USFWS, CDFG (if appropriate), and the recipient.

5) Grantee shall restrict access to the Property in accordance with the HMP, but shall allow access to the Property, upon reasonable notice of not less than 48 hours, by USFWS and its designated agents, for the purpose of monitoring Grantee's compliance, and for such other purposes as are identified in the HMP.

6) Grantee shall comply with all monitoring and reporting requirements set forth in the HMP that are applicable to the Property, and shall provide an annual monitoring report, as provided for in the HMP, to the Bureau of Land Management (BLM) on or before November 1 of each year, or such other date as may be hereafter agreed to by USFWS and BLM.

7) Grantee shall not transfer, assign, or otherwise convey any portion of, or interest in, the Property subject to the habitat conservation, management or other requirements of the HMP, without the prior written consent of Grantor, acting by and through the USFWS (or designated successor agency), which consent shall not be unreasonably withheld. Grantee covenants for itself, its successors and assigns, that it shall include and otherwise make legally binding the provisions of the HMP in any deed, lease, right of entry, or other legal instrument by which Grantee divests itself of any interest in all or a portion of the Property. The covenants, conditions, restrictions and requirements of this deed and the provisions of the HMP shall run with the land. The covenants, conditions, restrictions and requirements of this deed and the HMP benefit the lands retained by the Grantor that formerly comprised Fort Ord, as well as the public generally. Management responsibility for the Property may only be transferred as a condition of the transfer of the Property, with the consent of the USFWS. USFWS may require the establishment of a perpetual trust fund to pay for the management of the Property as a condition of transfer of management responsibility from Grantee.

8) This conveyance is made subject to the following ENFORCEMENT PROVISIONS:

a) Grantor hereby reserves a reversionary interest in all of the Property. If Grantor (or its assigns), acting through the USFWS or a designated successor agency, determines that those parcels identified in Paragraph 6.I. above or any other portion of the Property subject to a restriction or other requirement of the HMP is not being conserved and/or managed in accordance with the provisions of the HMP, then Grantor may, in its discretion, exercise a right to reenter the Property, or any portion thereof, in which case, the Property, or those portions thereof as to which the right of reentry is exercised, shall revert to Grantor. In the event that Grantor exercises its right of reentry as to all or portions of the Property, Grantee shall execute any and all documents that Grantor deems necessary to perfect or provide recordable notice of the reversion and for the complete transfer and reversion of all right, title and interest in the Property or portions thereof. Subject to applicable federal law, Grantee shall be liable for all costs and fees incurred by Grantor in perfecting the reversion and transfer of title. Any and all improvements on the Property, or those portions thereof reverting back to Grantor, shall become the property of Grantor and Grantee shall not be entitled to any payment therefore.

b) In addition to the right of reentry reserved in paragraph a. above, if Grantor (or its assigns), acting through the USFWS or a successor designated agency, determines that Grantee is violating or threatens to violate the provisions of Paragraph 6 of this deed exhibit or the provisions of the HMP, Grantor shall provide written notice to Grantee of such violation and demand corrective action sufficient to cure the violation, and where the violation involves injury to the Property resulting from any use or activity inconsistent with the provisions of Paragraph 6 of this deed exhibit or the provisions of the HMP, to restore the portion of the Property so injured. If Grantee fails to cure a violation within sixty (60) days after receipt of notice thereof from Grantor, or under circumstances where the violation cannot reasonably be cured within a sixty (60) day period, or fails to continue to diligently cure such violation until finally cured, Grantor may bring an action at law or in equity in a court of competent jurisdiction to enforce the covenants, conditions, reservations and restrictions of this deed and the provisions of the HMP, to enjoin the violation, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the covenants, conditions, reservations and restrictions of this deed or the provisions of the HMP, or injury to any conservation value protected by this deed or the HMP, and to require the restoration of the Property to the condition that existed prior to such injury. If Grantor, in its good faith and reasonable discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the species and habitat conservation values of the Property, Grantor may pursue its remedies under this paragraph without prior notice to Grantee, or without waiting for the period provided for the cure to expire. Grantor's rights under this paragraph apply equally in the event of either actual or threatened violations of covenants, conditions, reservations and restrictions of this deed or the provisions of the HMP, and Grantee acknowledges that Grantor's remedies at law for any of said violations are inadequate and Grantor shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantor may be entitled, including specific performance of the covenants, conditions, reservations and restrictions of this deed and the provisions of the HMP.

c) Enforcement of the covenants, conditions, reservations and restrictions in this deed and the provisions of the HMP shall be at the discretion of Grantor, and any

forbearance by Grantor to exercise its rights under this deed and the HMP in the event of any such breach or violation of any provision of this deed or the HMP by Grantee shall not be deemed or construed to be a waiver by Grantor of such provision or of any subsequent breach or violation of the same or any other provision of this deed or the HMP or of any of Grantor's rights under this deed or the HMP. No delay or omission by Grantor in the exercise of any right or remedy upon any breach or violation by Grantee shall impair such right or remedy or be construed as a waiver.

d) In addition to satisfying Army's responsibilities under Section 7 of the ESA, Grantee's compliance with the covenants, conditions, reservations and restrictions contained in this deed and with the provisions of the HMP are intended to satisfy mitigation obligations included in any future incidental take permit issued by USFWS pursuant to Section 10(a)(1)(B) of the Endangered Species Act which authorizes the incidental take of a target HMP species on the Property. Grantee acknowledges that neither this deed nor the HMP authorizes the incidental take of any species listed under the ESA except while conducting CERCLA remedial actions consistent with Chapter 3 of the HMP and in accordance with the existing biological opinions. Authorization to incidentally take any target HMP wildlife species as a result of reuse activities must be obtained by Grantee separately, or through participation in a broader habitat conservation plan and Section 10(a)(1)(B) permit based on the HMP and approved by USFWS.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-3 Old Demolition Training Area, Range 49 (Parcel E19a.4)	Munitions Debris (MD) Munitions and Explosives of Concern (MEC)	Unknown	As noted in the Archives Search Report (ASR), the site served as a land mine warfare, anti-armor, Molotov Cocktail training and demolition area with a ¼ - pound explosive limit. Site is adjacent to MRS-37, MRS-53EXP and MRS-54. A munitions response (sampling investigation) at this site resulted in discovery of 153 inert 81mm practice mortars, 34 inert antitank (AT) training mines and miscellaneous firing devices, including two MEC items (a blasting cap and mine fuze). A munitions response (removal) to a depth of 4 feet ¹ was performed. According to the MMRP database 44 MEC items (firing devices, signals and practice grenades) and 794 munitions debris items were removed. Review of military munitions clearance grid records identified several ammunition burn pits and empty and burned 55-gallon drums. MRS-3 is included in the Parker Flats Munitions Response Area (MRA; Plate 6). The Parker Flats MRA was evaluated in the Track 2 Munitions Response Remedial Investigation/Feasibility Study (Parker Flats MR RI/FS). No MEC is expected to remain at MRS-3 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-4A Chemical, Biological, and Radiological (CBR) Training Area (Parcels E18.1.3, E18.4 and E19a.1)	MD MEC	At least from 1957 to 1964	According to the ASR, the CBR Training Areas appear on the 1957 and 1958 Fort Ord Training Areas and Facilities Training maps. Three munitions responses were conducted on MRS-4A, including two phases of grid investigation and a removal over the entire site. All grid investigations and the removal were to a depth of 4 feet. According to the MMRP database 72 MEC items (mostly grenade fuzes) and 13 munitions debris items (mostly practice hand grenades) were removed. One MEC item was found in Parcel E18.1.3 and no MEC were found in Parcel E18.4. Three munitions debris items were found in Parcel E18.4 and no munitions debris was found in Parcel E18.1.3. No MEC is expected to remain at MRS-4A and no further munitions response was recommended (<i>USA, 2000a</i>). MRS-4A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-4B CBR Training Area (Parcel E19a.3)	MD MEC	At least from 1958	A CBR Training Area (MRS-4B) is shown on the 1958 Fort Ord Training Areas & Facilities map. The ASR noted classroom training using chemical agents similar to tear gas. A munitions response (sampling investigation) in 1993 found one MEC item (40mm practice cartridge), two munitions debris items and small arms ammunition. Additional sampling conducted in 1997 found three MEC items (smoke grenades) and munitions debris. In 1998, USA Environmental, Inc. performed a munitions response (removal) and found 293 MEC items, primarily blasting caps, simulators, smoke signals, and fuzes. The USA After Action Report notes nine burial pits, ranging in depth from 6 inches to 42 inches, containing grenades, grenade fuzes, simulators, pyrotechnics and blasting caps. Trash, including tires and wire, was found in one pit. A battery was found in a second pit. MRS-4B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-4B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-11 Demolition Training Area (Parcel E11b.7.1.1)	MD MEC	At least from 1946 to 1957	As noted in the ASR, MRS-11 was identified as an old EOD range. The 1946 Historic Map Master Plan Fort Ord shows a live hand grenade training range. Additionally, the 1957 Fort Ord Training Areas & Facilities map shows a Frag Zone and Engineer Training Area "C". MRS-11 underwent a munitions response (removal) to a depth of 1 foot in the southern half of the site using geophysical equipment. Twenty MEC items, including nine MKII fragmentation hand grenades, and 2,316 munitions debris items (mostly hand grenade fuzes) were found and removed during the 1-foot removal. The northern half of MRS-11 was investigated (sampled) using SiteStats/GridStats (SS/GS) methodology. No MEC was found during SS/GS investigation. Based on the results of the munitions responses, additional munitions response (investigation) was recommended within MRS-11 and to the east of the site (<i>USA, 2001e</i>). MRS-11 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-13B Practice Mortar Range (Parcels E19a.2 and E19a.3)	CWM MD MEC	1950s	MRS-13B is labeled as Sinkhole Training Area and Sinkhole Practice Mortar on 1950s training maps. A munitions response (sampling) was conducted in 57 grids in 1993 and 1994. Based on the results of the investigation, MRS-13B underwent removal actions to a depth of 4 feet from August 1995 to April 1998 using geophysical equipment. According to the MMRP database, a total of 343 MEC items and 2,014 munitions debris items were found during investigation and removal actions. Numerous trash pits containing range-related debris were also observed at MRS-13B. Two chemical agent identification sets (CAIS) were found in a burial pit. The CAIS, chemical warfare materiel (CWM), were used to train soldiers to recognize and protect themselves from chemical agents. The CAIS contain dilute solutions of chemical agents in small (1-ounce) hermetically sealed glass containers. All glass containers were found to be intact and were removed by the Army's Technical Escort Unit from Dugway Proving Ground, Utah (<i>Army, 1997b</i>). No MEC items or trash pits were found in the portion of MRS-13B within Parcel E19a.2. MRS-13B is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-13B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-13C CSU Footprint – Wedge (Parcel S1.3.2)	MD MEC	1940s through 1950s	MRS-13C is comprised of a wedge shaped strip of land lying between MRS-31 to the north and MRS-13B to the south. MRS-13C is located within a larger area identified as a Tactical Training Area on historical training maps. A portion of a mortar square (non-firing area) was also identified on historical training maps in the site vicinity. Based on the results of munitions responses (investigation) conducted in adjacent sites in 1994, a munitions response (removal) to a depth of 4 feet was conducted over all of MRS-13C in 1997 and all MEC and munitions debris found was removed. According to the Fort Ord MMRP database, 59 MEC items and 203 munitions debris items were recovered during the removal. No MEC is expected to remain at MRS-13C and no further munitions response was recommended (<i>USA, 2000c</i>). MRS-13C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-14A Lookout Ridge II (LOR2) (Parcel L20.5.1 and	MD MEC	At least since 1957	This site is part of MRS-14, which is divided into five areas, 14A through 14E. This site was believed to be an impact location for 7-inch to 8-inch naval gun projectiles that overshot the Impact Area. As mentioned in the ASR, a 1957 Fort Ord Training Areas & Facilities map shows a mortar position in this area. MRS-14A has undergone munitions responses (one investigation and two removals). MEC found during investigation included 22mm sub-caliber cartridges, pyrotechnic signals, rifle-fired smoke grenades, and practice projectiles. To support the use of a portion of the parcel as a parking area for the Laguna Seca Raceway, a munitions response (removal) to a depth of 3 feet using geophysical equipment was performed over a portion of the parcel in 1994.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
L20.5.2)			All MEC detected was removed. Follow-up munitions responses (removals) to depths of 1 foot and 4 feet were performed in June 1997 through April 1998. The 1-foot removal was conducted in habitat reserve areas. A 4-foot removal was conducted in development areas (parking). The area where the 4-foot removal was performed included the area previously cleared to 3 feet. All MEC detected was removed. No high explosive MEC was encountered and no further munitions response was recommended (USA, 2001b). It was also recommended that grids not investigated due to vegetation and terrain constraints be investigated in a future munitions response. According to the MMRP database, 66 MEC items and 577 munitions debris items were recovered during the munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-14A. MEC is not expected to remain at MRS-14A. MRS-14A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-23 (Parcel E11b.7.1.1)	MEC MD		MRS-23 was formerly an Engineer Training Area and Field Expedient Area. A munitions response (removal) to a depth of 4 feet was completed in 1997. One MEC item (½ pound of TNT) and one munitions debris item (practice antitank mine) were found during the munitions response. Based on the results of the munitions response, no further munitions response was recommended within MRS-23 (USA, 2001d). MEC is not expected to remain at MRS-23. MRS-23 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27A Training Site 1 (Parcels E19a.2 and E19a.3)	MD MEC	1970s through facility closure	MRS-27A is one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The USACE conducted a munitions response (site walk) of MRS-27A in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27A. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. One MEC item (hand grenade fuze) was found and removed (Parsons, 2002a). The southern portion of MRS-27A overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27A underwent a munitions response (removal) to a depth of 4 feet. According to the former Fort Ord MMRP database, munitions debris and MEC were found within the portion of MRS-27A that overlaps the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27A and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27A will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27B Training Site 2 (Parcels E19a.2, E19a.3 and	MD MEC	1970s through facility closure	MRS-27B was one of 25 training sites identified from a 1984 Fort Ord training facilities map in the 1994 supplement to the ASR (USAEDH, 1994). As described in the Fort Ord Range Regulations, a training site is a facility located within a training area and used as an overnight bivouac area. The ASR also notes this site is located northeast of Parker Flats Training Area. The USACE conducted a munitions response (site walk) of MRS-27B in 1996 as part of a PA/SI (USADEH, 1997). The USACE UXO Safety Specialist found only spent blank small arms ammunition and pyrotechnics at MRS-27B. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.4)			munitions response contractors under the direction of the USACE in 2001 and 2002. No MEC items were found at MRS-27B during the visual surface removal (<i>Parsons, 2002a</i>). According to the MMRP database, one munitions debris item (a smoke grenade) was detected in a latrine within the site boundaries. Miscellaneous pyrotechnic items have also been discovered within the site boundaries. No MEC or munitions debris were found during the visual surface removal conducted within MRS-27B. The southern portion of MRS-27B overlaps Parcel E19a.3, is outside of Parcel E19a.2, and lies within the Parker Flats MRA, partially overlapping MRS-53EXP and MRS-55. As part of the Parker Flats MRA, the southern portion of MRS-27B underwent a munitions response (removal) to a depth of 4 feet. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-27B and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006. The remainder of MRS-27B will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27C Training Site 3 (Parcel E19a.4)	MD	1970s through facility closure	The ASR states that MRS-27C is located northeast of TS-2 (MRS-27B) and south of the Tactical Training Area (MRS-45; Plate 4). This area was used from the 1970s as an overnight bivouac area. Munitions responses (investigations) conducted within Parcel E19a.4 included a site walk of MRS-27C completed by the USACE in 1996 during the Archives Search (<i>USADEH, 1997</i>). Only spent blank small arms ammunition and expended pyrotechnics (munitions debris) were found at MRS-27C. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in late 2001 to early 2002. No MEC items were found at MRS-27C (<i>Parsons, 2002a</i>). A reconnaissance of MRS-27C was also completed as part of the Basewide Range Assessment. No targets or range features were observed. Several fighting positions were mapped. An expended smoke grenade (munitions debris) was found in one of the fighting positions. No MEC is expected to be present at MRS-27C. MRS-27C will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27E Training Site 5 (Parcel L20.2.1)	MD	1970s through facility closure	This area was used since the 1970s as an overnight bivouac area. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27E as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris including expended flares and illumination signals were found. No evidence of other types of training or use as an impact area was observed. No MEC is expected to be present at MRS-27E. MRS-27E will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-27F Training Site 6 (Parcel L20.2.1)	MEC MD	1970s through facility closure	This site is located in the northern portion of MRS-59. This area was used as an overnight bivouac area since the 1970s. A USACE UXO Safety Specialist conducted a munitions response (site walk) that included MRS-27F and MRS-59 as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. Additionally, a review of Range Control files included the incomplete entry for an item reportedly located within Training Site 6. No other information in the entry was provided. MRS-27F was evaluated for MEC in the Groups 1 – 5 Track 1 Plug-In Approval Memorandum and determined to be a Track 1 site. MEC is not expected to be found at MRS-27F and no further action related to MEC was

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			recommended for the site (<i>Army, 2006b</i>). The USEPA and the DTSC concurred in letters dated July 21 and July 26, 2006, respectively.
MRS-27G Training Site 7 (Parcel E19a.5)	MD MEC	1970s through facility closure	This area was incorporated into Site MRS-53. See MRS-53.
MRS-27O Training Site 15 (Parcel L20.8)	MD MEC	1964 through facility closure	The northern portion of Barloy Canyon Road passes through MRS-27O (Plate 10). MRS-27O is identified as a former training site in the 1994 supplement to the ASR and was used as a bivouac area since at least 1964. In support of the ASR, a UXO Safety Specialist performed a munitions response (site walk) in March 1996 and found expended small arms blanks and expended pyrotechnic items (<i>USADEH, 1997</i>). A follow-up munitions response was performed by a munitions response contractor. This munitions response was completed in October 1999 and included a surface investigation conducted over a large portion of Barloy Canyon Road. No MEC or munitions debris were found on the parcel. Two MEC items (pyrotechnics) and munitions debris (expended grenade fuze) were found on a trail that parallels Parcel L20.8, south of MRS-27O. Additionally, a visual surface Time-Critical Removal Action (TCRA) was performed that included MRS-27O following an accidental fire in the area (Eucalyptus Fire Area). One MEC item (pyrotechnic signal) was found within MRS-27O (<i>Shaw, 2005b</i>). MEC is not expected to be present on Parcel L20.8. MRS-27O and the surrounding area will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-28 Military Operations on Urbanized Terrain (MOUT) Site (Parcel F1.7.2)	MD MEC	Ongoing	This site includes Impossible City, a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies. MRS-28 was investigated during two separate munitions responses. Additionally, a visual surface TCRA was performed following an accidental fire in the area (Eucalyptus Fire Area). According to the MMRP database, 118 MEC items and 293 munitions debris items were removed during the investigations and the TCRA. MEC is not expected to remain on the surface at MRS-28. MRS-28 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-29 Laguna Seca Bus Turn Around (Parcels L20.5.2 and L20.5.3)	MEC MD	Unknown	This area was believed to be an impact location for 7-inch to 8-inch naval gun projectiles. A munitions response (sampling investigation) that included over 50% of MRS-29 was conducted in 1995 (<i>HFA, 1995</i>). Following investigation, a munitions response (removal) to a depth of 4 feet using geophysical equipment was completed. According to the MMRP database, one MEC item (smoke grenade) and 208 munitions debris items were discovered during these munitions responses. No evidence of 7-inch or 8-inch projectiles was found at MRS-29 or in adjacent MRS-14A. Based on the results of the munitions responses, no further munitions responses were recommended within MRS-29 (<i>USA, 2000d</i>). MEC is not expected to remain at MRS-29. MRS-29 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			MMRP.
MRS-30 Laguna Seca Turn 11 (Parcels L20.3.1, L20.3.2 and L20.5.4)	MD MEC	At least since 1945	The December 1956 Training Areas map shows the area as a training site. The ASR notes this site is considered a military munitions site because it lies within the boundaries of the Impact Area and is adjacent to the Wolf Hill Training Area (Plate 11). A munitions response (removal) to a depth of 4 feet was conducted using geophysical equipment. According to the MMRP database, two MEC items and eight munitions debris items were removed. Based on the results of the munitions response, no further munitions response was recommended within MRS-30 (<i>UXB, 1995b</i>). Upon completion of the munitions response, approximately 30 feet to 40 feet of fill material was placed over most of MRS-30 in support of construction activities associated with the expansion of Turn 11 of Laguna Seca Raceway. MEC is not expected to be found at MRS-30. MRS-30 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-31 CSU Footprint (Parcel S1.3.2)	MD MEC	1940s through 1990s	MRS-31 encompasses MRS-4C, MRS-7, MRS-8, and MRS-18 (Plate 4). The boundary of MRS-31 was established to correspond to the boundary of transfer Parcel S1.3.2 and to include each of the MRSs. Initial munitions response (investigation) at MRS-31 was conducted in 1994. Based on the results, 3-foot and 4-foot removals were conducted throughout the site. According to the MMRP database, 1,831 MEC items and 2,485 munitions debris items were found during munitions responses at MRS-4C, MRS-7, MRS-8, MRS-18, and MRS-31. MEC is not expected to remain at MRS-31 and no further munitions response was recommended (<i>UXB, 1995c</i>). MRS-31, as well as the MRSs within MRS-31, will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-37 Parker Flats Practice Mortar Range (Parcel E19a.3 and E19a.4)	MD MEC	Unknown	According to the ASR, this site appeared on an undated map from the Fort Ord Fire Department. This area was most likely used for firing practice mortars or in non-firing drills (dry-fire). A munitions response (sampling investigations) were performed in March and June of 1998. All munitions responses were to a depth of 4 feet. According to the MMRP database, 58 MEC items and 994 munitions debris items were found and removed during munitions responses. MRS-37 is included in the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-37 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-40 Parker Flats Gas House (Parcel E18.1.2)	MD MEC	Unknown	MRS-40 is identified as the Parker Flats Gas House and included a facility to train troops in the use of gas masks. According to the ASR, this site has the same characteristics as Sites MRS-4A and MRS-4B. Tear gas agents (CS and CN) may have been used in the gas chambers. Based on a review of a 1983 U.S. Chemical Systems Laboratory document, classroom training occurred in Building 2820 on this site, and part of the training involved use of minute quantities of mustard gas. SiteStats/GridStats sampling investigation was performed at this site in October 1997. No MEC was found. Three munitions debris items (unknown fragments) were found. MRS-40 is included in the Parker Flats MRA and the entire site underwent a munitions response (removal) to a depth

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			of 4 feet using geophysical equipment. The data associated with the removal at MRS-40 was included with the data for adjacent MRS-50 and MRS-50EXP (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-40 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-42/MRS-42EXP Demolition Area-Rifle Grenade Area (Parcels E11b.7.1.1, E11b.8 and L20.19.1.1)	MD MEC	1940s	MRS-42 was formerly the Fort Ord Ammunition Supply Point (ASP) Rifle Grenade Area, as identified on a 1946 training map. This area includes the northern portion of the ASP (Plate 5). MRS-42 underwent a munitions response (removal) to a depth of 4 feet using geophysical equipment. Due to the presence of MEC and munitions debris at the edge of the site the munitions response extended beyond the original boundary of MRS-42. The extended area is identified as MRS-42EXP. According to the former Fort Ord MMRP database, 61 MEC items (primarily M9 series antitank rifle grenades) and 27 munitions debris items (mostly MKII hand grenade fragments and practice antitank rifle grenades) were removed. It was recommended additional investigation be conducted within MRS-42 (<i>USA, 2001f</i>). MRS-42 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-43 South Boundary Area (Parcels E29.1, L6.2, L20.13.1.2 and L20.13.3.1)	MD MEC	1942 to 1944	According to the former Fort Ord Fire Chief, a portion of the ridge in this site was used as a backstop for rifle grenades and shoulder launched projectiles from 1942-1944. During a munitions response (investigation) by an UXO Safety Specialist, a 37mm fragment was discovered at the northwest end of the site. In 1999, nineteen 100-foot by 200-foot grids were investigated using SS/GS and 100% grid sampling, and 19 munitions debris items were recovered. Based on the sampling results a munitions response (removal) to a depth of 4 feet was conducted at the northwest end of MRS-43 (Parcels E29.1 and L6.2). Upon completion of the removal, the removal area was investigated using digital geophysical equipment. The digital geophysical investigation of MRS-43 included the unpaved shoulder of South Boundary Road (Parcels L20.13.1.2 and L20.13.3.1; Plate 9). All munitions responses were conducted to a depth of 4 feet. According to the MMRP database 28 MEC items and 36 munitions debris items were removed during the munitions responses. Five of the 28 MEC items removed from MRS-43 were found in Parcels L20.13.3.1 and L6.2 and only one MEC item was found in Parcel E29.1. No MEC items were found within Parcel L23.13.1.2. Based on the results of the munitions responses, no further munitions response was recommended within the Del Rey Oaks (DRO) Group, which includes MRS-43 (<i>USA, 2001c</i>). No MEC is expected to remain at MRS-43. MRS-43 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP. Also see MRS-15 DRO 01.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-44EDC (Parcels E18.1.1, E18.1.2 and E20c.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of the PA/SI (USAEDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigations) were conducted at the site. The sampling investigations were completed to a depth of 4 feet. According to the MMRP database, 11 MEC items and 53 munitions debris items were removed during investigation. It was recommended that a munitions response (removal) to 4 feet be conducted at MRS-44EDC (USA, 2001i). MRS-44EDC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-44PBC (Parcels L20.18 and L23.2)	MD MEC	Unknown	MRS-44 was established based on the presence of fragmentation from 37mm LE projectiles found during a munitions response (site walk) conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEDH, 1997). To facilitate the transfer of property, MRS-44 was subdivided into MRS-44EDC and MRS-44PBC. Two munitions responses (sampling investigation and a removal action) were conducted at MRS-44PBC. All munitions responses were to a depth of 4 feet. According to the MMRP database, 16 MEC items and 73 munitions debris items were removed during munitions responses. MRS-44PBC will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-45 Tactical Training Area-TTA (Parcels L20.2.1, L5.7, E19a.3, and E19a.4)	MD MEC	Unknown	A portion of MRS-45 lies within Parcel L20.2.1 (Plate 4). Munitions response (sampling investigation) of MRS-45 was conducted in 1997. According to the MMRP database, a total of 5 MEC items (all pyrotechnic or practice/training-related items) and 224 munitions debris items were found during the sampling investigation in MRS-45. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) of accessible areas, including the eastern portion of MRS-45, was performed by a munitions response contractor under the direction of the USACE. Three MEC items (pyrotechnic signals) and small arms ammunition were found and removed. None of these items were found in the portion of MRS-45 that lies within Parcel L20.2.1 (Parsons, 2002b). Sampling and a visual surface removal conducted at this site identified evidence of past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. MEC is not expected to remain at MRS-45. MRS-45 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-47 Wolf Hill (Parcels L20.3.1 and L20.3.2)	MD MEC	1950s	MRS-47 was identified on a 1957 training map as the Wolf Hill Training Area. MRS-47 has undergone munitions responses (two sampling investigations and a removal). During investigation, evidence that the site was used as an impact area was found. The MEC items found included high explosive mortars and projectiles. A removal to a depth of 4 feet using geophysical equipment was performed. According to the MMRP database, 261 MEC items and 127 munitions debris items were removed from MRS-47. Seventy of the MEC items were rifle-fired smoke grenades found intentionally buried in a pit at a depth of 3 feet. MEC is not expected to remain at MRS-47. No further military munitions investigation was recommended (USA, 2000b). MRS-47 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.

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Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-48 Former Dummy Grenade Range (Parcel L20.19.1.1)	MD MEC	1940s through 1950s	MRS-48 lies is located on the west side of Barloy Canyon Road (Plate 5). The eastern boundary of MRS-48 overlaps portions of the right-of-way associated with Barloy Canyon Road. MRS-48 was identified on a 1946 Fort Ord Master Plan as a “Dummy Grenade Range.” During a munitions response (investigation) by a UXO Safety Specialist, fragments from 4.2-inch mortars and other debris were discovered. A munitions response (grid sampling) was completed at the site in 1988. According to the MMRP database, 3 MEC items (practice hand grenade fuze, a rifle-fired signal, and a screening smoke pot) and 22 munitions debris items were removed. Additionally, over 100 pounds of fragments, mostly from 4.2-inch smoke mortars and smoke grenades, were removed. No sampling occurred within Parcel L20.19.1.1. It was concluded that a grenade and 4.2-inch mortar impact area existed within or near the site and that additional munitions responses be conducted within, to the north and to the south of the site (<i>USA, 2001h</i>). MRS-48 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-50 Artillery Hill (Parcels E18.1.1 and E18.1.2)	MD MEC	1940s through 1960s	This area was identified during interviews conducted as part of the ASR. Artillery Hill was reportedly used as a target area for rifle grenades and shoulder launched projectiles in the 1940s, 1950s and 1960s. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI. During the munitions response, fragments from 37mm projectiles and 75mm high explosive (HE) projectiles were discovered. A munitions response (removal) to a depth of 4 feet was completed over all of the Parker Flats MRA, including MRS-50, using digital geophysical equipment. According to the MMRP database, 442 MEC items and 724 munitions debris items were removed from the site. MRS-50 is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-50EXP (Parcels E18.1.1, E18.1.2 and E19a.1)	MD MEC	1940s through 1960s	MRS-50EXP was identified as a MRS due to the expansion of the removal area associated with MRS-50. MEC and munitions debris were found at the boundary of MRS-50, which warranted an expansion of the investigation area in all directions. The investigation of MRS-50 and its expansion areas included a munitions response (removal) conducted over the entire site to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 430 MEC items and 1,186 munitions debris items were found and removed from MRS-50EXP. MRS-50EXP is part of the Parker Flats MRA (Plate 6). The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-50EXP and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-52 Rifle Grenade and Projectile Target Area (Parcel E19a.3 and E19a.4)	MD MEC	1950s	This site was identified during interviews conducted as part of the ASR and a 1958 map of Fort Ord Training Areas & Facilities shows a Rifle Grenade and Projectile Target Area. During a site inspection, a 37mm fragment and an AT mine (inert) were discovered. Because of the expansion of the removal area associated with adjacent MRS-53, MRS-52 is now part of MRS-53 and included in the Parker Flats MRA (Plate 6). The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. The munitions data for MRS-52 is reported with the MRS-53 data. The items found included both MEC and munitions debris. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-52 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-53 Shoulder-Launched Projectile Area (Parcel E19a.5)	MD MEC	1940s through 1960s	Parcel E19a.5 lies predominantly within MRS-53 and MRS-53 EXP (Plate 6). According to the ASR, MRS-53 was a Shoulder Launched Projectile Target Area from the 1940s through the 1960s. The hill between the two flats was a target area for rifle grenades and shoulder-launched projectiles. Rifle grenades and shoulder-launched projectiles were shot from the southeast at the hill. The hill south of the large flat at Parker Flats was a target area for rifle grenades and ground/tube launched projectiles. A munitions response (site walk) was conducted by a USACE UXO Safety Specialist as part of a PA/SI (USAEDH, 1997). During the munitions response, a 3-inch stokes mortar round was found and additional investigation was recommended. During a second munitions response (sampling investigation), a 75mm shrapnel projectile, two more 3-inch Stokes mortars and projectile fragments were found. Based on the sampling results, a 4-foot removal was conducted. Munitions responses (removals) resulted in discovery of MEC and live small arms ammunition. MRS-53 is included in the Parker Flats MRA. The Parker Flats MRA underwent a munitions response (removal) to a depth of 4 feet using digital geophysical equipment. According to the MMRP database, 465 MEC items and 5,163 munitions debris items were removed from MRS-53. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53 and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-53EXP (Parcels E19a.1, E19a.3, E19a.4, and E19a.5)	MD MEC	1940s - 1960s	MRS-53EXP was identified as a MRS due to the expansion of the removal area associated with MRS-53. MEC and munitions debris were found at the boundary of MRS-53, which warranted an expansion of the investigation area in all directions. MRS-53EXP and the adjacent sites now comprise the Parker Flats MRA (Plate 6). The munitions response at MRS-53 and its expansion areas included a removal conducted over the entire site to a depth of 4 feet below ground surface. According to the MMRP database, 803 MEC items and 4,500 munitions debris items were removed from MRS-53EXP. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-53EXP and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-54EDC Canyon Target Area (Parcel E19a.4)	MD MEC	Unknown	MRS-54EDC is the portion of MRS-54 within Parcel E19a.4, which is slated for development. MRS-54 (Canyon Target Area) was identified during interviews conducted during the PA/SI Phase of the Archives Search. The area was reportedly used for flamethrowers, but was also a firing point and range for hand grenades (unknown type), rifle grenades (unknown type), and shoulder-launched projectiles (unknown type). During a munitions response (investigation) conducted in 1996 by a USACE UXO Safety Specialist, munitions debris was discovered, including a 2.36-inch practice rocket, two 75mm shrapnel projectiles, and three 81mm practice mortars. A munitions response (removal) to a depth of 4 feet over the entire site using digital geophysical equipment was performed in 1999. According to the MMRP database, 18 MEC items and 192 munitions debris items were removed from MRS-54EDC. MRS-54EDC is part of the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-54EDC and no further munitions response was recommended (MACTEC, 2006). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-55 Parker Flats (Parcels	MD MEC	Unknown	This area was identified during interviews conducted as part of the ASR and was reportedly a firing point and range for hand grenades, rifle grenades, shoulder-launched projectiles, and artillery. This site includes portions of MRS-27A and MRS-27B. During a munitions response (investigation) in 1996, an expended 75mm shrapnel projectile, and two fragments from 37mm

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
E19a.3 and E19a.4)			practice projectiles, and one mine fuze were discovered. SS/GS sampling investigation was conducted in March 1998. Following the investigation, a removal over the entire site using digital geophysical equipment was performed. All munitions responses were to a depth of 4 feet. According to the MMRP database, 144 MEC items and 1,608 munitions debris items were removed from MRS-55. Items removed include simulators, smoke pots, and grenades. MRS-55 is included in the Parker Flats MRA. The Parker Flats MRA was evaluated in the Track 2 Parker Flats MR RI/FS. No MEC is expected to remain at MRS-55 and no further munitions response was recommended (<i>MACTEC, 2006</i>). The Final Track 2 Parker Flats MR RI/FS was submitted to the USEPA and the DTSC on August 31, 2006.
MRS-57 Unnamed (Parcel L20.2.1)	MD MEC	1940's – 1960's	MRS-57 was identified during interviews conducted as part of the ASR (Plate 4). This area was reportedly used in the 1940s, 1950s, and 1960s. The intersection of Hennekens Ranch Road and Watkins Gate Road was reportedly a firing point for machine guns, M-1, rifle grenades, smoke grenades, and shoulder-launched projectiles. Rifle grenades and bazooka rounds were reportedly found on the hill at Watkins Gate Road and Parker Flats Road intersection. This area was often burned to detonate the UXO. A munitions response (site walk) that included MRS-57 was conducted in January 1996 by a USACE UXO Safety Specialist as part of a PA/SI. Military munitions found included an expended 75mm shrapnel projectile, a smoke grenade, and illumination signals. The data was insufficient to determine if the smoke grenade and the illumination signals were MEC or munitions debris. Additionally, 4 expended smoke grenades were found on a dirt road adjacent to MRS-57 during a munitions response (investigation) completed in October 1999. To address the hazard associated with surface MEC potentially present in areas accessible to the public, a munitions response (visual surface removal) was performed by munitions response contractors under the direction of the USACE in 2001 and 2002. The visual surface removal included MRS-57. No MEC items were found at MRS-57 (<i>Parsons, 2002b</i>). Historical research and field investigations identified past training involving only the use of practice and pyrotechnic items that are not designed to cause injury. No evidence of other types of training or use as an impact area was observed. MEC is not expected to be found at MRS-57. MRS-57 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-59 Unnamed (Parcel L20.2.1)	MD	Unknown	A small portion of MRS-59 overlaps Parcel L20.2.1 (Plate 4). MRS-59 was identified during interviews conducted as part of the ASR and was reported to have included a 2.36-inch rocket range in the early 1940s. A munitions response (investigation) that included MRS-59 and MRS-27F was conducted by a USACE UXO Safety Specialist as part of a PA/SI (<i>USADEH, 1997</i>). Munitions debris (expended pyrotechnics) and two fragments from the incomplete detonation of a 60mm mortar were found; however, the specific location of these items was not documented. No evidence of the use of 2.36-inch rockets, reportedly used at MRS-59, was observed. MEC is not expected to be present within MRS-59. MRS-59 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 DRO 01 (Parcels L20.13.1.2 and L20.13.3.1)	MD MEC	Unknown	MRS-15 DRO 01 and Parcel L6.1 lie adjacent to Parcel L6.2 (Plate 9). Sites MRS-15 DRO 01, MRS-15 DRO 02, and MRS-43 are collectively called the DRO Group (Plate 9). The initial munitions responses (investigations) conducted at MRS-15 DRO 01 included random grid sampling, a removal to a depth of 4 feet along a fuel break on the east side of MRS-15 DRO 01, a removal to a depth of 4 feet on the roads and trails within the site, SS/GS sampling at MRS-15 DRO 01 and MRS-43, and removal of spent small arms ammunition in Ranges 24, 25 and 26 (HA-24, HA-25 and HA-26). MEC and munitions debris were identified within the eastern portion of MRS-15 DRO 01 and the area was subjected to a munitions response (removal) to a depth of 4 feet. Upon

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

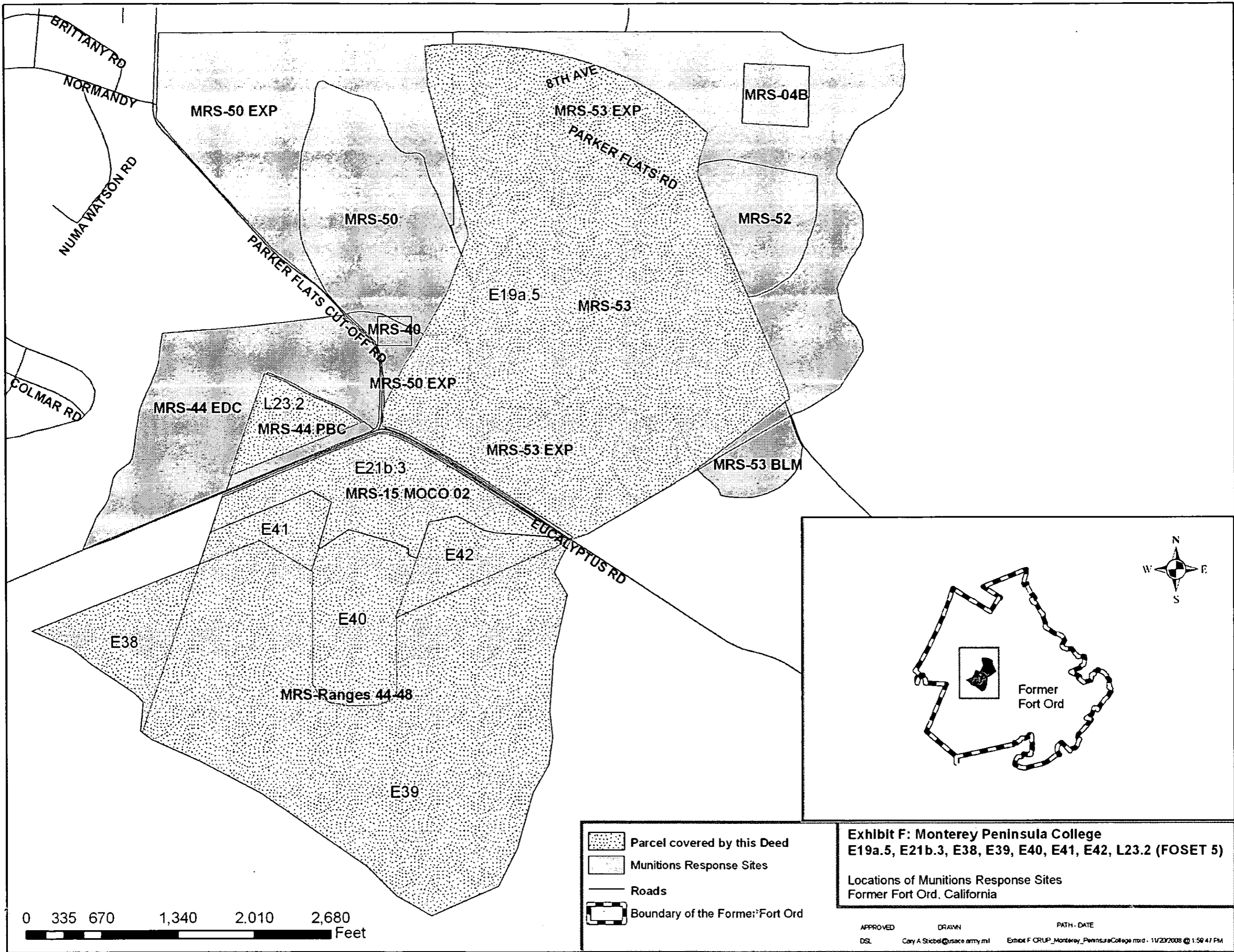
Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
and adjacent to Parcel L6.2)			completion of the removal, the removal area and the rest of MRS-15 DRO 01 were resurveyed using digital geophysical equipment. The digital geophysical survey on the southern margin of MRS-15 DRO 01 included investigation up to the fence-line running parallel to South Boundary Road (Parcels L20.13.3.1 and L20.13.1.2). According to the MMRP database 168 MEC items and 15,300 munitions debris items were removed from MRS-15 DRO 01. The removal at MRS-15 DRO 01 is complete and no MEC is expected to remain in the portions of MRS-15 DRO 01 overlapping Parcels L20.13.1.2 and L20.13.3.1. MRS-15 DRO 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 MOCO 02 (Parcel E21b.3)	MD MEC	Unknown	The boundary of MRS-15 MOCO 02 was developed to support the transfer of Parcel E21b.3 and not on evidence of munitions use. MRS-15 MOCO 02 lies within the boundary of the former Fort Ord Impact Area and contains the firing lines for Ranges 44 and 45. Range 44 was used for firing of antitank weapons and Range 45 was a 40mm grenade range. Munitions response (investigation) at the site was performed in 1999 and approximately 100 military munitions-related items (MEC and munitions debris) were found (<i>USA, 2001g</i>). To address the threat to human health associated with MEC at MRS-15 MOCO 02, a non-time critical removal action (NTCRA) to a depth of 4 feet was completed across the northern portion of the site. According to the MMRP database 663 MEC items and 3,964 munitions debris items were removed from the site. All accessible areas within the northern portion of MRS-15 MOCO 02 were investigated to a depth of 4 feet. Based on the results of the NTCRA the threat to the public posed by the presence of MEC at the site has been mitigated (<i>Parsons, 2006c</i>). MRS-15 MOCO 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-Ranges 43-48 (Parcels E38, E39, E40, E41, and E42)	MD MEC	1940s through 1990s	MRS-Ranges 43-48 includes all or portions of six former firing ranges that were part of the Impact Area. To address threats to public safety associated with MEC potentially remaining at MRS-Range 43-48, several munitions responses were performed. The munitions responses included grid sampling, a surface time-critical removal action (TCRA) over accessible areas, and an Interim Action that included additional surface and subsurface MEC removal conducted throughout the parcels to a depth of 4 feet. Inaccessible SCAs ² (Plate 7, Attachment 1) and pending areas underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2007</i>). According to the MMRP database 11,955 MEC items and 28,840 munitions debris items were removed from the site. MRS-Ranges 43-48 (including the SCAs) will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 01 (Parcel E24)	MD MEC	Unknown	The boundary of MRS-15 SEA 01 was developed to support the transfer of Parcel E24 and not on evidence of munitions use. MRS-15 SEA 01 included the firing points and some of the targets associated with three small arms ranges (Ranges 21, 22, and 23) and a non-firing target detection range. Several munitions responses were conducted on MRS-15 SEA 01, including an investigation of field latrines, road clearances, grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 01 not covered by the NTCRA. According to the MMRP database, 203 MEC items and 17,845 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 01 have been conducted to a depth of 4 feet. Inaccessible SCAs ³ (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			addressed in a follow-up investigation. MRS-15 SEA 01 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 02 (Parcel E34)	MD MEC	Unknown	The boundary of MRS-15 SEA 02 was developed to support the transfer of Parcel E34 and not on evidence of munitions use. MRS-15 SEA 02 included the firing points and some of the targets associated with two small arms ranges (Ranges 19 and 20). Several munitions responses were conducted on MRS-15 SEA 02, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 02 not covered by the NTCRA. According to the MMRP database, 12 MEC items and 1,390 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 02 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 8, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 02 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 03 (Parcel E23.1)	MD MEC	Unknown	The boundary of MRS-15 SEA 03 was developed to support the transfer of Parcel E23.1 and not on evidence of munitions use. MRS-15 SEA 03 includes a portion of Range 18, a former small arms range. Features associated with Range 18 that lie within Parcel E23.1 include some of the firing points and some of the targets. Several munitions responses were conducted on MRS-15 SEA 03, including grid sampling, removals within the small arms range, roads and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 03 not covered by the NTCRA. According to the MMRP database, 124 MEC items and 220 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 03 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 03 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.
MRS-15 SEA 04 (Parcel E23.2)	MD MEC	Unknown	The boundary of MRS-15 SEA 04 was developed to support the transfer of Parcel E23.2 and not on evidence of munitions use. MRS-15 SEA 04 included the firing points and some of the targets associated with two small arms ranges (Ranges 18 and 46), and the firing points for a mortar and antitank weapons range (Range 48). Several munitions responses were conducted on MRS-15 SEA 04, including grid sampling, removals within the small arms ranges and fuel breaks, a surface TCRA, a NTCRA, and a 100% digital geophysical survey on all remaining portions of MRS-15 SEA 04 not covered by the NTCRA. According to the MMRP database, 189 MEC items and 380 munitions debris items were removed from the site. All munitions responses within the accessible areas of MRS-15 SEA 04 were conducted to a depth of 4 feet. Inaccessible SCAs (Plate 7, Attachment 1) underwent a surface removal only. The immediate threat posed to the public by the SCAs has been significantly mitigated because the MEC on the ground surface was removed (<i>Parsons, 2006a</i>). Inaccessible SCAs will be addressed in a follow-up investigation. MRS-15 SEA 04 will be evaluated through the RI/FS process per the provisions of the FFA, as amended, and as part of the ongoing former Fort Ord MMRP.

Exhibit E – Notification of Munitions and Explosives of Concern (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
<p>*Munitions and Explosives of Concern (MEC)U. This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 101(e)(5); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.</p> <p>¹ Resolution of anomalies detected below the depth specified in a project scope of work was at the discretion of the project managers and determined on a case-by-case basis considering, among other things, the likelihood that the anomaly was MEC or other material. At munitions response sites where 4-foot removal or removal-to-depth was conducted since June 1996, all detected anomalies were investigated or resolved (e.g. Parker Flats Munitions Response Area), or unresolved anomalies were recorded (e.g. special-case areas in MRS-15 SEA 01-4). For 1-foot and 3-foot removals, and 4-foot removals conducted prior to June 1996, after-action reports do not provide information about any detected but unresolved anomalies; further evaluation of site-specific information would be required to conclusively state that there were no such anomalies.</p> <p>² SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-Ranges 43-48 are high density munitions debris and range-related debris areas (Ranges 44 and 48); high density MEC and range-related debris (Range 47); target box trench (Range 45); non-completed areas; steel-reinforced concrete observation bunker; and metallic fence. See the <i>Final MRS-Ranges 43-48 Interim Action Technical Information Paper, Former Fort Ord, Monterey, California, Military Munitions Response Program</i>, January 26, 2007, for additional information.</p> <p>³ SCA is an area in the MRS in which MEC removal cannot be completed within the scope of work due to metallic clutter or obstructions that compromise instrument performance or technician safety or because the removal process would cause a serious adverse impact to the habitat. The specific types of SCAs at MRS-15 SEA 01-4 are metallic fence; asphalt and concrete paved areas; non-completed backhoe excavation areas; heavy equipment excavation areas (concrete bunkers, fighting positions, flag poles, target boxes, tie downs, utility poles and wood stairs); berms (wood retaining walls with metal connectors); structures and latrines; former remote automated weather station (Range 46); and debris piles. See the <i>Final Technical Information Paper MRS-15 SEA 01-4, Time-Critical Removal Action and Geophysical Operations (Phase I), Former Fort Ord, Monterey, Military Munitions Response Program</i>, February 11, 2006, for additional information.</p>			



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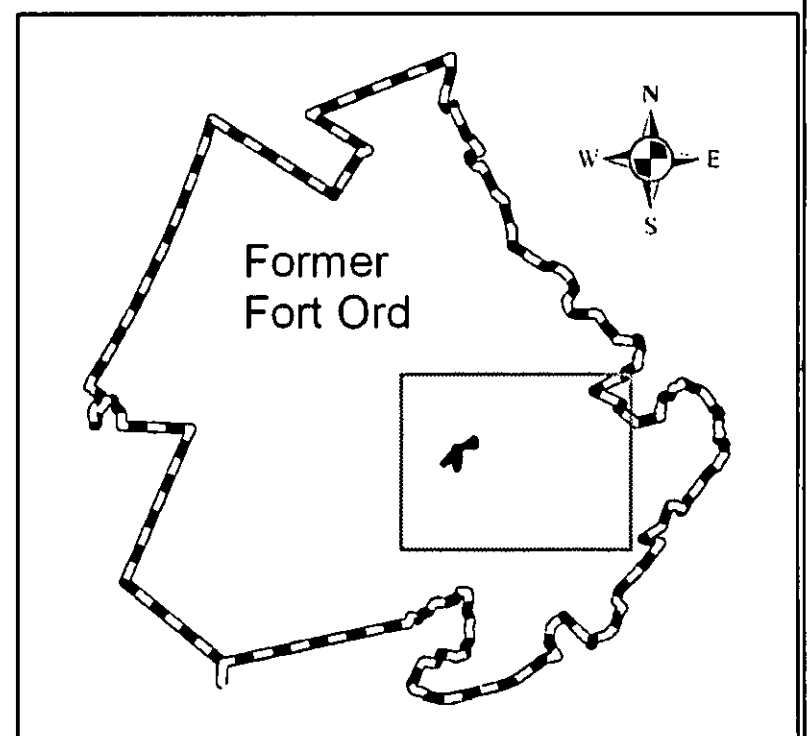
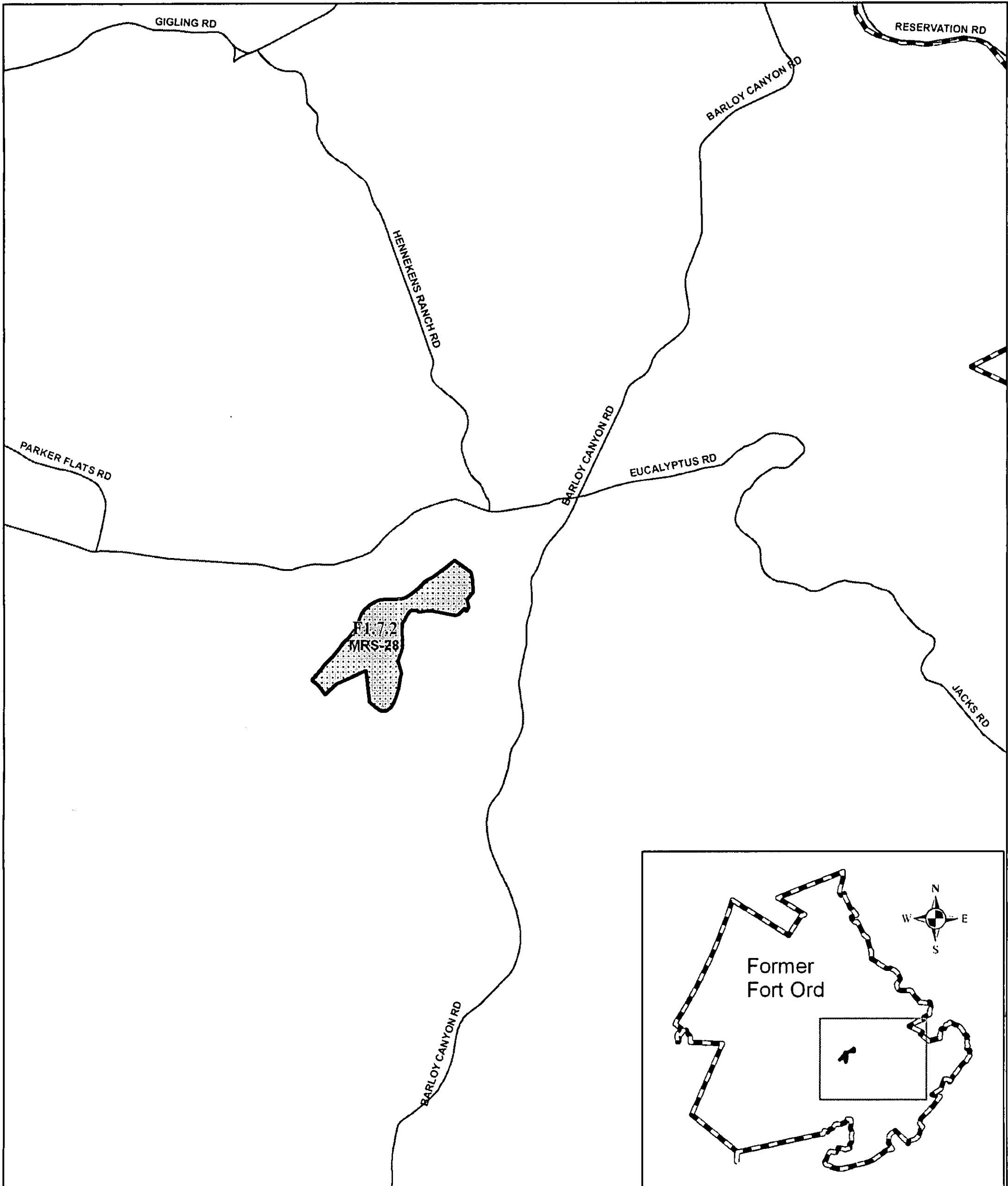
-  Parcel covered by this Deed
-  Munitions Response Sites
-  Roads
-  Boundary of the Former Fort Ord

Exhibit F: Monterey Peninsula College
E19a.5, E21b.3, E38, E39, E40, E41, E42, L23.2 (FOSET 5)
 Locations of Munitions Response Sites
 Former Fort Ord, California

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EXHIBIT "F"







-  Parcel covered by this Deed
-  Munitions Response Sites
-  Roads
-  Boundary of the Former Fort Ord

Exhibit F: Monterey Peninsula College Parcel F1.7.2 (FOSET 5)
 Locations of Munitions Response Sites
 Former Fort Ord, California

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S BOUNDARY ROAD

EXHIBIT G

UNRECORDED EASEMENTS AND ENCUMBRANCES

Existing utilities, if any, along Impossible Canyon Road.

Existing utilities, if any, along paved roads within these parcels including Normandy Road, Parker Flats Road, Parker Flats Cut-Off and Eucalyptus Road, which may currently service U.S. Department of the Interior, Bureau of Land Management (BLM) facilities.

END OF DOCUMENT

APPENDIX C

Fort Ord Military Munitions 3Rs Explosives Safety Guide

HISTORY

As an active U.S. Army post, Fort Ord's mission was to train soldiers to protect the interests of the United States. An important part of the mission was infantry and artillery training. As a result of this training, unexploded ordnance may remain on portions of the former Fort Ord.

After reviewing the records of past training activities, the Army identified areas where ordnance may still remain and began conducting investigations and removing ordnance from those areas. Cleanup of all identified areas will not be completed for many years.



Examples of Military Munitions at former Fort Ord

Military Munitions 3Rs Explosives Safety Guide



If you find an object (or even a piece of one) resembling those shown in this safety guide —

**Don't Touch It
Mark the Location
Call 911 to Report the Item**

Si descubre cualquier objeto que se asemeje a los que se muestran en este photographia —

**¡NO LO TOQUE!
MARQUE LA UBICACIÓN
LLAME A LA POLICÍA AL 911!**



Fort Ord Military Munitions 3Rs Explosives Safety Guide

DANGER

Areas where unexploded ordnance may be present are posted with DANGER signs. Do not enter areas where you see signs like the one below. Off-road vehicular traffic is prohibited on the former Fort Ord.



Introduction

The purpose of this pamphlet is to inform you of the military training activities that took place at the former Fort Ord and to raise awareness of the explosive hazards that may exist at the former fort.

As a result of the Army's use of military munitions on the former Fort Ord, unexploded ordnance (UXO) may be encountered during ground disturbing activity on former Fort Ord property.

Users of the former Fort Ord should be aware of the potential for unexploded ordnance to remain after cleanup and be aware of the potential hazards munitions pose. To protect yourself, your family and your neighbors, you should learn and follow the 3Rs of Explosive Safety.

Before You Dig

Any activity within former military munitions areas at former Fort Ord that involves the disturbance of ten (10) cubic-yards or more of soil requires an Excavation Permit from the County or City building department.

The County and Cities have each adopted digging and excavation ordinances that specify special standards and procedures for ground disturbing activities on the former Fort Ord ("digging and excavation ordinances"; Monterey County Code Chapter 16.10, City of Del Rey Oaks Chapter 15.48, City of Monterey Chapter 9 Article 8, and City of Seaside Chapter 15.34, respectively).

The intent of these ordinances is to ensure that site purchasers, developers or workers are aware of the potential that explosive hazards may still be located on these properties, and to ensure that appropriate precautions, including UXO Construction Support, are implemented prior to any ground disturbance.

As a condition for excavation permits, all personnel working on the site must also complete munitions recognition and safety training. If a suspect munition item is encountered, it is imperative that all site workers understand the potential hazards, safety precautions, and protective measures in place.

The 3Rs of Explosives Safety

Recognize — Recognizing when you may have encountered a munition is key to reducing the risk of injury or death. If you encounter or suspect you may have encountered a munition, consider it extremely dangerous. Remember, munitions are sometimes hard to identify.

Retreat — If you encounter or suspect you may have encountered a munition, do not touch, move or disturb it. Immediately and carefully - do not run - leave the area following the same path on which you entered. If you can, mark the general area, not the munition, in some manner (e.g., with a hat, piece of cloth, or tying a piece of plastic to a tree branch).

Report — When you think you may have encountered a munition, notify your local law enforcement — call 911.

DON'T FORGET

Munitions are dangerous and may not be easily recognizable. Never touch, move or disturb a munition or suspected munition.

**Learn and follow the 3Rs
Of explosives safety**



Additional Munitions Safety Resources

The Fort Ord Reuse Authority offers free munitions recognition and safety training through an easy to access eLearning tool. This training is recommended for anyone conducting ground-disturbing activities on former Fort Ord and required for all personnel as a condition for excavation permits.

Munitions recognition and safety training eLearning may be accessed at: www.fortordsafety.com.

More information about munitions safety at the former Fort Ord, contact the Fort Ord Reuse Authority by calling 831-883-3672 or the Fort Ord Base Realignment and Closure Field Office by calling 831-242-7919.

For information about munitions cleanup at the Former Fort Ord, visit www.fortordcleanup.com.



Produced by the **Fort Ord Reuse Authority**
920 2nd Ave. Suite A, Marina, CA 93933
tel: 831-883-3672 Email: info@fora.org
www.fora.org

APPENDIX D

**Local Digging and Excavation Ordinances related to Group 3 MRA Properties
and Confirmation of Agreement between Fort Ord Reuse Authority and
Monterey Peninsula College**

EXHIBIT C

City of Del Rey Oaks Ordinance No. 259, amending the Municipal Code to add Chapter 15.48, titled "*Digging and Excavation on the Former Fort Ord*". The ordinance prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit.

EXHIBIT C

ORDINANCE NO. 259

AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ADD
CHAPTER 15.48 RELATING TO EXCAVATION ON THE FORMER FORT ORD

-o0o-

THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN AS
FOLLOWS:

1. Chapter 15.48 added. Chapter 15.48, entitled "Digging and Excavation on the Former Fort Ord" is hereby added to the Municipal Code to read in its entirety as set forth on the attached six (6) pages, marked Exhibit "A" and incorporated herein by this reference thereto.

2. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

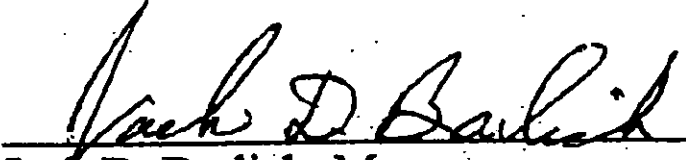
3. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Del Rey Oaks duly held on November 18, 2003, and was passed and adopted at an adjourned regular meeting duly held on December 2, 2003, by the following vote:

AYES:	COUNCIL MEMBERS:	Russell, Buckley Smith, Edelen, Clark and Barlich
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None


WELLINGTON
LAW OFFICES
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Jack D. Barlich, Mayor

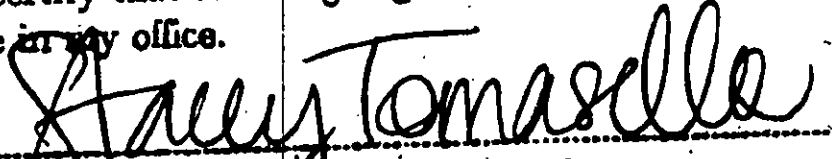
ATTEST:



Ronald J. Langford, City Clerk

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss.
CITY OF DEL REY OAKS }

I, Stacey Tomasello, duly appointed City Clerk
of Del Rey Oaks, do hereby certify that the foregoing is a true and correct copy
of the original thereof on file in my office.



Deputy CITY CLERK

Chapter 15.48

Digging and Excavation on the Former Fort Ord

Sections:

15.48.010	Purpose and Intent
15.48.020	General.
15.48.030	Designation and Applicability.
15.48.040	Excavation and Digging Restrictions.
15.48.050	Permit Requirements.
15.48.060	Permit Procedure.
15.48.070	Term of Permit
15.48.080	Exceptions to Permit Conditions
15.48.090	Performance Bond.
15.48.100	Amendment to Permits.
15.48.110	Appeals.
15.48.120	Notification to Property Owners and Other Land Users
15.48.130	Revision of Chapter

15.48.010 Purpose and Intent. The United States Army ("Army") is in the process of transferring approximately 360 acres of the former Fort Ord military installation ("Fort Ord") to the City. Some parcels of the former Fort Ord were contaminated with ordnance and explosives ("OE"), which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of OE to its standard. Even following the Army's completion of OE response actions, it is possible that some OE materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all OE has been cleared and it requires a land use covenant to be recorded with the Monterey County Recorder on these parcels to provide additional controls and restrictions to protect the public health and safety and an agreement between the City and DTSC to provide additional safety measures, reporting, etc.

15.48.020 General. The City Council hereby finds and determines that those properties formerly included within the Fort Ord military installation which are suspected of containing OE require special standards and procedures for digging and excavation in addition to those contained in the Building Code, to ensure that:

A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;

B. Potential purchasers or developers of sites which may contain OE and those persons whose work at such sites includes disturbing soil, are aware of the potential that OE may be located on these properties and are aware of the requirements for OE precautions prior to any digging, excavation or ground disturbance thereon; and

C. DTSC should be continuously involved in the establishment of

controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions.

15.48.030 Designation and Applicability.

A. The City Council shall by resolution, and with the concurrence of DTSC, designate all real property within the City's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Archives Search Report and Supplement, dated 1997, or are otherwise identified, as the possible location of unexploded ordnance or explosives as an "Ordnance Remediation District" ("District"). All such Districts shall be depicted on a Grading District Map by an "ORD" suffix to indicate the existence of ordnance precaution remediation obligations on such property. The City shall notify DTSC of any change in the permitted land uses in any District within thirty (30) days after it adopts any change.

B. The regulations in this Chapter shall apply in all "ORD" districts and shall be in addition and subject to all provisions of the Municipal Code including Title 17 and the Building Code.

15.48.040 Excavation and Digging Restrictions. It shall be unlawful for any person, including utilities, to engage in any of the following activities on any property located within a District unless that person is acting pursuant to a valid permit issued pursuant to this Chapter: excavation, digging, development or ground disturbance of any type involving the displacement of 10 cubic yards or more of soil.

15.48.050 Permit Requirements. An owner or user of real property located within a District who desires to conduct the activities described in section 15.48.040 shall apply to the City Manager for a permit. The application shall be on a form approved by the City, shall be signed by the permit applicant, and shall contain the following information:

A. A description of any previous OE excavation or removal activity conducted other than by the Army on the property whose soil is proposed to be excavated, moved or graded.

B. A description of the property, whose soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to disturb 10 cubic yards or more of soil.

C. A statement that the person submitting the application acknowledges liability if the person removes any detected unexploded ordnance or otherwise violates this Chapter and/or the Permit. The Army will continue to have the liability to remove any ordnance items found. The person submitting the application is responsible to follow the procedures for notification of DTSC and the Army upon finding an ordnance item set out in section 15.48.060 below.

D. A statement by the person submitting the application that s/he has, within the preceding twelve months, delivered a copy of the Safety Alert required by section 15.48.120 to everyone whose work at the Property described in "B" above includes disturbing soil.

E. Any other information which the City Manager may require as pertinent to the determination of the adequacy of the proposed plan.

F. Payment of the Permit fee, as established by the City Council, at the time of filing the application for the Permit.

15.48.060 Permit Procedure.

The City Manager shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the City Manager, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Any permit issued hereunder shall be subject to the following conditions:

A. All excavation and grading shall be performed solely in accordance with the permit approved by the City and in accordance with the Permit as issued by the City.

B. Prior to movement of any soil on any property located within a District, the Permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert, and explain to each such person the information set forth in that Notice.

C. The Permittee may not move or disturb unless the Permittee is in compliance with the requirements placed on the property by the Agreement, Del Rey Oaks Former Fort Ord Resort Property executed between the City and DTSC, dated ____, 2003 ("DTSC Agreement"). Said requirements shall be attached to and become a part of any permit issued pursuant to this Chapter.

D. The Permittee shall cease soil disturbance activities upon discovery of any suspected unexploded ordnance. The Permittee shall notify the Del Rey Oaks Police Department, the Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The Permittee shall coordinate appropriate response actions with the Army and DTSC.

E. No later than thirty (30) days following the completion of the permitted soil disturbance activity, the Permittee shall prepare and file with the City Manager, the Army and DTSC an After Action Report that shall state whether and where OE was detected and the extent and depth of OE response actions undertaken and completed on the property that is the subject of the permit. (See Exhibit B). The After Action Report shall include site maps to illustrate the information contained in the report. All After Action reports prepared and filed in accordance with this Chapter shall be deemed public records.

F. The Permittee agrees as a condition of issuance of a permit to defend at its sole expense, indemnify and hold harmless from any liability the City, and reimburse the City for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of its obligations under this paragraph.

15.48.070. Term of permit. The permit shall be valid for one year from the date it is issued.

15.48.080 Exceptions to Permit Conditions. Following consultation with and approval by DTSC, the City Council may, upon a finding that the requirements of section 15.48.060.C are no longer necessary, designate by resolution any District as a "Limited Control District." The holder of any permit issued for any Limited Control District shall not be subject to section 15.48.060.C.

15.48.090 Performance Bond.

Upon a finding by the City Manager that a permit should issue for excavation or grading on the proposed site, the City Manager may require that a surety bond, lien or other security guarantee conditioned upon the faithful performance and completion of the permitted excavation activity be filed with the City. Such surety shall be executed in favor of the City and shall be maintained in an amount prescribed by the City Manager sufficient to ensure the completion of the excavation of the site as prescribed in the approved permit.

15.48.100 Amendment to Permits.

Request for amendments to an approved excavation permit may be submitted to the City Manager at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the City in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit.

15.48.110 Appeals.

Any person aggrieved by any determination of the City Manager in exercise of the authority granted herein shall have the right to appeal to the City Council. Any appeal setting forth the contested decision and the reasons for contesting same must be filed within ten (10) working days after the posting of the City Manager's decision at the three places designated by the City Council. The City Council shall render its decision within sixty (60) days following the filing of the notice of appeal. The Council may affirm, reverse or modify the decision of the City Manager. The Council action shall be final upon issuance of its decision.

15.48.120 Notification to Property Owners and Other Land Users.

A. The City will notify the owners of property designated as Ordinance Remediation Districts and those utilities known to be providing service within the City, of the requirements of this Chapter and provide those persons with the Safety Alert – Ordnance and explosives at Former Fort Ord ("Safety Alert"), which is attached hereto as Exhibit "A". The City shall annually notify the owners of said property as shown on the equalized tax rolls of the requirements of this Chapter and provide those persons with a copy of the Notice. Failure of any owner, occupant or user of such land to receive said notification shall not relieve that person from responsibility for compliance with this Chapter.

B. All owners, occupants or users of land subject to this Chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this Chapter. Notification shall be made prior to transfer of the property in question. As used in this Chapter, the words "occupants" and "users" do not include customers, guests or other individuals who will have minimal potential for significantly disturbing the soil.

C. All persons identified in "A" above shall deliver, at least annually, a copy of the Safety Alert to everyone whose work at OE sites includes disturbing soil and shall explain the contents thereof to those persons.

15.48.130 Revision of Chapter. This Chapter shall not be revised without prior written notice to the DTSC and subject to the terms of the DTSC Agreement.

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CHAPTER 9.
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Article 8. Digging and Excavation on the Former Fort Ord (Ord 3384, 02/07)

- [§9-73](#) Purpose and intent
- [§9-74](#) General
- [§9-75](#) Designation and applicability
- [§9-76](#) Excavation and digging restrictions
- [§9-77](#) Permit requirements
- [§9-78](#) Permit procedure
- [§9-79](#) Term of Permit
- [§9-80](#) Exceptions to permit conditions
- [§9-81](#) Performance bond
- [§9-82](#) Amendment to permits
- [§9-83](#) Appeals
- [§9-84](#) Notification to property owners and other land users
- [§9-85](#) Revision of chapter

**ARTICLE 8. (Ord 3384; 02/07)
DIGGING AND EXCAVATION ON THE FORMER FORT ORD**

Sec. 9-73 Purpose and intent.

The United States Army (Army) is in the process of transferring various parcels of the former Fort Ord military installation (Fort Ord) to the City or to other entities within the City's land use jurisdiction. Some parcels of the former Fort Ord were contaminated with unexploded ordnance and explosives (UXO), which is a hazardous waste. The Army will not transfer those parcels until it has completed response actions for UXO as required by law. Even following the Army's completion of UXO response actions, it is possible that some UXO materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all UXO has been cleared and has considered requiring land use restrictions that will be recorded with the Monterey County recorder. The City believes that recorded land use restrictions would burden the title of those parcels and present economic disincentives to develop them. The City and DTSC desire that sufficient controls and restrictions be placed on these parcels to protect the public health, safety and in a manner equivalent to that resulting from recordation of land use restrictions.

Sec. 9-74 General.

The City Council finds and determines that those properties formerly included within the Fort Ord military installation which are suspected of containing UXO require special standards and procedures for digging and excavation in addition to those contained in the building code, to ensure that:

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- (a) Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;
- (b) Potential purchasers or developers of UXO sites and those persons whose work at UXO sites includes disturbing soil, are aware of the potential that UXO may be located on these properties and are aware of the requirements for UXO remediation prior to any digging, excavation or ground disturbance thereon; and
- (c) DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions.

Sec. 9-75. Designation and applicability.

- (a) The City Council shall by resolution, and with the concurrence of DTSC, designate all real property within the City's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Revised Archives Search Report, Former Fort Ord, dated 1997, or are otherwise identified, as the possible location of unexploded ordnance or explosives as an ordnance remediation district. All such districts shall be depicted on a grading district map by an "ORD" suffix to indicate the existence of ordnance remediation obligations on such property and, upon receipt of notification by the Army of specific requirements or restrictions on such districts, a notation thereof. The City shall notify DTSC of any change in the permitted land uses in any district within thirty days after it adopts any change.
- (b) The regulations in this chapter shall apply in all "ORD" districts and shall be in addition and subject to all provisions of the municipal code and the building code.

Sec. 9-76 Excavation and digging restrictions.

It is unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid permit issued pursuant to this chapter: excavation, digging, development or ground disturbance of any type:

- (a) involving the displacement of ten cubic feet or more of soil; or
- (b) in violation of requirements or restrictions placed on such property by the Army and as noted on the grading district map.

Sec. 9-77. Permit requirements.

An owner or user of real property located within a district who desires to conduct the activities described in Section [9-76](#) shall apply to the Public Works Director for a permit. The application shall be on a form approved by the City, shall be signed by the permit applicant, and shall contain the following information:

- (a) A description of any previous UXO excavation or removal activity conducted on the property whose soil is proposed to be excavated, moved or graded;

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- (b) A description of the property whose soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to (1) disturb ten cubic feet or more of soil; or (2) disturb soil in a manner inconsistent with restrictions placed on the property by the Army and as noted on the grading district map;
- (c) A statement that the person submitting the application acknowledges liability for removing all detected unexploded ordnance and explosives in accordance with this chapter and the permit;
- (d) A statement by the person submitting the application that s/he has, within the preceding twelve months, delivered a copy of the notice to everyone whose work at the property described in subsection b above includes disturbing soil;
- (e) Any other information which the Public Works Director may require as pertinent to the determination of the adequacy of the proposed plan;
- (f) Payment of the permit fee, as established by the City Council, at the time of filing the application for the permit. (Ord. 3472 § 1, 2012; Ord. 3424 § 1, 2009)

Sec. 9-78. Permit procedure.

The Public Works Director shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the Public Works Director, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Except as otherwise indicated in Section [9-80](#), any permit issued hereunder shall be subject to the following conditions:

- (a) All excavation and grading shall be performed solely in accordance with the permit approved by the City and in accordance with the permit as issued by the City.
- (b) Prior to movement of any soil on any property located within a district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the notice and safety plan which is attached hereto as Exhibit A, and explain to each such person the information set forth in that notice.
- (c) The permittee may not move or disturb soil in a manner inconsistent with restrictions placed on the property by the Army and as noted on the grading district map unless there is a Department of Defense certified, or equivalent, explosive ordnance disposal technician acceptable to the Public Works Director who is on site and visually supervises any such activity. Any excavation or soil disturbance inconsistent with restrictions placed on the property by the Army may be accomplished only after investigation using sweep lanes no wider than five feet throughout the excavation area and after using detection devices and

City of Monterey Municipal Code

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visual identification to locate, identify and remove any unexploded ordnance discovered during such excavation activity.

(d) The permittee shall cease soil disturbance activities and shall notify the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC.

(e) No later than thirty days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the Public Works Director, the Army and DTSC an after action report that shall state whether and where UXO was detected and the extent and depth of UXO response actions undertaken and completed on the property that is the subject of the permit. The after action report shall include site maps to illustrate the information contained in the report. All after action reports prepared and filed in accordance with this chapter shall be deemed public records.

(f) The permittee agrees as a condition of issuance of a permit to defend at its sole expense, indemnify and hold harmless from any liability the City, and reimburse the City for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this subsection. (Ord. 3472 § 1, 2012; Ord. 3424 § 1, 2009)

Sec. 9-79. Term of permit.

The permit shall be valid for one year from the date it is issued.

Sec. 9-80. Exceptions to permit conditions.

Following consultation with and approval by DTSC, the City Council may, upon a finding that the requirements of Section [9-78\(c\)](#) are no longer necessary, designate by resolution any district as a limited control district. The holder of any permit issued for any limited control district shall not be subject to section 9-78(c).

Sec. 9-81. Performance bond.

Upon a finding by the Public Works Director that a permit should issue for excavation or grading on the proposed site, a surety bond, lien or other security guarantee conditioned upon the faithful performance and completion of the permitted excavation activity shall be filed with the City. Such surety shall be executed in favor of the City and shall be maintained in an amount prescribed by the Public Works Director sufficient to ensure the completion of the ordnance remediation and excavation of the site as prescribed in the approved permit. (Ord. 3472 § 1, 2012; Ord. 3424 § 1, 2009)

Sec. 9-82. Amendment to permits.

Request for amendments to an approved excavation permit may be submitted to the Public Works Director at any time, detailing proposed changes from the original permit. Deviations from the original

City of Monterey Municipal Code

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permit shall not be undertaken until such amendment has been approved by the City in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit. (Ord. 3472 § 1, 2012; Ord. 3424 § 1, 2009)

Sec. 9-83. Appeals.

Any person aggrieved by any determination of the Public Works Director in exercise of the authority granted in this chapter shall have the right to appeal to the City Council. Any appeal setting forth the contested decision and the reasons for contesting same must be filed within ten working days after the posting of the Public Works Director's decision at the three places designated by the City Council. The City council shall render its decision within sixty days following the filing of the notice of appeal. The council may affirm, reverse or modify the decision of the Public Works Director. The Council action shall be final upon issuance of its decision. (Ord. 3472 § 1, 2012; Ord. 3424 § 1, 2009)

Sec. 9-84. Notification to property owners and other land users.

(a) To the extent that the Army identifies those persons to whom it has conveyed property that is designated ordnance remediation districts, the City will notify those persons and those utilities known to be providing service within the City, of the requirements of this chapter and provide those persons with a notice and safety plan ("Notice and Safety Plan"), which shall be adopted by the City. The City shall annually notify the owners of such property as shown on the equalized tax rolls of the requirements of this chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive such notification shall not relieve that person from responsibility for compliance with this chapter.

(b) All owners, occupants or users of land subject to this chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this chapter. Notification shall be made prior to transfer of the property in question.

(c) All persons identified in subsection (a) above shall deliver, at least annually, a copy of the Notice and Safety Plan to everyone whose work at UXO sites includes disturbing soil and shall explain the contents thereof to those persons.

Sec. 9-85. Revision of chapter

This chapter shall not be revised without prior written notice to the DTSC and subject to the terms and conditions of the DTSC in their agreement with the City."

- Chapter 16.10 - DIGGING AND EXCAVATION ON THE FORMER FORT ORD
- 16.10.010 - Purpose and intent.
- 16.10.020 - General.
- 16.10.030 - Applicability.
- 16.10.040 - Excavation and digging restrictions.
- 16.10.050 - Permit requirements.
- 16.10.060 - Permit procedure.
- 16.10.070 - Term of permit.
- 16.10.080 - Exceptions to permit conditions.
- 16.10.090 - Performance bond.
- 16.10.100 - Amendment to permits.
- 16.10.110 - Appeals.
- 16.10.120 - Notification to property owners and other land users.
- 16.10.130 - Revision of Chapter.

Chapter 16.10 - DIGGING AND EXCAVATION ON THE FORMER FORT ORD

16.10.010 - Purpose and intent.

The United States Army (Army) is in the process of transferring various parcels of the former Fort Ord military installation (Fort Ord) to the County or to other entities within the County's land use jurisdiction. Some parcels of the former Fort Ord were contaminated with unexploded ordnance and explosives (UXO), which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of UXO to its standard. Even following the Army's completion of UXO response activities, it is possible that some UXO materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all UXO has been cleared and it will require a land use covenant to be recorded with the Monterey County Recorder on those parcels to provide additional controls and restrictions to protect the public health and safety. The County will also enter into an Agreement with DTSC to provide additional safety measures and reporting.

(Ord. 5012 § 1 (part), 2005)

16.10.020 - General.

The Board of Supervisors finds and determines that those properties formerly included within the Fort Ord military installation that are suspected of containing UXO require special standards and procedures for digging and excavation in addition to those contained in the Building Code, to ensure that:

- A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;
- B.
- B. Potential purchasers or developers of sites which may contain UXO and those persons whose work at such sites includes disturbing soil, are aware of the potential that UXO may be located on these properties and are aware of the requirements for UXO precautions prior to any digging, excavation or ground disturbance thereon; and
- C. DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions.

(Ord. 5012 § 1 (part), 2005)

16.10.030 - Applicability.

A. The Board of Supervisors, with the concurrence of DTSC, hereby designates all real property within the County's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Archives Search Report and supplement, dated 1997, or otherwise identified, as the possible location of unexploded ordnance or explosives as an Ordinance Remediation District (hereafter "district"). All such districts are defined as those areas of the unincorporated portions of the former Fort Ord, excepting therefrom the "Track 0" parcels as identified in the *Finding of Suitability to Transfer, Track 0 Parcels, Former Fort Ord, California* document, dated May 2003. The County shall notify DTSC of any change in the permitted land uses in any district within thirty (30) days after it adopts any change.

B. The regulations in this Chapter shall apply in all districts and shall be in addition and subject to all provisions of the County Code, including Titles 16, 18 and 21.

(Ord. 5012 § 1 (part), 2005)

16.10.040 - Excavation and digging restrictions.

It shall be unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid excavation permit (hereafter "permit") issued pursuant to this Chapter: excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil.

(Ord. 5012 § 1 (part), 2005)

16.10.050 - Permit requirements.

An owner or user of real property located within a district who desires to conduct the activities described in Section 16.10.040 shall apply to the Building Official for a permit. The application shall be on a form approved by the County, may be combined with an application for grading pursuant to County Code Chapter 16.08, shall be signed by the permit applicant and all owners of each parcel of property on which excavation will be done, and shall contain the following information:

- A. Six copies of a description of any previous UXO excavation or removal activity conducted on the property whose soil is proposed to be excavated, moved or graded;
- B. Six copies of a description of the property where soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to do either of the following: (1) disturb ten (10) cubic yards or more of soil; or (2) disturb soil in a manner inconsistent with restrictions placed on the property by the Army or as noted on the district map;
- C. Six copies of a statement that the person submitting the application acknowledges liability for removing all detected unexploded ordnance and explosives in accordance with this Chapter and the permit;
- D. Six copies of a statement by the person submitting the application that they have, within the preceding twelve (12) months, delivered a copy of the notice to everyone whose work at the property described in Subsection 16.10.050(B) includes disturbing soil;
- E. The expected completion date of the activities authorized by the permit;
- F. Any other information which the Building Official may require as pertinent to the determination of the adequacy of the proposed plan;
- G. Payment of the permit fee, as established by the Board of Supervisors, at the time of filing the application for the permit.

(Ord. 5012 § 1 (part), 2005)

16.10.060 - Permit procedure.

The Building Official shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the Building Official, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Except as otherwise indicated in Section 16.10.080, any permit issued hereunder shall be subject to the following conditions:

- A. All excavation and grading shall be performed solely in accordance with the permit approved and issued by the County.
- B. Prior to movement of any soil on any property located within a district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert—Ordnance and Explosives at former Fort Ord, as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey, or its successor document, and explain to each such person the information set forth in that notice.
- C. The permittee may not move or disturb soil unless the permittee is in compliance with the requirements placed on the property by an Agreement executed between the County, Redevelopment Agency, FORA and DTSC. Said Agreement shall, at a minimum, include OE construction support ("Construction Support") and shall be attached to and become a part of any permit issued pursuant to this Chapter.
- D. The permittee shall cease soil disturbance activities upon a discovery of any suspected unexploded ordnance. The permittee shall notify the Monterey County Sheriff, Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC.
- E. No later than thirty (30) days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the Building Official, the Army and DTSC an After Action Report that shall state whether and where UXO was detected and the extent and depth of UXO response actions undertaken and completed on the property that is the subject of the permit. The After Action Report shall be in the form provided in Exhibit "A" and shall include site maps to illustrate the information contained in the report. All After Action Reports prepared and filed in accordance with this Chapter shall be deemed public records.

Monterey County Code Chapter 16.10 - DIGGING AND EXCAVATION ON THE FORMER FORT ORD

- F. --In consideration for the issuance of a permit and project approval, permittee shall defend at its sole expense any action or proceeding brought against the County and its Agents, Officers, and employees because of the approval of said permit. In further consideration for the issuance of a permit and project approval, the permittee shall indemnify and hold harmless from any liability the County and its agents, officers and employees and reimburse the County for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding and any and all related litigation costs, court costs, and attorneys' fees which the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this Subsection.
- G. The Building Official shall mail a notice of permit approval to the Army, DTSC, and all owners of property within three hundred (300) feet of the real property that is the subject of the permit application.

(Ord. 5012 § 1 (part), 2005)

16.10.070 - Term of permit.

Every permit issued by the Building Official under the provisions of this Chapter shall expire if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the work authorized by such permit is commenced and then suspended or abandoned for a period of thirty (30) days, unless such suspension is approved by the Building Official. Before such work can be recommenced, a new permit shall first be obtained, and the fee therefor shall be as established from time to time by the Board of Supervisors for a new permit for such work, provided no changes have been made or will be made in the original plans and specification for such work.

(Ord. 5012 § 1 (part), 2005)

16.10.080 - Exceptions to permit conditions.

Following consultation with and approval by DTSC, the Board of Supervisors may, upon a finding that the requirements of Section 16.10.060(C) are no longer necessary, designate by ordinance or resolution any district as a Limited Control District and/or no longer subject to the provisions of this Chapter. The holder of any permit issued for any Limited Control District shall not be subject to Section 16.10.060(C).

(Ord. 5012 § 1 (part), 2005)

16.10.090 - Performance bond.

Upon a finding by the Building Official that a permit should be issued for excavation or grading on the proposed site, a surety bond, in the form prescribed by the Monterey County Code Section 16.08.290, conditioned upon the faithful performance and completion of the permitted excavation activity, shall be filed with the County. Such surety shall be executed in favor of the County and shall be maintained in an amount prescribed by the Building Official sufficient to ensure the completion of the ordnance remediation and excavation of the site as prescribed in the approved permit.

(Ord. 5012 § 1 (part), 2005)

16.10.100 - Amendment to permits.

Request for amendments to an approved excavation permit may be submitted to the Building Official at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the County in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit.

(Ord. 5012 § 1 (part), 2005)

16.10.110 - Appeals.

Any person aggrieved by any determination of the Building Official in exercise of the authority granted in this Chapter shall have the right to appeal pursuant to Monterey County Code Sections 16.08.460 through 16.08.510, inclusive.

(Ord. 5012 § 1 (part), 2005)

16.10.120 - Notification to property owners and other land users.

A. The County shall notify the owners of property designated as Ordnance Remediation Districts, and those utilities known to be providing service within the County, of the requirements of this Chapter and provide those persons with the Safety Alert—Ordnance and Explosives at Former Fort Ord, as identified in Section 16.10.060(B), above. The County shall annually notify the owners of said property as shown on the equalized tax rolls of the requirements of this Chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive said notification shall not relieve them from responsibility for compliance with this Chapter.

B. All owners, occupants or users of land subject to this Chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this Chapter. Notification shall be made prior to transfer of the property in question.

Monterey County Code Chapter 16.10 - DIGGING AND EXCAVATION ON THE FORMER FORT ORD

C. All persons identified in Subsection 16.10.120(A) above shall deliver, at least annually, a copy of the notice to everyone whose work at UXO sites includes disturbing soil and shall explain the contents thereof to those persons.

(Ord. 5012 § 1 (part), 2005)

16.10.130 - Revision of Chapter.

This Chapter shall not be revised without prior written notice to the DTSC.

(Ord. 5012 § 1 (part), 2005)



FORT ORD REUSE AUTHORITY

920 2ND Avenue, Suite A, Marina, CA 93933
Tel: 831 883 3672 | Fax: 831 883 3675 | www.fora.org

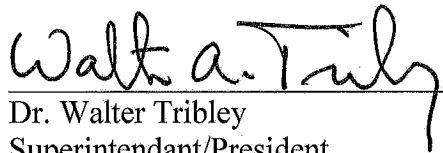
February 16, 2018

Confirmation of MPC Agreement with Excavation Permitting Requirements

This document confirms that Monterey Peninsula College (“MPC”) concurs with the excavation permitting requirements outlined in the Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan (“the Group 3 LUCIP/OMP”) and the Interim Action Ranges Munitions Response Area Land Use Controls Implementation Plan/Operation and Maintenance Plan (“the Interim Action Ranges MRA LUCIP/OMP”). This document also confirms Fort Ord acknowledgement of MPC recognition of the excavating permit requirements.

MPC is not bound by local building regulations when they act in their higher education capacity/role and is not subject to project review or permitting by the City of Seaside or Monterey County. MPC is not required to obtain an excavation permit under the local digging and excavation ordinance. However, MPC has agreed to comply with the local digging and excavation ordinance, specifically the requirements for munitions recognition and safety training, construction support, notifications, and monitoring and reporting, under the Memorandum of Agreement in place with the Fort Ord Reuse Authority, MPC, Monterey County and Department of Toxic Substances Control. In addition, MPC, as landowner, is prohibited from activities in violation of the digging and excavation ordinance under the State Covenants Restricting Use of Property and Federal deeds; therefore, excavation permits are required.

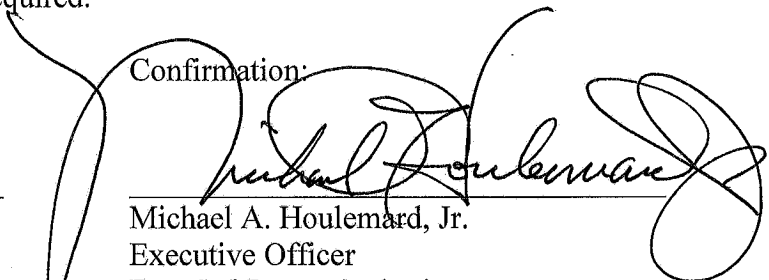
Acknowledgement:



Dr. Walter Tribley
Superintendent/President
Monterey Peninsula College
Administration Building, 980 Fremont Street
Monterey, California 93940

3/23/2018
Date

Confirmation:



Michael A. Houlemard, Jr.
Executive Officer
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

February 16, 2018
Date

APPENDIX E

Memorandum of Agreement Among The Fort Ord Reuse Authority, Monterey County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, California State University Monterey Bay, University of California Santa Cruz, Monterey Peninsula College and the Department of Toxic Substance Control Concerning Monitoring and Reporting on Environmental Restrictions on The Former Fort Ord, Monterey California, dated February 27, 2008

**MEMORANDUM OF AGREEMENT AMONG THE
FORT ORD REUSE AUTHORITY, MONTEREY COUNTY AND CITIES OF
SEASIDE, MONTEREY, DEL REY OAKS AND MARINA, CALIFORNIA STATE
UNIVERSITY MONTEREY BAY, UNIVERSITY OF CALIFORNIA SANTA CRUZ,
MONTEREY PENINSULA COLLEGE, AND THE
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
CONCERNING MONITORING AND REPORTING ON ENVIRONMENTAL
RESTRICTIONS ON
THE FORMER FORT ORD, MONTEREY COUNTY, CALIFORNIA (HEREINAFTER
REFERRED TO AS "AGREEMENT")**

This Agreement is made and entered into, by and among the State Department of Toxic Substances Control ("Department"), and the Respondents including the Fort Ord Reuse Authority ("FORA"), Monterey County ("County"), the City of Seaside ("Seaside"), the City of Monterey ("Monterey"), the City of Del Rey Oaks ("Del Rey Oaks"), the City of Marina ("Marina"), California State University Monterey Bay ("CSUMB"), University of California Santa Cruz ("UCSC"), and Monterey Peninsula College ("MPC") pursuant to Health and Safety Code section 25355.5 (a)(1)(c). The cities, County, CSUMB, UCSC, and MPC are collectively referred to as "jurisdictions." This agreement:

- Requires the jurisdictions to monitor compliance with all land use covenants ("LUCs"), including those imposed after this Agreement is executed, for all property on the former Fort Ord, except Fort Ord Dunes State Park, which will be transferred to the State of California Department of Parks and Recreation.
- Requires the jurisdictions to report to FORA or the County concerning their compliance with all recorded LUCs within their jurisdiction.
- Requires FORA or the County to compile data in the jurisdiction reports and transmit those data in a report to the Department. FORA or the County will report to the Department from the effective date of this Agreement until FORA ceases to exist. The possibility of extending FORA's existence will be explored in 2013. If the Legislature extends FORA's existence, FORA will remain the reporting agency for this agreement after June 20, 2014 or until FORA ceases to exist. When FORA ceases to exist, the County will become responsible for compiling the jurisdictions' monitoring reports and transmittal of the compiled report to the Department.
- Provides funding for the Department's review and oversight costs relating to this agreement and all covenants referred to above (see Section 1.16 below).

1.0 Background

- 1.1 Fort Ord was selected for closure in 1991 under Public Law 101-510, the Base Realignment and Closure Act of 1990. Soldiers remained on the base until

1993. Some of the former Fort Ord property is owned by the United States Army ("Army"). Some former Fort Ord property has transferred and will transfer to various cities, other entities and the County. A detailed map of the former Fort Ord with affected Parcels identified is provided as Attachment 1. This map will be updated annually by FORA/the County as part of the annual report.

- 1.2 In 1990, Fort Ord was listed on the National Priorities List ("Superfund"). In 1990, the Fort Ord Federal Facility Agreement was signed by the Army, the United States Environmental Protection Agency, the Department and the California Regional Water Quality Control Board, Central Coast Region. The entire Property is undergoing, or has undergone, the federal Comprehensive Environmental Compensation and Liability Act ("CERCLA") remediation process.
- 1.3 LUCs are required under state law for any properties having remnant hazardous materials. Covenants are placed on such properties being transferred from the federal government to a subsequent owner. Portions of Fort Ord were used as practice ranges and/or maneuver areas for military munitions training. The Army and/or private professionals have and will continue to investigate and clean up the munitions and explosives of concern ("MEC"). FORA cannot find all MEC using current technology. FORA cannot safely remove MEC until it is found. FORA's goals for the subject Environmental Services Cooperative Agreement property are to: a) locate and remove as much MEC as possible, and b) minimize MEC-related risk. FORA is committed to achieving those goals to a level established by the Department before it transfers former munitions areas to local jurisdictions for reuse. Remedies for several MEC areas and potential MEC areas have been selected in the following Records of Decision:

- Interim Action For Ordnance and Explosives at Ranges 43-48, Range 30A and MRS-16 (dated September 13, 2002, signed September 26, 1994)
- No Further Action Related to Munitions and Explosives of Concern, Track 1 Sites, No Further Remedial Action with Monitoring for Risks from Chemical Contamination at Site 3 (MRS-22) (dated March 10, 2005, signed April 6, 2005) (Track 1)

The parties to this Agreement anticipate the following Records of Decision for MEC to be signed in 2007:

- Track 2 Munitions Response Parker Flats Munitions Response Area
- Track 3 Impact Area Munitions Response Area

- 1.4 The County adopted Ordinance No. 5012¹, amending the County Code to include Chapter 16.10, titled “*Digging and Excavation on the Former Fort Ord.*” The ordinance prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil without a permit. Chapter 16.10 also indicates that the County will also enter into an Agreement with the Department to provide additional safety measures and reporting (Ordinance 5012 § 1 (part), 2005). This Memorandum of Agreement fulfills that reporting requirement.
- 1.5 The City of Marina adopted Ordinance No. 98-04 amending the Municipal Code to add Chapter 15.56. That Ordinance prohibits excavation, digging, development or ground disturbance of any type on the former Fort Ord that involves the displacement of ten (10) cubic feet or more of soil without a permit. The parties anticipate that the City of Marina will amend Municipal Code to add Chapter 15.56 to prohibit excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil without a permit to be consistent with adjacent jurisdictions’ municipal codes.
- 1.6 The City of Del Rey Oaks adopted Ordinance No. 259 amending the Municipal Code to add Chapter 15.48. The ordinance prohibits excavation, digging, development or ground disturbance of any type on the former Fort Ord that involves the displacement of ten (10) cubic yards or more of soil without a permit.
- 1.7 The City of Seaside adopted Ordinance No. 924, amending the Municipal Code to add Chapter 15.34. The ordinance prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil without a permit on the former Fort Ord.
- 1.8 The City of Monterey adopted Ordinance No. 3384, amending the Municipal Code to add Chapter 9 Article 8. The ordinance prohibits excavation, digging, developing or ground disturbing activities of any type that involves the displacement of ten (10) cubic feet or more of soil without a permit on the former Fort Ord.
- 1.9 FORA Resolution 98-1 contains measures that avoid/ minimize impacts from hazardous material (See Attachment 2, FORA Resolution 98-1).
- 1.10 Non-MEC hazardous waste and/or hazardous substances were disposed of in various locations throughout Fort Ord. The Army remediated many of these locations. There are, however, locations where wastes remain, such as Operable Unit 2 (“OU2”) Landfill. Measures must be taken at these locations to assure that they can be safely used. The Department requires LUCs in

¹ As the State of California acting in a higher education capacity, CSUMB, UCSC, and MPC are not bound by local regulations and specifically the ordinances and regulations discussed in Sections 1.4—1.9 and 1.12—1.14.

these cases. Remedies for these sites, which may include institutional controls including LUCs, were selected in the following Records of Decision ("ROD"):

- Interim Action ROD, Contaminated Surface Soil Remediation (dated February 23, 1994, signed March 15, 1994)
- OU2, Fort Ord Landfills (dated July 15, 1994, signed August 23, 1994)
- Remedial Investigation Sites (dated January 13, 1997, signed January 24, 1997)

1.11 Portions of Fort Ord overlie contaminated groundwater. The contaminated groundwater at OU1, OU2 and Sites 2/12 is currently being remediated by the Army via comprehensive pumping and treatment systems. Activities which may affect the groundwater monitoring, pumping and treatment systems must be prevented. To achieve that goal, authorized representatives must be allowed to enter these areas. Well drilling in contaminated areas and consumption of unsafe groundwater must also be prevented. Remedies for these sites, which include institutional controls, were selected in the following Records of Decision:

- Operable Unit 1 ("OU1") Fritzsche Army Airfield, Fire Drill Area (dated July 25, 1995, signed May 8, 1996)
- OU2, Fort Ord Landfills (dated July 15, 1994, signed August 23, 1994)
- Remedial Investigation Sites, including Sites 2/12 Groundwater Remedy (dated January 13, 1997, signed January 24, 1997)

The parties expect the following Groundwater ROD will be signed in 2007:

- Operable Unit Carbon Tetrachloride Plume ("OUCTP")

1.12 The County adopted Ordinance No. 4011. Ordinance 4011, which amends and adds to Chapter 15.08 of Title 15 of the County Code, indicates that *"in areas overlying or adjacent to the contaminant plumes on the former Fort Ord ("Prohibition Zone"), water well construction shall be prohibited and no application for a ministerial well permit shall be accepted for any real properties within the Prohibition Zone area. The Prohibition Zone area is identified on the former Fort Ord, Special Ground Water Protection Zone Map, prepared and maintained by the United States Army and on file in the County of Monterey, Department of Health."*

- 1.13 Chapter 13.12 of the City of Marina Municipal Code regulates the construction of water wells so as to protect the quality of groundwater. Section 13.12.030 of the City Code requires a written permit to construct a water well first be obtained from the County.
- 1.14 Chapter 8.24 of the City of Seaside Municipal Code regulates the construction of water wells so as to protect the quality of groundwater and requires a written permit to construct a water well to be approved by the health officer.
- 1.15 The Army and the Department have or will enter into, Covenants to Restrict Use of Property (hereinafter referred to as "Covenants") prior to transfer of the Property. The purpose of these Covenants is to prohibit certain land uses on Fort Ord. FORA and other entities may also enter into such covenants directly with the Department. After EPA has selected one or more remedies for the Property in a ROD(s), the then-current land owner, the Department and Regional Water Quality Control Board ("RWQCB") may, if appropriate, modify or remove the restrictions in the LUC to be consistent with the land and water use restrictions, if any, selected in the ROD(s). The land use covenants variously include restrictions based on MEC, lead based paint, groundwater contamination and proximity to the landfill.
- 1.16 FORA, the County and the jurisdictions enter into this agreement to monitor and report on compliance with all covenants, past, present and future, signed for all former Fort Ord property except for Fort Ord Dunes State Park. FORA will pay the Department's invoices from the effective date of this agreement until FORA ceases to exist. (See California Code of Regulations (hereinafter referred to as "CCR"), Title 22, Division 4.5, Chapter 39, section 67391.1 and Health and Safety Code section 25355.5 (a)(1)(c)). The County agrees to pay the Department's costs from and after the date FORA ceases to exist (See Section 3.14).
- 1.17 Attachment 3 (Table 3-1) contains a summary of the recorded LUCs as of the date of this agreement. The summary also lists the restrictions in the covenant and the associated monitoring requirements.
- 1.18 FORA will supplement the property descriptions as set forth in the LUCs with specific GPS coordinates. These GPS coordinates will be included in the annual report.
- 1.19 The references to "schools" in this agreement and in Attachment 4 do not include post-secondary schools.

The Parties agree as follows:

2.0 Implementation of This Agreement

- 2.1 The above recitals are incorporated into this Agreement. FORA, the County

and the jurisdictions agree that this Agreement applies to all properties on the former Fort Ord except Fort Ord Dunes State Park. The parties agree to perform the following tasks:

2.1.1 Annual Review of Compliance with LUCs

Annually (starting on July 1 and being completed by June 30 of each year), the jurisdictions shall:

- a. Inspect each property within their jurisdiction for which a covenant has been signed, to assure compliance with all restrictions, and report findings to FORA/County in the report format provided in Attachment 4. CSUMB, UCSC, and MPC will report findings directly to FORA/County. The City of Marina, the City of Seaside, the City of Del Rey Oaks, the City of Monterey, and Monterey County will not report on CSUMB, UCSC, and MPC's properties, explicitly defined in Attachment 3 "Table 3-1 Summary of Land Use Covenants." If property owners other than CSUMB, UCSC, and MPC have multiple parcels within multiple jurisdictions, each jurisdiction will be responsible to report on only those properties within their jurisdiction. The number of annual reports to be provided by the local jurisdictions will be based on the initial land conveyance parcels as described in Table 3-1, and the total number of reports will not increase over time as land is subsequently sold and subdivided (i.e. the Department does not expect one report for each subsequent Assessor's Parcel Number).
- b. Check with the applicable building departments or campus planning and development departments to ensure no structures were approved or built in violation of any covenant and report findings to FORA/County.
- c. Check with the applicable planning departments or campus planning and development departments to assure no uses were approved in violation of any covenant.
- d. All jurisdictions shall review the jurisdiction well permit applications or the institution records, in the case of CSUMB, UCSC, and MPC, to ensure no wells have been approved, dug or installed in violation of the ordinance or the covenants.

2.1.2 Annual Review of Local Ordinances²

- a. Summarize compliance with the jurisdictions' digging ordinances, including the number of permits issued.

² Section 2.1.2 does not apply to CSUMB, UCSC, and MPC.

- b. Document any changes to the jurisdictions' excavation/grading ordinances.
- c. Document any changes to the jurisdiction well permit ordinances.
- d. FORA and the County, in conjunction with the Department and in consultation with RWQCB, will annually, prior to June 30th, update and distribute copies to the other parties to this agreement:
 - 1. The map illustrating parcels with LUCs (Attachment 1)
 - 2. Table 3-1 summarizing LUCs for the Fort Ord property (Attachment 3)
 - 3. Changes to County Digging and Excavation on the former Fort Ord Ordinance No. 5012
 - 4. Changes to the County Groundwater Ordinance No. 4011

2.2 MEC Incident Reporting (*pending Department discussions with Army*)

For parcels that have been transferred and are not being regulated under the former Fort Ord Munitions Response Site (hereinafter referred to as "MRS") Site Security Plan, the Department requests FORA and the County to provide data regarding MEC found at the parcels. The Department requests to track MEC found at parcels where cleanup has been completed, although some MEC may remain in place at depth.

On an annual basis, the jurisdictions agree to report 911 call data for MEC found, including but not limited to:

- a) date and time of the call,
- b) contact name,
- c) location of MEC finding,
- d) type of munitions, if available and
- e) response of jurisdiction law enforcement agency.

2.3 Annual Report

No later than September 1 of each year, FORA agrees to submit a report to the Department describing compliance with each of the prohibited activities and uses listed in the covenants. The County agrees to submit this report when FORA ceases to exist. The letter report will summarize the annual reviews conducted under 2.1 and 2.2 above. A Draft Annual Report outline is provided in Attachment 4. This report outline provides the minimum requirements for the annual report. Other information gathered during inspections or records searches should be attached (i.e., inspection notes and photos of violations, excavation permits, applicable County well records, and other relevant data). Each jurisdiction will certify the accuracy and

validity of its annual land use monitoring report. Except for land in the County's jurisdiction, the Department does not expect FORA or the County to:

- a. verify the accuracy of the local jurisdiction reports prior to submittal to Department;
 - b. perform monitoring or testing relative to these annual reports; or
 - c. accept responsibility for enforcement of the provisions of the LUCs.
- 2.4 The Department's activities will include, but not be limited to, review and comment on annual reports, travel to the Properties, inspection of implementation and compliance with this Agreement and the covenants as outlined in Attachment 5. The Department will notify FORA and the County of the change in scope and cost if it determines that it must undertake additional work to oversee compliance with this MOA and LUCs. FORA and the County agree to pay those additional costs.
- 2.5 FORA and the County have no responsibility for enforcement of this Agreement if a local jurisdiction fails to submit its annual reports to FORA or the County on time or at all. Local jurisdictions have no responsibility for enforcement of this Agreement if FORA or the County fail to compile and submit their annual report to the Department. The Department is responsible for enforcing compliance with this Agreement.

3.0 General Provisions

- 3.1 Any Notice given under this Agreement, including any communication with respect to this Agreement must be in writing. It will be deemed effective: (1) when delivered, if personally delivered to the person being served, or (2) three business days after deposit in the United States mail, postage paid, certified, return receipt requested. Such Notices must be addressed as follows:

To Monterey County: Director of Health
Monterey County Health Department
2170 Natividad Road
Salinas, California 93901

To FORA: Executive Officer
Fort Ord Reuse Authority (FORA)
100 12th Street
Building 2880
Marina, California 93933

To City Of Monterey: City Manager
City of Monterey
City Hall
Monterey, California 93940

To City Of Marina	City Manager City of Marina 211 Hillcrest Avenue Marina, California 93933
To City Of Seaside	City Manager City of Seaside 440 Harcourt Avenue Seaside, California 93955
To City Of Del Rey Oaks	City Manager City of Del Rey Oaks 650 Canyon Del Rey Del Rey Oaks, California 93940
To University of California Santa Cruz	Chancellor University of California Santa Cruz 1156 High Street Santa Cruz, California 95064
To California State University Monterey Bay	<i>VICE</i> President <i>for ADMIN. & FINANCE</i> CSU Monterey Bay 100 Campus Center Seaside, California 93955
To Monterey Peninsula College	Superintendent/President Monterey Peninsula College 980 Fremont Street Monterey, California 93940
To Department:	Anthony Landis, Chief Northern California Operations Office of Military Facilities Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, California 95826

3.2 Obligations of the Department. The Department agrees to review and oversee the measures to be performed by FORA, jurisdictions and the County under this Agreement.

3.3 Coordinator. The FORA Coordinator is the Executive Officer. The Coordinator is responsible for receiving and submitting all notices, comments, approvals, and other communications to and from the Department until FORA

ceases to exist. The County Coordinator is the Monterey County Health Department Director of Health. The County Coordinator will receive and submit all notices, comments, approvals, and other communications from and to the Department after FORA ceases to exist.

- 3.4 Submittals. All submittals, reports and notifications from FORA and the County that are required by this Agreement shall be sent to:

Anthony Landis, Chief
Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

- 3.5 Communications. FORA and the County may not be relieved of their obligation to obtain formal approvals by informal advice, guidance, suggestions or comments given by the Department regarding reports, plans, specifications, schedules or any other writings by FORA, County and jurisdictions.
- 3.6 Department Review and Approval. If the Department determines that any report, plan, schedule or other document submitted to the Department for approval under this Agreement fails to comply with this Agreement or fails to protect public health or safety or the environment, the Department may return comments to FORA, the County and or jurisdictions with recommended changes and a date by which a revised document must be submitted to the Department incorporating the recommended changes.
- 3.7 Compliance with Applicable Laws. FORA, the County and jurisdictions shall carry out this Agreement in compliance with all applicable local, state, and federal requirements, including, but not limited to, requirements to obtain permits and to assure worker safety. CSUMB, UCSC, and MPC are not bound by local regulations when they act in their higher education capacity.
- 3.8 Liabilities. This Agreement does not satisfy or release FORA, the County or jurisdictions from liability for any conditions or claims arising as a result of their current or future operations. This Agreement does not limit or preclude the Department from taking any lawful act to protect public health or safety or the environment and recovering the cost thereof. Notwithstanding compliance with this Agreement, the Department may require FORA, the County and jurisdictions to take further actions necessary to protect public health and the environment.
- 3.9 Record Retention. All data, reports and other documents including email, and electronic deliverables required by this Agreement shall be transferred to the County within 90 days after the FORA agreement period ends (i.e., six years

and three months unless FORA's existence is extended). The County shall preserve the records for a minimum of ten (10) years after the conclusion of all activities under this Agreement. If the Department requests that some or all of these documents be preserved for a longer period of time, FORA and the County shall either comply with that request or deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. FORA and the County shall notify the Department in writing at least six (6) months prior to destroying any documents prepared pursuant to this Agreement.

- 3.10 State Liabilities. The State of California is not liable for personal injuries or property damage resulting from acts or omissions by FORA, the County and/or the jurisdictions, in carrying out activities pursuant to this Agreement, nor shall the State of California be held as a party to any contract entered into by FORA, the County, the jurisdictions or its agents in carrying out this Agreement.
- 3.11 Severability. The requirements of this Agreement are severable, and FORA, the County and the jurisdictions and/or shall comply with each and every provision hereof notwithstanding the effectiveness of any other provision.
- 3.12 Modification and Termination. FORA, the County and/or the jurisdictions may, upon written request, seek modification or termination of this Agreement at any time. In addition to modification as provided elsewhere in this Agreement, this Agreement may only be modified or terminated by mutual written agreement of the parties at any time.
- 3.13 Parties Bound. This Agreement applies to and is binding upon FORA, the County and jurisdictions and its officers, directors, agents, employees, successors and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon any successor agency of the State of California that may have responsibility for and jurisdiction over the subject matter of this Agreement. FORA, the County and the jurisdictions shall provide a copy of this Agreement to any successor or assignee.
- 3.14 Cost Recovery. FORA and the County as FORA's successor are liable for all of the Department's costs incurred in reviewing and overseeing compliance with this MOA and all past, present and/or future LUCs. FORA will pay the Department's and its own costs for their activities under this MOA. FORA will recover these costs from each local jurisdiction through payment of the local agencies' FORA "dues." FORA "dues" are funds that FORA collects annually from agencies represented on the board in accordance with SB 899, Title 7.85 Section 67690. FORA will pay for costs incurred by the department and FORA for fiscal years 2008 and 2009 and will not seek cost recovery from the local jurisdictions for this initial two-year period. When FORA ceases to exist and the County assumes FORA's responsibilities under this Agreement, the other parties to this agreement shall pay the Department and the County costs

as determined in this Section to the County. If any party defaults on such payment, the Department shall pursue collection of the Department's costs directly from that party. FORA's and the County's cost recovery will be based on the Department's accounting of its actual costs, broken down by jurisdiction, and will include an additional 15% cost for FORA's or the County's administrative activities. The cost estimate for Department services is provided in Attachment 5. The estimate is based on the attached 2007 Department Contract Estimation Rates for the time period between July 1, 2006 and June 30, 2007 (see Attachment 5A). Actual charges will be based on each employee's salary and benefits, actual per diem, mileage rates and expenses. The Department will send quarterly "time and materials" invoices. Title 22 California Code of Regulations section 67391.1(h) provides: "The Department shall require responsible parties, facility owners or operators, or project proponents involved in land use covenants to pay all costs associated with the administration of such controls." Cost recovery may also be pursued by the Department under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law.

On an annual basis, the Department will compare this cost estimate with actual charges. If the invoice variance is greater than 20% from the original cost estimate for any jurisdiction, the Department will notify FORA and prepare an addendum to this cost estimate. Agreements to distribute financial liability between the jurisdictions, the County or FORA are beyond the scope of this agreement.

Invoices shall be transmitted to:

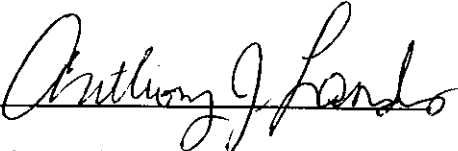
Mr. Michael Houlemard, Jr.
Executive Officer
Fort Ord Reuse Authority (FORA)
100 12th Street
Building 2880
Marina, California 93933

County of Monterey
Director of Health
Monterey County Health Department
2170 Natividad Road
Salinas, California 93901

- 3.15 Effective Date. The effective date of this Agreement is the date of signature by the Department's authorized representative.
- 3.16 Representative Authority. Each undersigned representative of the parties to this Agreement certifies that she or he is authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the parties to this Agreement.

IN WITNESS WHEREOF, the authorized representatives below have executed this Memorandum of Agreement among FORA, the County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, CSUMB, UCSC, MPC and the Department concerning monitoring and reporting on environmental restrictions on the former Fort Ord on the dates set forth below at Sacramento, California.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



Anthony J. Landis, P.E.
Chief
Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control



Date

IN WITNESS WHEREOF, the authorized representatives below have executed this Memorandum of Agreement among FORA, the County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, CSUMB, UCSC, MPC and the Department concerning monitoring and reporting on environmental restrictions on the former Fort Ord on the dates set forth below at _____, California.

COUNTY OF MONTEREY

Dave Potter
Chair, Board of Supervisors
168 W. Alisal Street
Salinas, California 93901

10-16-07
Date

CITY OF MONTEREY

Felipe...
APPROVED BY City Manager
City Hall
Monterey, California 93940
Felt
City Attorney's Office

2-25-2009
Date

CITY OF MARINA

[Signature]
City Manager
211 Hillcrest Avenue
Marina, California 93933

11.29.07
Date

CITY OF SEASIDE

[Signature]
City Manager
440 Harcourt Avenue
Seaside, California 93955

2.27-08
Date

CITY OF DEL REY OAKS

[Signature]
City Manager
650 Canyon Del Rey
Del Rey Oaks, California 93940

2/27/08
Date

IN WITNESS WHEREOF, the authorized representatives below have executed this Memorandum of Agreement among FORA, the County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, CSUMB, UCSC, MPC and the Department concerning monitoring and reporting on environmental restrictions on the former Fort Ord on the dates set forth below at _____, California.

University of California Santa Cruz




Chancellor
1156 High Street
Santa Cruz, California 95064

1/18/08

Date

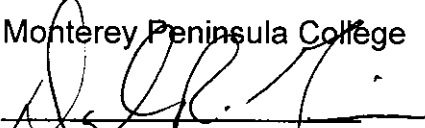
California State University Monterey Bay


VICE President *ADMIN. & FINANCE*
100 Campus Center
Seaside, California 93955

1-25-08

Date

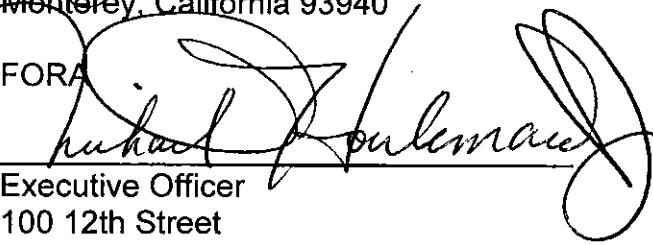
Monterey Peninsula College


Superintendent/President
980 Fremont Street
Monterey, California 93940

12-18-07

Date

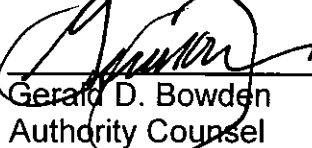
FORA


Executive Officer
100 12th Street
Building 2880
Marina, California 93933

11/28/07

Date

APPROVED AS TO FORM:


Gerald D. Bowden
Authority Counsel

12/8/07

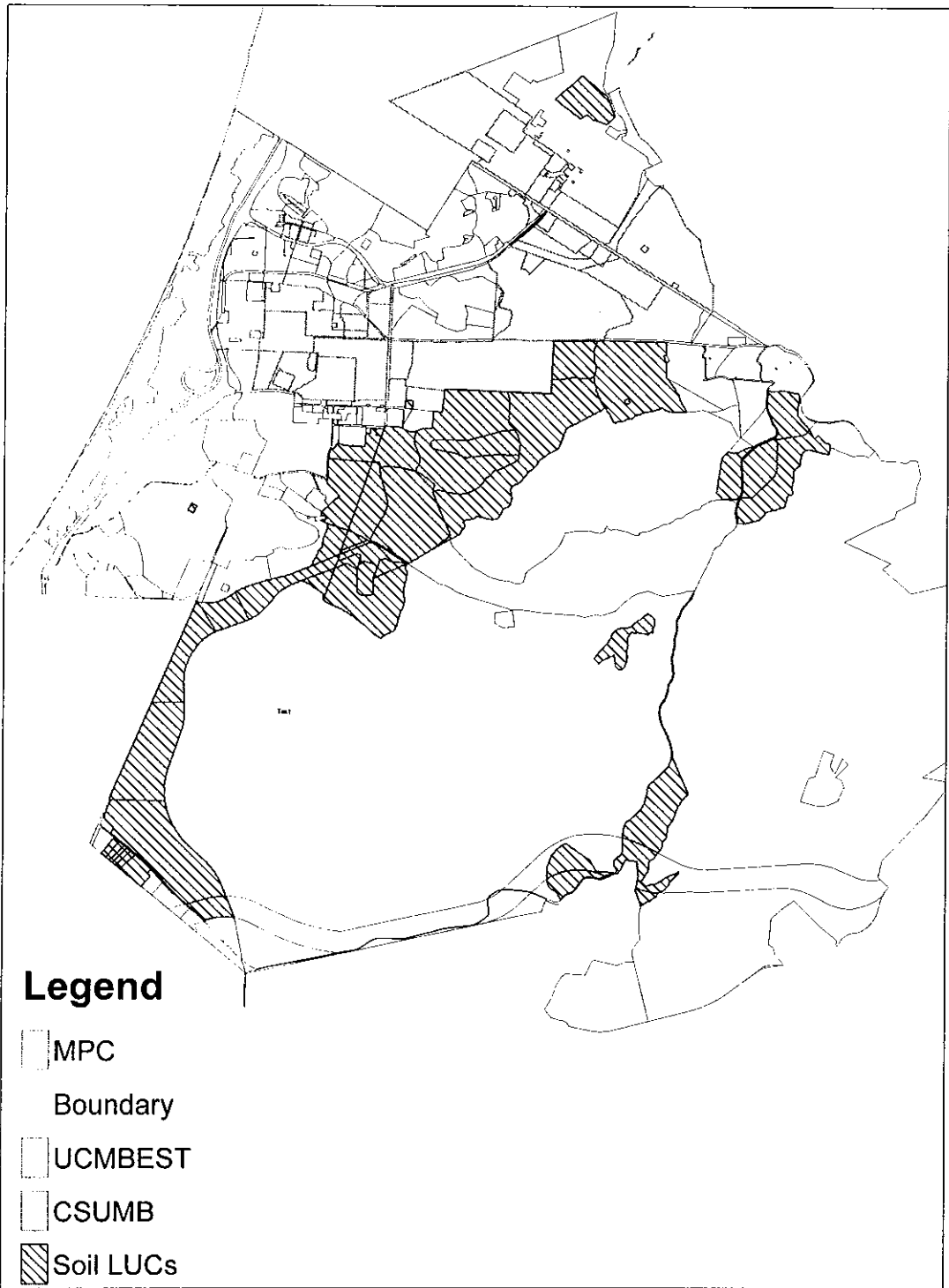
Date

ATTACHMENT "1"

LUC Parcel Maps

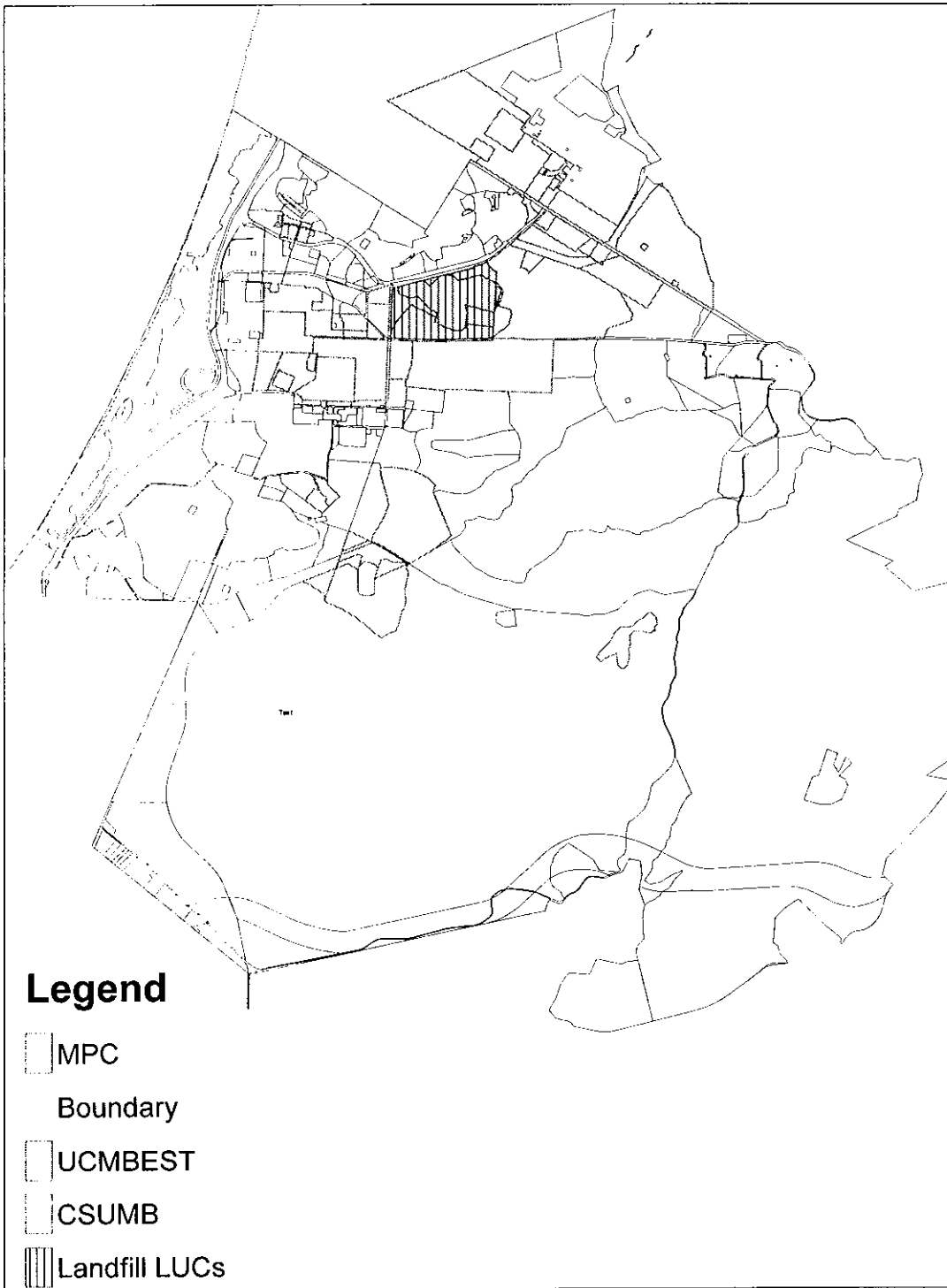
ATTACHMENT 1

Fort Ord LUCs - Soil



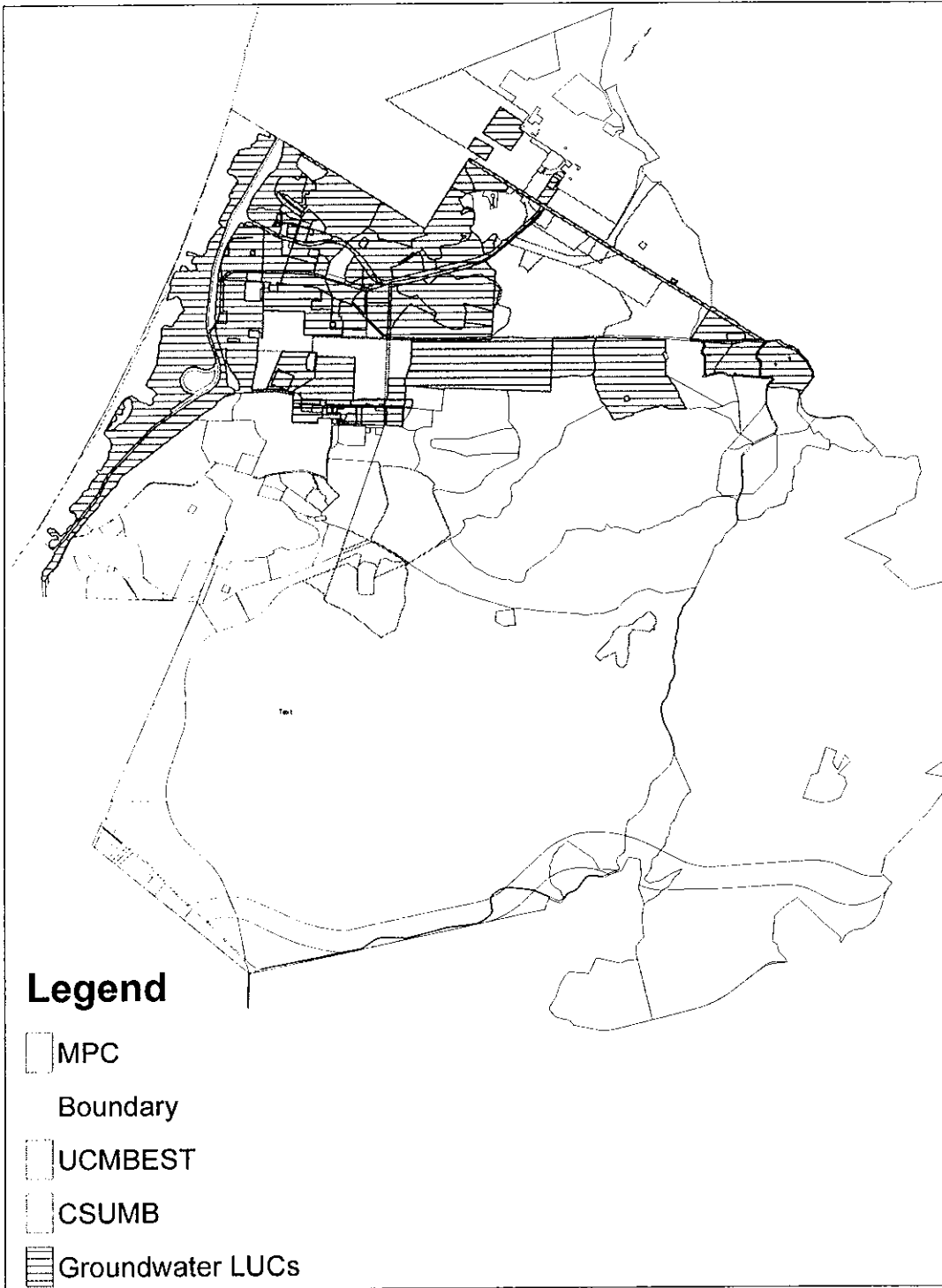
0 1,950 3,900 7,800 11,700 15,600 Feet

Fort Ord LUCs - Landfill



0 1,950 3,900 7,800 11,700 15,600 Feet

Fort Ord LUCs - Groundwater



0 1,9503,900 7,800 11,700 15,600 Feet

ATTACHMENT "2"

FORA, Resolution 98-1

ATTACHMENT 2

Resolution 98-1

A RESOLUTION OF THE FORT ORD REUSE AUTHORITY, AMENDING SECTION 1.01.050 AND ADDING CHAPTER 8 TO THE FORT ORD REUSE AUTHORITY MASTER RESOLUTION, RELATING TO BASE REUSE PLANNING AND CONSISTENCY DETERMINATIONS

Section 1. Section 1.01.050 of the Fort Ord Reuse Authority Master Resolution is amended by adding the following definitions to such section in alphabetical order:

“Affected territory” means property within the Fort Ord Territory that is the subject of a legislative land use decision or an application for a development entitlement and such additional territory within the Fort Ord Territory that may be subject to an adjustment in density or intensity of allowed development to accommodate development on the property subject to the development entitlement.

“Army urbanized footprint” means the Main Garrison Area and the Historic East Garrison Area as such areas are described in the Reuse Plan.

“Augmented water supply” means any source of potable water in excess of the 6,600 acre feet of potable water from the Salinas Basin as allowed under the Reuse Plan.

“Development entitlements” includes but is not limited to tentative and final subdivision maps, tentative, preliminary, and final parcel maps or minor subdivision maps, conditional use permits, administrative permits, variances, site plan reviews, and building permits. The term “development entitlement” does not include the term “legislative land use permits” as that term is defined in this Master Resolution. In addition, the term “development entitlement” does not include:

- 1) Construction of one single family house, or one multiple family house not exceeding four units, on a vacant lot within an area appropriately designated in the Reuse Plan.
- 2) Improvements to existing single family residences or to existing multiple family residences not exceeding four units, including remodels or room additions.
- 3) Remodels of the interior of any existing building or structure.
- 4) Repair and maintenance activities that do not result in an addition to, or enlargement of, any building or structure.
- 5) Installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and development approved pursuant to the Authority Act.
- 6) Replacement of any building or structure destroyed by a natural disaster with a comparable or like building or structure.
- 7) Final subdivision or parcel maps issued consistent with a development entitlement subject to previous review and approval by the Authority Board.
- 8) Building permit issued consistent with a development entitlement subject to previous review by the Authority Board.

"Fort Ord Territory" means all territory within the jurisdiction of the Authority.

"Habitat Management Plan" means the Fort Ord Installation-Wide Multi-Species Habitat Management Plan, dated April, 1997.

"Land use agency" means a member agency with land use jurisdiction over territory within the jurisdiction of the Authority Board.

"Legislative land use decisions" means general plans, general plan amendments, redevelopment plans, redevelopment plan amendments, zoning ordinances, zone district maps or amendments to zone district maps, and zoning changes.

"Noticed public hearing" means a public hearing noticed in the following manner

1. Notice of the public hearing shall be posted on the public meeting room at the FORA office at least 10 days before the date of the hearing; and
2. Notice of the public hearing shall be mailed or delivered at least 10 days prior to the affected land use agency, to any person who has filed an appeal, and to any person who has requested special notice; and
3. Notice of the public hearing shall be published at least 10 days before the date of the hearing in at least one newspaper of general circulation within the area that the real property that is the subject of the public hearing is located.

"Reuse Plan" means the plan for reuse and development of the territory within the jurisdiction of the Authority, as amended or revised from time to time, and the plans, policies, and programs of the Authority Board, including the Master Resolution.

Section 2. Chapter 8 is added to the Fort Ord Master Resolution to read:

**CHAPTER 8.
BASE REUSE PLANNING AND CONSISTENCY DETERMINATIONS.**

Article 8.01. GENERAL PROVISIONS.

8.01.010. REUSE PLAN

(a) The Authority Board shall prepare, adopt, review, revise from time to time, and maintain a Reuse Plan for the use and development of the territory within the jurisdiction of the Authority. Such plan shall contain the elements mandated pursuant to the Authority Act and such other elements, policies, and programs as the Authority Board may, in its sole discretion, consider and adopt.

Article 8.02. CONSISTENCY DETERMINATION CRITERIA

8.02.010. LEGISLATIVE LAND USE DECISION CONSISTENCY.

(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that

- (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;
- (2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;
- (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.
- (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;
- (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and
- (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.

(b) FORA shall not preclude the transfer of intensity of land uses and/or density of development involving properties within the affected territory as long as the land use decision meets the overall intensity and density criteria of Sections 8.02.010(a)(1) and (2) above as long as the cumulative net density or intensity of the Fort Ord Territory is not increased.

(c) The Authority Board, in its discretion, may find a legislative land use decision is in substantial compliance with the Reuse Plan when the Authority Board finds that the applicant land use agency has demonstrated compliance with the provisions specified in this section and Section 8.020.020 of this Master Resolution.

8.02.020. SPECIFIC PROGRAMS AND MITIGATION MEASURES FOR INCLUSION IN LEGISLATIVE LAND USE DECISIONS.

(a) Prior to approving any development entitlements, each land use agency shall act to protect natural resources and open spaces on Fort Ord Territory

by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.

- (1) Each land use agency shall review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.
- (2) When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer shall be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads shall not be allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.

(b) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property shall comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.

(c) Monterey County shall include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.

(d) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs shall prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.

(e) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.

(f) Each land use agency with jurisdiction over property in the Army urbanized footprint shall adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and shall provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.

(g) The County of Monterey shall amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison shall be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County shall adopt at least one specific plan for the East Garrison area and such specific plan shall be approved before any development entitlement shall be approved for such area.

(h) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that shall support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.

(i) Each land use agency shall adopt the following policies and programs:

- (1) A solid waste reduction and recycling program applicable to Fort Ord Territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 *et seq.*
- (2) A program that will ensure that each land use agency carries out all action necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department; and
- (3) A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.

(j) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs shall include the following:

- (1) Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development;

- (2) Commence working with appropriate agencies to determine the feasibility of development additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options;
- (3) Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation.
- (4) Active participation in support of the development of "reclaimed" or "recycled" water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority.
- (5) Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use.
- (6) Adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development of territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply.
- (7) Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements.
- (8) Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins.
- (9) Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including; dual plumbing using non-potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.

(k) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water

runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs shall include:

- (1) Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.
- (2) Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff shall consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.

(l) Each land use agency shall adopt policies and programs that ensure that all proposed land uses on the Fort Ord Territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.

(m) Each land use agency shall adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control ("DTSC") to control and restrict excavation or any soil movement on those parcels of the Fort Ord Territory, which were contaminated with unexploded ordnance, and explosives. Such ordinance shall prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency shall not make any substantive change to such ordinance without prior notice to and approval by DTSC.

(n) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs shall include:

- (1) Establishment and provision of a dedicated funding mechanism to pay for the "fair share" of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority; and
- (2) Support and participate in regional and state planning efforts and funding programs to provide an efficient

regional transportation effort to access Fort Ord Territory.

(o) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies shall include:

- (1) Preparation and adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities;
- (2) Design and construction of an efficient system of arterials in order to connect to the regional transportation system; and
- (3) Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.

(p) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.

(q) Each land use agency shall adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.

(r) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services

(s) Each land use agency shall include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, shall be obtained from stock originating on Fort Ord Territory.

(t) Each land use agency shall include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which could result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.

(1) Agencies submitting consistency determination requests to FORA should identify and describe, where applicable, any factors that impact production of housing. These factors may include, without limitation, public financing, water resources, land use regulations, and environmental conditions. Each jurisdiction should consider but not be limited to, the following in establishing its Reuse Plan jobs/housing balance policies and programs:

- (a) Earmarking of tax increment housing set aside funds for housing programs, production, and/or preservation linked to jobs;
- (b) Development and/or preservation of ownership or rental housing linked to jobs;
- (c) Incorporation of job creation targets in project specifications;
- (d) Linkage of existing housing resources with jobs created;
- (e) Development of agreements with such jurisdictions for Reuse Plan-enhancing job creation or housing programs, production, and/or preservation; and
- (f) Granting of incentives to increase additional below-market housing productions to meet job creation needs.

(2) As a reference and guide for determining income limits and housing affordability levels, each land use agency should use measures established by the U.S. Department of Housing and Urban Development, the California Department of Housing and Community Development, and/or the Association of Monterey Bay Area Governments when determining compliance for very low, low, median, moderate affordability and comparable affordability factors for below-market housing up to 180% of median as approved as FORA

policy guidelines at the January 9, 2004 FORA Board meeting.

8.02.030. DEVELOPMENT ENTITLEMENT CONSISTENCY.

(a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that:

- (1) Provides an intensity of land uses, which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan;
- (2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan;
- (3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution.
- (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority.
- (5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision.
- (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.
- (7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.
- (8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.

8.03.080. CONFLICT DETERMINATIONS.

This article establishes procedural guidelines for the evaluation of the environmental factors concerning activities within the jurisdiction of the Authority and in accordance with State Guidelines. Where conflicts exist between this article and State Guidelines, the State Guidelines shall prevail except where this article is more restrictive.

Section 3. This resolution shall become effective upon adoption.

PASSED AND ADOPTED this 20 day of November, 1998, upon motion of Member MANEINI, seconded by Member RUCKER, and carried by the following vote:


AYES: 10

NOES: 2

ABSENT: 1

I, EDITH JOHNSEN, Chair Of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered in the minutes thereof at section 4a., page 2 of Minute Book
Nov. 20 1998 on Dec 2, 1998.

Dated: January 20, 1999

By: 
EDITH JOHNSEN
Chair, Board of Directors
Fort Ord Reuse Authority

ATTACHMENT "3"

*Table 3-1
Summary of Land Use Covenants*

ATTACHMENT 3

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
Del Rey Oaks	12/28/05	Soil 3	E29a		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without soil management plan 3. Notification of MEC 4. Access rights
			E29b.1		
			E31.b		
			E31a		
			E31c		
			E36		
	In Review	Soil 4	L20.13.1.2		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without soil management plan 3. Notification of MEC 4. Access rights
			L20.13.3.1		
L6.2					

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor)

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
Marina	10/12/01	Soil 1	L5.1.1		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Access rights
	05/22/02	Groundwater 1a	E17		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			E4.1.1		
			E4.2		
			E4.3.1.1		
	09/17/03	Groundwater 1	L2.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			L35.1		
			L35.2		
	09/22/03	Groundwater 2	E2B.1.1.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			E2B.1.1.2		
			E2B.1.2		
			E2B.1.3		
			E2B.1.4		
			E2B.1.5		
			E2B.2.1		
			E2B.2.2		
			E2B.2.3		
			E2B.2.4		
			E2B.2.5		
			E2B.3.1.1		
			E2B.3.2		
			E2C.1		
			E2C.2		
			E2C.3.1		
			E2C.3.2		
			E2C.3.3		
			E2C.4.1.1		
E2C.4.2.1					
E2D.1					
E2D.2					
E2E.1					
E4.5					
L12.2.2					
L12.2.3					
L12.3					
L20.16.1					
L20.16.2					
L20.16.3					
L20.17.1					
L5.8.1					
L5.8.2					
S4.1.4					
09/28/04	Groundwater 3	S4.1.3		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area.	

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
	03/20/07	Groundwater 6	S4.1.5		3. Notify damages to remedy and monitoring systems. 4. Access rights.
	03/13/06	Groundwater 4	E2a E4.1.2.1 E4.1.2.2 E4.1.2.3 E4.3.1.2 E4.3.2.1 E4.6.1 L5.6.1 L5.6.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
	03/21/06	Groundwater 5	E2d.3.1 E5a.2 L5.10.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
	In Review	Groundwater 8	E4.3.2.2 E4.7.1 E5a.1 L5.10.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
	In Review	Groundwater TBA	E2c.4.1.2 E2c.4.2.2 E2c.4.3 E2c.4.4 E2d.3.2 L5.9.2 L20.17.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
	In Review	Groundwater TBA	L2.2.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
City of Monterey	In Review	Soil 5	E29.1		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Notification of MEC 4. Access rights

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
Monterey County	05/22/02	Groundwater 1a	L2.4.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			L2.4.3.2		
	09/17/03	Groundwater 1	L35.3		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
			L35.6		
			L35.7		
			L35.8		
	9/28/04 and TBD	Groundwater 3 and Landfill 1	E8a.1.2		1. No construction of wells. 2. No disturbance or creation of recharge area. 3. No sensitive uses. 4. Notify damages to remedy and monitoring system. 5. Access rights. 6. No structures unless protective for LFG per Title 27
			E8a.1.3		
			E8a.1.4		
			E8a.1.5		
09/28/04	Groundwater 3	E11B.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	
		E11B.2			
		E11B.3			
		E11B.4			
		E2E.2			
		L20.10.1.1			
		L20.10.1.2			
		L20.10.2			
		L20.14.1.2			
		L20.20			
		L20.21.1			
		L20.21.2			
		L20.22			
L23.3.1					
L23.3.2.1					
L32.4.2					
S4.1.2.2					
06/26/06	Groundwater 6	E4.6.2		1. No construction of wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	
6/26/2006 and TBD	Groundwater 6 and Landfill 2	E8a.1.1.2		1. No construction of wells. 2. No disturbance of systems or cap. 3. No sensitive uses. 4. No disturbance or creation of recharge area. 5. Notify damages to remedy and monitoring systems. 6. Access rights 7. No structures unless protective for LFG per Title 27	
10/18/06	Groundwater 7	S3.1.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	
In Review	Groundwater 9	E4.7.2, L5.7, L20.2.1, L32.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	
		E4.7.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.	

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
In Review		Soil TBD/GW 9	L5.7		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights. 5. No sensitive uses. 6. No soil disturbance or violation of ordinance without soil management plan 7. Notification of MEC
			L20.2.1		
			L32.1		
			E11.b.6.1		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without soil management plan 3. Notification of MEC 4. Access rights
			E11b.7.1.1		
			E11b.8		
			E18.1.2		
			E19a.1		
			E19a.2		
			E19a.3		
			E19a.4		
			E19a.5		
			E21b.3		
			E39		
			E40		
			E41		
			E42		
			F1.7.2		
			L20.3.1.		
			L20.3.2		
			L20.5.1		
			L20.5.2		
			L20.5.3		
L20.5.4					
L20.8					
L20.18					
L20.19.1.1					
L23.2					
TBD	Landfill 3 and Groundwater 11	E8a.2		1. No construction of wells. 2. No disturbance of systems or cap. 3. No sensitive uses. 4. No disturbance or creation of recharge area. 5. Notify damages to remedy and monitoring systems. 6. Access rights 7. No structures unless protective for LFG per Title 27	
		E8a.1.1.1			
TBD	Soil TBD	L23.3.2.2		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without soil management plan 3. Access rights	

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media
 Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media
 Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor)

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
Seaside	05/22/02	Groundwater 1a	L2.4.3.1		1. No construction of wells. 2. no disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
			L32.4.1.2		
			L37		
	09/17/03	Groundwater 1	L1.1		1. No construction of wells. 2. no disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
	09/22/03	Groundwater 2	E15.1		1. No construction of wells. 2. no disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
			L19.2		
			L19.3		
			L19.4		
	03/22/04	Soil 2	F2.7.2		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Access rights
	09/28/04	Groundwater 3	L15.1		1. No construction of wells. 2. no disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
			L20.19.2		
			L32.4.1.1		
			L36		
L7.8					
L7.9					
In Review	Soil 6	S4.1.2.1		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Notification of MEC 4. Access rights	
		E18.1.1			
		E18.1.3			
		E18.4			
		E20c.2			
		E23.1			
		E23.2			
E24					
E34					

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
MPC (Marina)	09/28/04	Groundwater 3	L23.1.1		1. No construction of wells. 2. No disturbance or creation of recharge area 3. Notify damages to remedy and monitoring systems. 4. Access rights
			L23.1.2		
			L23.1.3		
			L23.1.4		
			L23.1.5		
			L23.4		
MPC (Seaside)			L23.6		
MPC (Monterey County)	In Review	Soil TBD	E19a.5		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Notification of MEC 4. Access rights
			E21b.3		
			E39		
			E40		
			E41		
			E42		
			F1.7.2		
L23.2					
MPC (Seaside)	In Review	Soil 6	E38		1. No sensitive uses. 2. No soil disturbance or violation of ordinance without a mangement plan 3. Notification of MEC 4. Access rights

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

When an above described LUC contains parcels belonging to more than one jurisdiction, shading is used to clarify the jurisdiction.

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
CSUMB (Seaside)	05/22/02	Groundwater 1a	S1.4		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
CSUMB (Marina)			S1.5.1.1		
			S1.5.2		
			S1.5.1.1		
CSUMB (Marina)		S1.5.2			
CSUMB (Monterey County)	09/17/03	Groundwater 1	L32.2.1		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
CSUMB (Seaside)			S1.3.3		
			L32.2.2		
			L32.3		
			L33.1		
CSUMB (Marina)		L33.2			
CSUMB (Marina)		S1.5.1.2			
CSUMB (Monterey County)	In Review	Groundwater 9	S1.3.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor)

When an above described LUC contains parcels belonging to more than one jurisdiction, shading is used to clarify the jurisdiction.

**TABLE 3-1
SUMMARY OF LUCS BY JURISDICTION**

Jurisdiction	Date LUC Recorded	DTSC LUC Tracking Number	Parcel	GPS Coordinates	Restrictions
UCSC (Monterey County)	05/22/02	Groundwater 1a	S2.5.2.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
UCSC (Marina)			S2.1.3		
			S2.1.4.1		
			S2.5.1.1		
			S2.5.2.1		
UCSC (Monterey County)	09/17/03	Groundwater 1	F7.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.
UCSC (Marina)			S2.1.4.2		
UCSC (Marina)	TBD FOST 11	Groundwater 10 (UCSC, OU1 GW)	S2.1.2		1. No construction of groundwater wells. 2. No disturbance or creation of recharge area. 3. Notify damages to remedy and monitoring systems. 4. Access rights.

Explanations:

Soil = chemicals (such as metals) and Munitions and Explosives of Concern (MEC) are the primary concern in soil media

Groundwater = chemicals such as Volatile organic compounds (VOCs) are the primary concern in the groundwater media

Landfill = chemicals such as Volatile Organic Compounds (VOCs) are the primary concern in the landfill (soil) and landfill gas (vapor) media

When an above described LUC contains parcels belonging to more than one jurisdiction, shading is used to clarify the jurisdiction.

ATTACHMENT "4"

LUC Review Annual Report Outline

ATTACHMENT 4

Former Fort Ord

Land Use Covenant Report Outline

Annual Status Report for _____ (Jurisdiction) _____ on Land Use Covenants
Covering July 1, 2____ to June 30, 2____.

(See Parcel and LUC lists in Table 3-1)

This form is to be submitted by each Jurisdiction to:

Fort Ord Reuse Authority

by

August 1 of each year

DATE OF REPORT: _____

SUBMIT TO: Fort Ord Reuse Authority
Attn: _____
100 12th Street, Bldg. 2880
Marina, California 93933

GENERAL:

Has jurisdiction staff previously provided a compliance summary in regards to the local digging and excavation ordinances, including the number of permits issued?

yes or no

Has jurisdiction staff provided an annual update of any changes to applicable digging and excavation ordinances?

yes or no

Has jurisdiction staff provided an annual update of any changes to the Monterey County Groundwater Ordinance No. 4011?

yes or no

PARCELS:

Have any of the parcels with covenants in the jurisdiction split since the last annual report?

yes or no

If so, please reflect the split(s) in reporting on compliance with section 2.1.2 of the MOA in Table 3-1.

GROUND WATER COVENANTS:

Is a ground water covenant applicable in your jurisdiction? yes or no
(If no, skip questions 1 through 4)

1. Did jurisdiction staff visually inspect the parcels in your jurisdiction (see Table 3-1) with ground water covenants? Such visual inspection shall include observed groundwater wells, and any other activity that would interfere with or adversely affect the groundwater monitoring and remediation systems on the Property or result in the creation of a groundwater recharge area (e.g., unlined surface impoundments or disposal trenches).

yes or no

2. Did jurisdiction staff check with the applicable local building department (please list department name: _____) to ensure that no wells or recharge basins such as surface water infiltration ponds were built within your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department (please list department name: _____) to ensure that no well permits were granted or recharge basins requested within your jurisdiction?

yes or no

4. Did jurisdiction staff review the County well permit applications pertaining to your jurisdiction to ensure that no wells have been dug or installed in violation of the ordinance or the ground water covenants?

yes or no

If you answered yes to any questions 1 through 4 above, please note and describe violations with USACE parcel numbers and street addresses (Use additional sheets if needed).

LANDFILL BUFFER COVENANTS:

Is a landfill buffer covenant applicable in your jurisdiction? yes or no
(If no, skip questions 1 through 3)

1. Did jurisdiction staff visually inspect the parcels in your jurisdiction (see Table 3-1) with landfill buffer covenants? Such visual inspection shall include observation of any structures and any other activity that would interfere with the landfill monitoring and remediation systems on the Property.

yes or no

2.. Did jurisdiction staff check with the applicable local building department (please list department name: _____) to ensure that no sensitive uses such as residences, hospitals, day care or schools (not including post-secondary schools, as defined in Section 1.19 of the MOA), were built on the restricted parcels within your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department (please list department name: _____) to ensure that no other structures were built without protection for vapors in accordance with the landfill buffer covenants?

yes or no

If you answered yes to any questions 1 through 3 above, please note and describe violations with street addresses. (Use additional sheets if needed).

SOIL COVENANTS:

Is a soil covenant applicable in your jurisdiction?
(If no, skip questions 1 through 4)

yes or no

1. Did jurisdiction staff visually inspect the parcels (see Table 3-1) in your jurisdiction with soil covenants to assure no sensitive uses such as residences, hospitals, day care or schools (not including post-secondary schools, as defined in Section 1.19 of the MOA), were constructed or are occurring on the restricted parcels in your jurisdiction?

yes or no

2. Did jurisdiction staff check with the applicable local building department to ensure that no soil was disturbed without an approved soil management plan in accordance with the excavation and digging Ordinance in your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department for notification of MEC within your jurisdiction?

yes or no

4. Did jurisdiction staff review the 911 records of MEC observations and responses and provide a summary in annual report?

yes or no

If you answered yes to any questions 1 through 4 above, please provide the following information:
(Use additional sheets if needed).

- a) date and time of the call,
- b) contact name,
- c) location of MEC finding,
- d) type of munitions, if available and
- e) response of jurisdiction law enforcement agency.

Jurisdiction's Representative Compiling this Report: _____

Contact Information: **Phone:** _____
 Email: _____

Signature of Preparer: _____

Suggested Attachments to Annual LUC Report

1. Table summarizing inspections, parcels, restrictions and any deficiencies in the LUCs.
2. Inspection Notes for each parcel.
3. Inspection Photos for each parcel.
4. County and jurisdiction well records, permit reports.
5. Building department permit records.
6. Planning department permit records.
7. MEC findings (911 call records).
8. GPS coordinates for parcels.

ATTACHMENT "5"

DEPARTMENT'S Annual Cost Estimate

ATTACHMENT 5

Attachment

Cost Estimate The Department's LUC Oversight

The number of parcels anticipated to require LUCs are listed below and the restrictions are detailed in Section 4.0 of each LUC. The list of parcels and respective restrictions are summarized by jurisdiction in Table 3-1 of the Memorandum of Agreement (MOA) between the Department of Toxic Substances Control (DTSC), Fort Ord Reuse Authority (FORA), Monterey County (County), the City of Seaside (Seaside), the City of Monterey (Monterey), the City of Del Rey Oaks (Del Rey Oaks), the City of Marina (Marina) California State University Monterey Bay ("CSUMB"), University of California Santa Cruz ("UCSC"), and Monterey Peninsula College ("MPC"). The restrictions generally fall in one of three categories:

1. Prohibition of groundwater wells for injection or extraction and utilization of groundwater and any other activity that would interfere with or adversely affect the groundwater remediation systems on the former Fort Ord on property within the Prohibition Zone of the Special Groundwater Protection Zone.
2. Prohibition of sensitive land uses (residences, schools [not including post-secondary schools as defined in Section 1.19 of the MOA], hospitals, day care centers, etc.) and soil disturbance on property where Munitions and Explosives (MEC) may remain. These covenants will also have requirements for construction support, and reporting to DTSC if soil disturbance occurs.
3. Prohibition of sensitive land uses (residences, schools [not including post-secondary schools, as defined in Section 1.19 of the MOA], hospitals, day care centers, etc.) the Fort Ord Landfills and excavation activities (i.e. digging, drilling, or any other excavation or disturbance of the land surface or subsurface) or other activities, which may damage the OU2 Fort Ord Landfills soil cover and liners or landfill gas extraction and treatment systems.

Total Costs by Jurisdiction

Jurisdiction	# Parcels with Soil/MEC LUCs	# Parcels with Groundwater LUCs	# Parcels with Landfill LUCs	Annual DTSC oversight cost (includes FORA Administrative Costs of 15%)	Annual DTSC oversight cost (without FORA Administrative Costs)
Monterey County	2	55	7	\$6,081	\$5,288
City of Marina	<u>1</u>	<u>58</u>	0	\$5,633	\$4,898
City of Monterey	1	0	0	\$958	\$833
City of Del Rey Oaks	9	0	0	\$2,944	\$2,560
City of Seaside	<u>10</u>	15	0	\$3,036	\$2,640
CSUMB		11		\$1,213	\$1,055
UCSC		8		\$787	\$684
MPC	<u>1</u>	15		\$1,669	\$1,451
			Total Estimate	\$22,321	\$19,409

Estimate By Jurisdictions

Monterey County

DTSC Task	Hours per year	\$ per hour/day	Annual Total
Review the MOA and 13 LUCs for 70 parcels	<u>4</u>	117	\$468
Review Annual Report on compliance with MOA and LUCs	<u>6</u>	117	\$702
Annual inspection of 70 parcels (including travel)	<u>24</u>	117	\$2,805
Review of Property Transfer Documents	<u>4</u>	117	\$468
Mileage	<u>1</u>	\$205	\$205
Per Diem	<u>3</u>	\$138	\$414
Draft and complete inspection reports, and/or approval letter	<u>6</u>	117	\$702
Supervisor QA	<u>2</u>	166	\$332
Branch Chief Briefing	<u>1</u>	166	\$166
Clerical	<u>4</u>	58	\$232
Subtotal DTSC Costs in County	<u>24</u>		\$6,494
Subtotal Prorated County Costs 57/70 LUC parcels)			\$5,288
FORA Administrative Costs (15%)			\$793
Total County Costs			\$6,081

City of Marina

DTSC Task	Hours per year	\$ per hour	Annual Total
Review the MOA and 9 LUCs for 73 parcels	<u>4</u>	117	\$468
Review Annual Report on compliance with MOA and LUCs	<u>3</u>	117	\$351
Annual inspection of 73 parcels (including travel)	<u>24</u>	117	\$2,805
Draft and complete inspection reports, and/or approval letter	<u>6</u>	117	\$702
Mileage	<u>1</u>	\$205	\$205
Per Diem	<u>3</u>	\$138	\$414
Review of Property Transfer Documents	<u>4</u>	117	\$468
Supervisor QA	<u>2</u>	166	\$332
Branch Chief Briefing	<u>1</u>	166	\$166
Clerical	<u>4</u>	58	\$232
Subtotal DTSC Costs in Marina	<u>9</u>		\$6,143
Subtotal Prorated Marina Costs 59/74 LUC parcels			\$4,898
FORA Administrative Costs (15%)			\$735
Total Marina Costs			\$5,633

City of Monterey

DTSC Task	Hours per year	\$ per hour	Annual Total
Review 1 LUC for <u>1</u> parcel	<u>0.5</u>	117	\$58.5
Review Annual Report on compliance with MOA and LUC	<u>0.5</u>	117	\$58.5
Annual inspection of the parcel (no travel)	<u>1</u>	117	\$117
Mileage to Site and per diem	<u>0</u>	0	\$0
Review of Property Transfer Documents	<u>1</u>	117	\$117
Draft and complete inspection reports and/or approval letter	1	117	\$117
Supervisor QA	2	166	\$306
Branch Chief Briefing	0.5	166	\$83
Clerical	2	58	\$116
Subtotal DTSC Costs in Monterey	<u>24</u>		\$833
FORA Administrative Costs (15%)			\$125
Total Monterey Costs			\$958

City of Del Rey Oaks

DTSC Task	Hours per year	\$ per hour	Annual Total
Review the MOA and 2 LUCs for <u>9</u> parcels	<u>1</u>	117	\$117
Review Annual Report on compliance with MOA and LUCs	<u>4</u>	117	\$468
Annual inspection of <u>9</u> parcels (including travel)	<u>6</u>	117	\$702
Review of Property Transfer Documents	<u>1</u>	117	\$117
Mileage	<u>1</u>	\$102	\$102
Per Diem	<u>1</u>	\$138	\$138
Draft and complete inspection reports, and/or approval letter	4	117	\$468
Supervisor QA	1	166	\$166
Branch Chief Briefing	1	166	\$166
Clerical	2	58	\$116
Subtotal DTSC costs in Del Rey Oaks	<u>22</u>		\$2,560
FORA Administrative Costs (15%)			\$384
Total Del Rey Oaks Costs			\$2,944

City of Seaside

DTSC Task	Hours per year	\$ per hour	Annual Total
Review the MOA and 7 LUCs for <u>32</u> parcels	<u>2</u>	117	\$234
Review Annual Report on compliance with MOA and LUCs	<u>5</u>	117	\$585
Annual inspection of <u>32</u> parcels (including travel)	<u>10</u>	117	\$1,170
Review of Property Transfer Documents	<u>2</u>	117	\$234
Mileage	<u>1</u>	\$205	\$205
Per Diem	<u>1</u>	\$138	\$138

Draft and complete inspection reports and/or approval letter	4	117	\$468
Supervisor QA	<u>1</u>	166	\$166
Branch Chief Briefing	1	166	\$166
Clerical	<u>2</u>	58	\$116
Subtotal DTSC costs in Seaside	<u>28</u>		\$3,379
Subtotal Prorated Seaside Costs 25/32 LUC parcels			\$2,640
FORA Administrative Costs (15%)			\$396
Total Seaside Costs			\$3,036

CSUMB

Description	Factor	Annual Cost	Annual Total
Monterey County (Prorated 3/70 LUC parcels)	4.29%	\$6,494	\$278
Marina (Prorated 3/74 LUC parcels)	4.05%	\$6,143	\$249
Seaside (Prorated 5/32 LUC parcels)	15.63%	\$3,379	\$528
Subtotal CSUMB costs to DTSC			\$1,055
FORA Administrative Costs (15%)	15%	\$1,055	\$158
Total CSUMB Costs			\$1,213

UCSC

Description	Factor	Annual Cost	Annual Total
Monterey County (Prorated 2/70 LUC parcels)	<u>2.86%</u>	\$6,494	\$186
Marina (Prorated 6/74 LUC parcels)	8.11%	\$6,143	\$498
Subtotal UCSC costs to DTSC			\$684
FORA Administrative Costs (15%)	15%	\$684	\$103
Total UCSC Costs			\$787

MPC

Description	Factor	Annual Cost	Annual Total
Monterey County (Prorated 8/70 LUC parcels)	11.43%	\$6,494	\$742
Marina (Prorated 6/74 LUC parcels)	8.11%	\$6,143	\$498
Seaside (Prorated 2/32 LUC parcels)	<u>6.25%</u>	\$3,379	\$211
Subtotal MPC costs to DTSC			\$1,451
FORA Administrative Costs (15%)	15%	\$1,173	\$218
Total MPC Costs			\$1,669

Notes and Assumptions:

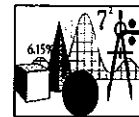
1. The estimates in the tables above are for DTSC's costs to oversee the LUCs on existing and anticipated future land transfers. These estimates based on the attached 2007 DTSC Contract Estimation Rates for the time period between July 1, 2006 and June 30, 2007. Actual charges will be based on actual individual salary and benefits of each employee, actual per diem, mileage rates and expenses and will be invoiced quarterly on a "time and materials" basis. On an annual basis, DTSC will compare this cost estimate with actual charges. If the invoice variance is greater than 20% from the original cost estimate for any jurisdiction, DTSC will notify FORA and prepare an addendum to this cost estimate. DTSC anticipates that staff time required to inspect parcels and review and approve annual reports may increase over time due to increased development and increase in the number of LUCs on newly transferred properties.
2. Pursuant to CCR Section 67391.1, a LUC Implementation and Enforcement Plan (IEP) is required. FORA and the jurisdictions are entering into the MOA, which describes each participant's roles and responsibilities and serves as the EIP.
3. The Army will continue to perform all operation and maintenance activities, monitoring, inspections and five-year reviews for the groundwater remediation and the OU 2 landfill as required by the FFA. DTSC's oversight costs for these tasks will continue to be paid by the Army via DSMOA or equivalent mechanism.
4. DTSC costs for variances, changes or termination of the covenant will be paid by the party requesting the action and are not included in this cost estimate.
5. This cost estimate is based on 2007 DTSC billing rates (attached) and expenses (i.e. mileage, per diem and expenses). Annually, DTSC publishes new billing rates; therefore, this cost estimate may change.

ATTACHMENT "5A"

DTSC Cost Estimation Rates

ATTACHMENT 5A

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



Contract Estimation Rates
Effective 7/01/06 - 06/30/07

These rates are to be used to estimate contract costs for the 2006/07 Fiscal Year effective 7/1/06. The rates are based on the highest salary rate for the class including all pay and equity raises that DTSC is aware of as of 11/1/06. Actual costs will be determined by individual salary rates and benefits, which may be higher or lower than the rate shown.

Questions concerning these rates should be addressed to:
Lillian Haglo, Fiscal Systems at CALNET 8-454-6431 or (916) 324-6431

Rev 11/15/06

SITE MITIGATION AND BROWNFIELD REUSE HAZARDOUS WASTE MANAGEMENT SCIENCE POLLUTION PREVENTION & TECHNOLOGY

Class Code	Class Name	ALL INCLUSIVE HOURLY RATE 175.11%	ALL INCLUSIVE HOURLY RATE 159.37%	ALL INCLUSIVE HOURLY RATE 194.36%
5871	Assistant Chief Counsel	\$212	\$200	\$227
4711	Associate Environmental Planner	\$115	\$108	\$123
5393	Associate Governmental Program Analyst	\$109	\$103	\$117
3856	Associate Industrial Hygienist	\$122	\$115	\$131
7941	Associate Toxicologist	\$131	\$123	\$140
3833	CEA II	\$176	\$166	\$188
8060	Chemist	\$112	\$105	\$120
7574	Criminal Investigator, DTSC	\$115	\$108	\$123
3756	Engineering Geologist	\$145	\$137	\$155
8054	Environmental Biochemist	\$151	\$142	\$162
3726	Hazardous Substances Engineer	\$145	\$136	\$155
3564	Hazardous Substances Scientist	\$117	\$110	\$125
4247	Health Program Audit Manager I, DHS	\$126	\$119	\$135
5278	Management Services Technician	\$70	\$66	\$75
1441	Office Assistant (General)	\$57	\$53	\$61
1379	Office Assistant (Typing)	\$58	\$54	\$62
1148	Office Services Supervisor I (Typing)	\$67	\$63	\$71
1150	Office Services Supervisor II (General)	\$73	\$69	\$79
1138	Office Technician (General)	\$66	\$62	\$70
1139	Office Technician (Typing)	\$67	\$63	\$71
5373	Public Participation, Specialist (DHS)	\$109	\$103	\$117
5372	Public Participation, Supervisor (DHS)	\$125	\$118	\$134
6001	Research Program Specialist II (Soil Erosion)	\$132	\$124	\$141
5581	Research Scientist II (Chemical Sciences)	\$131	\$123	\$140
5638	Research Scientist Sup 1	\$159	\$149	\$170
3751	Senior Engineering Geologist	\$166	\$157	\$178
4713	Senior Environmental Planner	\$138	\$130	\$147
3725	Senior Hazardous Substances Engineer	\$166	\$156	\$178
3565	Senior Hazardous Substances Scientist	\$134	\$127	\$144
3852	Senior Industrial Hygienist	\$139	\$131	\$149
7943	Senior Toxicologist	\$166	\$157	\$178
8068	Staff Chemist	\$122	\$115	\$131
5778	Staff Counsel	\$165	\$156	\$177
5795	Staff Counsel III (Specialist)	\$200	\$189	\$214
5815	Staff Counsel III (Supervisor)	\$201	\$189	\$215
5157	Staff Services Analyst (General)	\$91	\$86	\$97
4800	Staff Services Manager I	\$125	\$118	\$134
4801	Staff Services Manager II (Supervisor)	\$138	\$130	\$147
7978	Staff Toxicologist (Specialist)	\$158	\$149	\$169
8070	Supervising Chemist	\$123	\$116	\$131
7575	Supervising Criminal Investigator I, DTSC	\$126	\$119	\$135
7576	Supervising Criminal Investigator II, DTSC	\$142	\$134	\$152
3748	Supervising Engineering Geologist	\$182	\$172	\$195
3724	Supervising Hazardous Substances Engineer I	\$166	\$157	\$178
3723	Supervising Hazardous Substances Engineer II	\$182	\$172	\$195
3566	Supervising Hazardous Substances Scientist I	\$135	\$127	\$144
3567	Supervising Hazardous Substances Scientist II	\$155	\$146	\$166
1181	Word Processing Technician	\$61	\$57	\$65

APPENDIX F

State Covenants to Restrict the Use of Property (CRUPs)

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

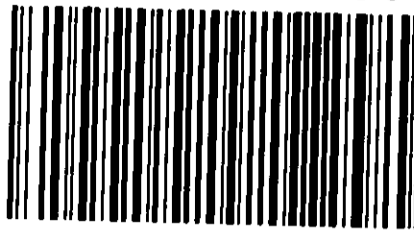
CRMELISSA
5/08/2009
8:00:00

RECORDING REQUESTED BY:

U. S. Army Corps of Engineers
Real Estate Division, ATTN: CESP-K-RE-MC
1325 J Street
Sacramento, CA 95814-2922

DOCUMENT: **2009028275**

Titles: 1/ Pages: 23



Fees.....
Taxes....
Other....
AMT PAID _____

WHEN RECORDED, MAIL TO:

ATTN: Anthony J. Landis, P.E.
Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

(Space Above This Line For Recorder's Use Only)

**COVENANT TO RESTRICT USE OF PROPERTY
ENVIRONMENTAL RESTRICTION**

**CITY OF MONTEREY – MUNITIONS AND EXPLOSIVES OF CONCERN
FORT ORD REUSE AUTHORITY (FORA) EARLY TRANSFER PARCELS**

Re: This Covenant and Agreement (“Covenant”) is for a portion of the former Fort Ord consisting of Parcel E29.1 (the “Property”). The Property is described in the Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (FOSET 5). The Property lies within “Munitions Response Site 43” (MRS-43). The Property, described below and shown on Exhibit A, is within the jurisdiction of the City of Monterey, California.

This Covenant is made by and among The United States of America acting by and through the United States Department of the Army (also referred to herein as the “Covenantor”), the current owner of the herein described real property located in the County of Monterey, State of California, shown on Exhibit A and described in Exhibit B, attached hereto and incorporated herein by this reference (the “Property”), and the State of California acting by and through the Department of Toxic Substances Control (“Department”).

The United States Environmental Protection Agency (U.S. EPA) placed Fort Ord on the National Priorities List (Superfund) in 1990. All of the former Fort Ord facility is subject to the

requirements of the federal Comprehensive Environmental Compensation and Liability Act (“CERCLA”). The entire Property is undergoing the CERCLA remediation process, which will not be completed prior to transfer of the Property. Because the Covenantor intends to transfer this Property to the Fort Ord Reuse Authority (“FORA”) prior to the end of the CERCLA remediation process, and FORA has agreed to receive the Property under those conditions, such transfer must be pursuant to the CERCLA Section 120(h)(3)(C) “early transfer process”. CERCLA Section 120(h)(3)(A)(ii)(I) requires a separate federal deed covenant from the Covenantor warranting that all remedial action necessary to protect human health and the environment, with respect to any substances remaining on the Property, has been taken before the date of the transfer. The required covenant may be deferred when the federal deed or other agreements contain response action assurances, as specified in CERCLA Section 120(h)(3)(C)(ii)(I-IV), that:

1. Ensure the Property is suitable for the use intended by the transferee;
2. Use restrictions are in place to ensure the protection of human health and the environment;
3. Use restrictions will also ensure that transfer will not disrupt remedial activities; and
4. The federal deed or other agreements also contain an assurance from the Army that it will request adequate funds to address schedules for investigation and completion of all actions necessary to support the subsequent issuance of the required CERCLA 120(h)(3)(A)(ii)(I) covenant.

The Covenantor’s statutory authority for transferring this Property is the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, Title XXIX), as amended. As a part of the early transfer, the Covenantor issued FOSET 5 on November 15, 2007.

Pursuant to California Civil Code Section 1471, the Department has determined this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence of hazardous materials, as defined in the California Health and Safety Code Section 25260(d).

The Covenantor and the Department, collectively referred to as the “Parties,” hereby agree that the use of the Property will be restricted as set forth in this Covenant.

ARTICLE I

STATEMENT OF FACTS

1.01 The Property, consisting of Parcel E29.1 and approximately 22.457 acres, is more particularly depicted in Exhibit A and described in Exhibit B. The Property is located on the former Fort Ord, California and within the jurisdiction of the City of Monterey, California. The name of the Property on the legal description in Exhibit B is “Parcel E 29.1” and its intended reuse is as a business or office park, or light industrial.

1.02 The Property includes a portion of Munitions Response Site 43 (MRS-43) and has been evaluated for the presence of Munitions and Explosives of Concern (MEC). Based on a review

of existing records and available information, as described in FOSET 5, there is evidence MEC are or may be present on the Property.

1.03 The Army and FORA entered into an Environmental Services Cooperative Agreement (ESCA), effective March 30, 2007, under which the Army will provide funds for FORA to conduct all response actions for the Property and obtain regulatory closure, except for those responsibilities the Army has retained.

1.04 The remedial action will be conducted pursuant to the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA, and the Department, finalized on April 18, 2007. After all remedial actions are completed, the U.S. EPA, with consultation with the Department, will issue a Certificate of Completion.

1.05 The City adopted Ordinance No. 3384 C.S., entitled "Digging and Excavation on the Former Fort Ord" (hereinafter "Excavation Ordinance"), amending Chapter 9 of the City Code to add Article 8. The Excavation Ordinance addresses the potential MEC risk by prohibiting excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit. A copy of the Excavation Ordinance is attached to this Covenant as Exhibit C.

1.06 The Parties recommend reasonable and prudent precautions be taken when conducting intrusive operations, including providing the Army's MEC recognition and safety training, or equivalent, to any persons conducting such activities. In accordance with the Army's Fort Ord Munitions Response Site Security Program, dated April 2005, the Army offers MEC recognition and safety training to any persons conducting intrusive activities on the former Fort Ord. This training includes identification of MEC that might be found, the safety and notification procedures to follow if suspected MEC is found, and the distribution and explanation of "Safety Alert" brochures.

1.07 The Fort Ord Reuse Plan land use concept for Parcel E29.1 does not include potential sensitive land uses, including residential, hospital, school or day care. Such uses are restricted as set forth in this Covenant.

ARTICLE II

DEFINITIONS

2.01 AOC. "AOC" means the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA and the Department.

2.02 City. "City" means the City of Monterey.

2.03 County. "County" means the County of Monterey.

2.04 Covenantor. "Covenantor" means the United States of America acting through the Department of the Army.

- 2.05 Department. “Department” means the California Department of Toxic Substances Control and includes its successor agencies, if any.
- 2.06 FORA. “FORA” means the Fort Ord Reuse Authority and includes its successor entities, if any.
- 2.07 FOSET 5. “FOSET 5” means Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume).
- 2.08 Jurisdictions. “Jurisdictions” means the County of Monterey, the City of Del Rey Oaks, the City of Marina, the City of Monterey, the City of Seaside, California State University Monterey Bay, University of California Santa Cruz, and Monterey Peninsula College.
- 2.09 MEC. “MEC” means Munitions and Explosives of Concern, which are military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C., Section 101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C., Section 2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C., Section 2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, MEC does not include small arms ammunition (i.e. ammunition without projectiles containing explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).
- 2.10 Owner. “Owner” means the Covenantor’s successors in interest, and their successors in interest, including heirs and assigns, during their ownership of all or any portion of the Property.
- 2.11 Occupant. “Occupant” means Owners and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property after the Covenantor has conveyed the Property.
- 2.12 U.S. EPA. “U.S. EPA” means the United States Environmental Protection Agency.

ARTICLE III

GENERAL PROVISIONS

- 3.01 Restrictions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as “Restrictions”), subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Restriction: (a) runs with the land pursuant to Health and Safety Code Sections 25222.1, and 25355.5(a)(1)(c), and Civil Code Section 1471; (b) inures to the benefit of the Department and passes with each and every portion of Property; (c) is for the benefit of, and is enforceable by, the Department; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.
- 3.02 Binding upon Owners/Occupants. Pursuant to Health and Safety Code Sections 25222.1

and 25355.5(a)(1)(C) and Civil Code Section 1471, this Covenant binds all Owners and Occupants of the Property, and their heirs, successors, and assignees, and their agents, employees, and lessees. Pursuant to Civil Code Section 1471, all successive Owners and Occupants of the Property are expressly bound hereby for the benefit of the Department.

3.03 Accompaniment to Deeds and Leases. This Covenant shall accompany all deeds and leases for any portion of the Property.

3.04 Conveyance of Property. The immediate past Owner shall notify the Department of the conveyance of the Property and the name and address of the new Owner within one year of such conveyance. This requirement will be deemed satisfied if the annual reporting agreed to for the Property in the Memorandum of Agreement (MOA) described in Paragraph 5.01 has been completed for the year the conveyance occurred. The Department shall not have, by reason of this Covenant, authority to approve, disapprove, or otherwise affect any proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

3.05 Costs of Administering this Covenant. The Department has incurred and will in the future incur costs associated with the administration of this Covenant. Pursuant to California Code of Regulations, title 22, section 67391.1(h), the Department's costs associated with the administration of this Covenant must be paid. The Department has entered into a Memorandum of Agreement (MOA) dated February 27, 2008 with FORA and the Jurisdictions to pay the Department's costs associated with Covenants at the former Fort Ord. The MOA provides that the Department's costs associated with administering this and other Covenants will be paid by FORA until FORA ceases to exist, and then by the County thereafter. Cost recovery may also be pursued by the Department under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law. Pursuant to the MOA, the Department will invoice FORA and the County for the Department's costs on a quarterly basis.

ARTICLE IV

RESTRICTIONS

4.01 Prohibited Uses Prior to Certification of Completion of Remedial Action under the AOC. The Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC. This Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

4.02 Prohibited Uses. Continuing until this Covenant is terminated pursuant to Paragraph 6.02 herein, the Property shall not be used for any of the following purposes:

- (a) A residence, including any condominium, mobile home or factory built housing, constructed or installed for residential habitation.
- (b) A hospital (other than a veterinary hospital);
- (c) A public or private school for persons under the age of 21, except for post-secondary schools; and
- (d) A day care center for children.

4.03 Prohibited Activities/Soil Management Requirements. Prior to or after certification of completion of remedial action under the AOC, activities (including soil disturbance) in violation of the Excavation Ordinance (Exhibit C), as modified, are prohibited.

4.04 Written Notice of Presence of MEC. Prior to the sale, lease, or sublease of the Property, or any portion thereof; or the execution of a license or easement on the Property, the owner, lessor, or sub-lessor shall give the buyer, lessee, or sub-lessee written notice that there is the potential for the presence of MEC in the soil of the Property.

4.05 Access. The Department, Covenantor, and their contractors and agents shall have reasonable right-of-entry and access to the Property for inspection, monitoring, testing, sampling and other activities consistent with the purposes of this Covenant as deemed necessary by the Department in order to protect the public health and safety or the environment and oversee any required activities.

ARTICLE V

IMPLEMENTATION AND ENFORCEMENT

5.01 Implementation. Owner shall submit an annual report detailing compliance with Article IV of this Covenant, including an annual inspection, and check of county and city records. The submission of an annual report containing this information, as outlined in the MOA by FORA and the Jurisdictions, shall satisfy this requirement.

5.02 Enforcement. Failure of the Owner or Occupant to comply with any of the Restrictions specifically applicable to it shall be grounds for the Department, by reason of this Covenant, to require that the Owner or Occupant modify or remove any improvements ("Improvements" herein shall include, but are not limited to, all buildings, roads, driveways, and paved parking areas, water wells, and surface impoundments) constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant shall be grounds for the Department to file civil or criminal actions against the Owner or Occupant as provided by law.

ARTICLE VI

VARIANCE, TERMINATION AND TERM

6.01 Variance. The Covenantor, any Owner or, with the Owner's written consent, any Occupant of the Property, may apply to the Department for a written variance from the provisions of this Covenant. Such application shall be made in accordance with Health and Safety Code Section 25233. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment before any such variance is effective.

6.02 Termination. The Covenantor, any Owner and/or, with the Owner's written consent, any Occupant of the Property, or any portion thereof, may apply to the Department for a termination of the Restrictions or other terms of this Covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with Health and Safety Code Section 25234. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment before any such termination is effective.

6.03 Term. Unless ended in accordance with the termination paragraph above, by law, or by the Department in the exercise of its discretion, this Covenant shall continue in perpetuity.

ARTICLE VII

MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication of the Property, or any portion thereof, to the general public or anyone else for any purpose whatsoever.

7.02 State of California References. All references to the State of California and the Department include successor agencies/departments or other successor entity(ies) and delegated agencies.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey within ten (10) days of the Covenantor's receipt of a fully executed original and prior to transfer of the Property from the Department of the Army to another Owner.

7.04 Notices. Whenever any person gives or serves any Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served, or (2) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Covenantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008

To Department: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

To U.S. EPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

To FORA: Executive Officer
Fort Ord Reuse Authority
100 12th Street
Marina, CA 93933-6006

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any provision of this Covenant is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

7.06 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

7.07 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

7.08 Statutory References. All statutory references include successor provisions.

7.09 Representative Authority. The undersigned representative of each party to this Covenant certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

{Signatures follow}

IN WITNESS WHEREOF, the GRANTOR has caused this Deed to be executed in its name by the Deputy Assistant Secretary of the Army for Installations and Housing (I&H), this the 19th day of MARCH 2009.

UNITED STATES OF AMERICA

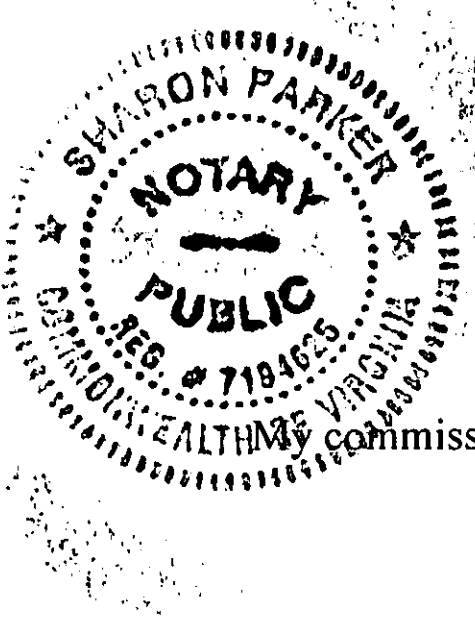
By: [Signature]
JOSEPH F. CALCARA

Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA(I&E)

NOTARIAL CERTIFICATE

COMMONWEALTH OF VIRGINIA)
) SS:
COUNTY OF ARLINGTON)

I, Sharon Parker, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that this the 19 day of March, 2009, Joseph F. Calcara, Deputy Assistant Secretary of the Army (I&H), known to me or proven through satisfactory evidence of identity to be the person whose name is subscribed to the foregoing document, appeared in person and acknowledged before me that the signature on the document was voluntarily affixed by him for the purposes therein stated and that he had due authority to sign the document in the capacity therein stated.

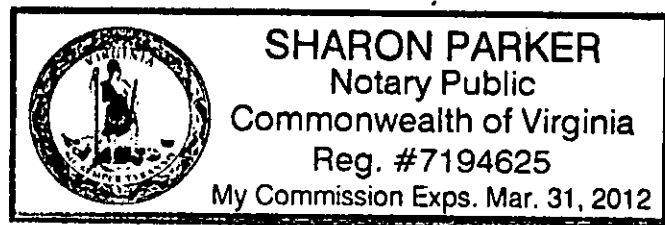


[Signature]
Notary Public

Notary Registration No. 7194625

My commission expires the 31 day of March, 2012.

CRUP-FOSET 5 (ESCA and OUCIP Parcels): MEC
City of Monterey Parcel E29.1



IN WITNESS WHEREOF, the DEPARTMENT OF TOXIC SUBSTANCES CONTROL,
STATE OF CALIFORNIA has caused these presents to be executed on this 21st day of
April, 2009.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Anthony J. Landis
Anthony J. Landis

Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Sacramento Office

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)ss
COUNTY OF SACRAMENTO)

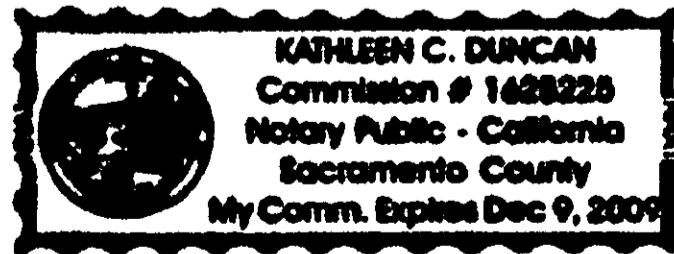
On April 21, 2009 before me, Kathleen C. Duncan, Notary Public,
Date Name and Title of Officer
personally appeared Anthony J. Landis,
Name of Signer

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same
in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kathleen C. Duncan
Signature of Notary Public



NOTARY SEAL
GOVERNMENT CODE SECTION 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Kathleen C. Duncan

Commission Number 1628225

Date of Commission Expires 12/9/09

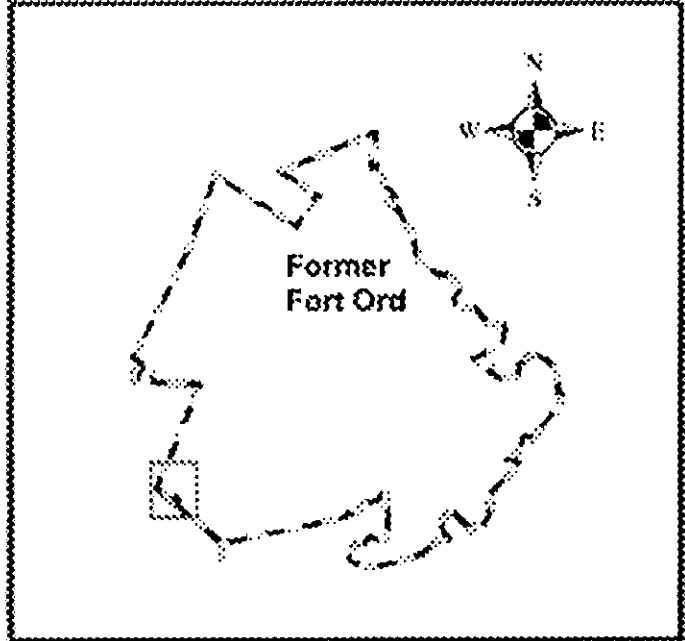
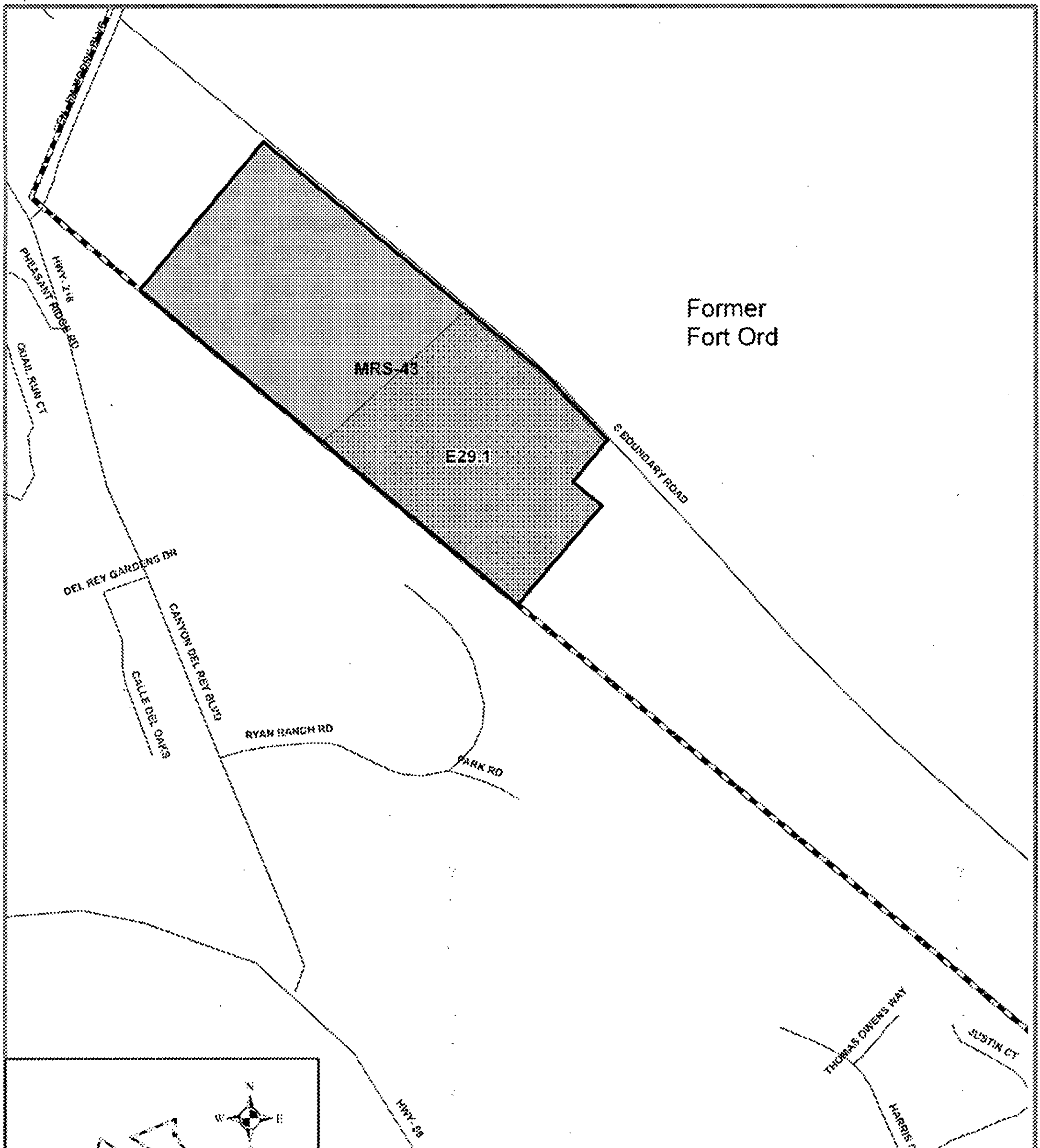
Place of Execution Sacramento Date 4/20/09

Signed Debra J. Smith

EXHIBIT A

Plate showing the location of the parcel to be restricted by this covenant and the locations of Munitions Response Sites.

EXHIBIT A







-  Roads
-  Parcel covered by this CRUP
-  Munitions Response Sites
-  Boundary of the Former Fort Ord

Exhibit A: City of Monterey Parcel E29.1 (FOSET 5)
 Covenant to Restrict Use of Property - Environmental Restriction
 (MEC) Former Fort Ord, California

APPROVED: _____ DRAWN: _____ DATE: _____
 DDL Edward.E.Alexray@usace.army.mil September 4, 2007

0 225 450 900 1,350 1,800 Feet

GIS Project: Parcel E29.1 CRUP, FOSET 5, City of Monterey, CRUP, FOSET 5

EXHIBIT B

Legal description and record of survey of the parcel restricted by this covenant.

Notes to Exhibit B:

1. The Covenantor intends to transfer the parcel to the Fort Ord Reuse Authority (FORA).
2. FORA intends to transfer the parcel to the City of Monterey.

EXHIBIT B

FOSET 5
Legal Description
Parcel E 29.1 W/EX

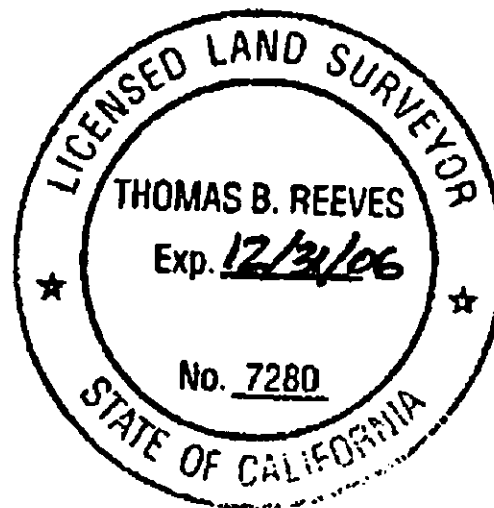
That portion of the former Fort Ord Military Reservation as shown on that certain map filed for record in Volume 19 of Surveys at Page 1 in the office of the County Recorder of Monterey County, being a portion of Parcel A in the City of Monterey, County of Monterey, State of California as shown on that certain map filed for record in Volume 25 of Surveys at page 3 in the office of the County Recorder of said County, described as follows:

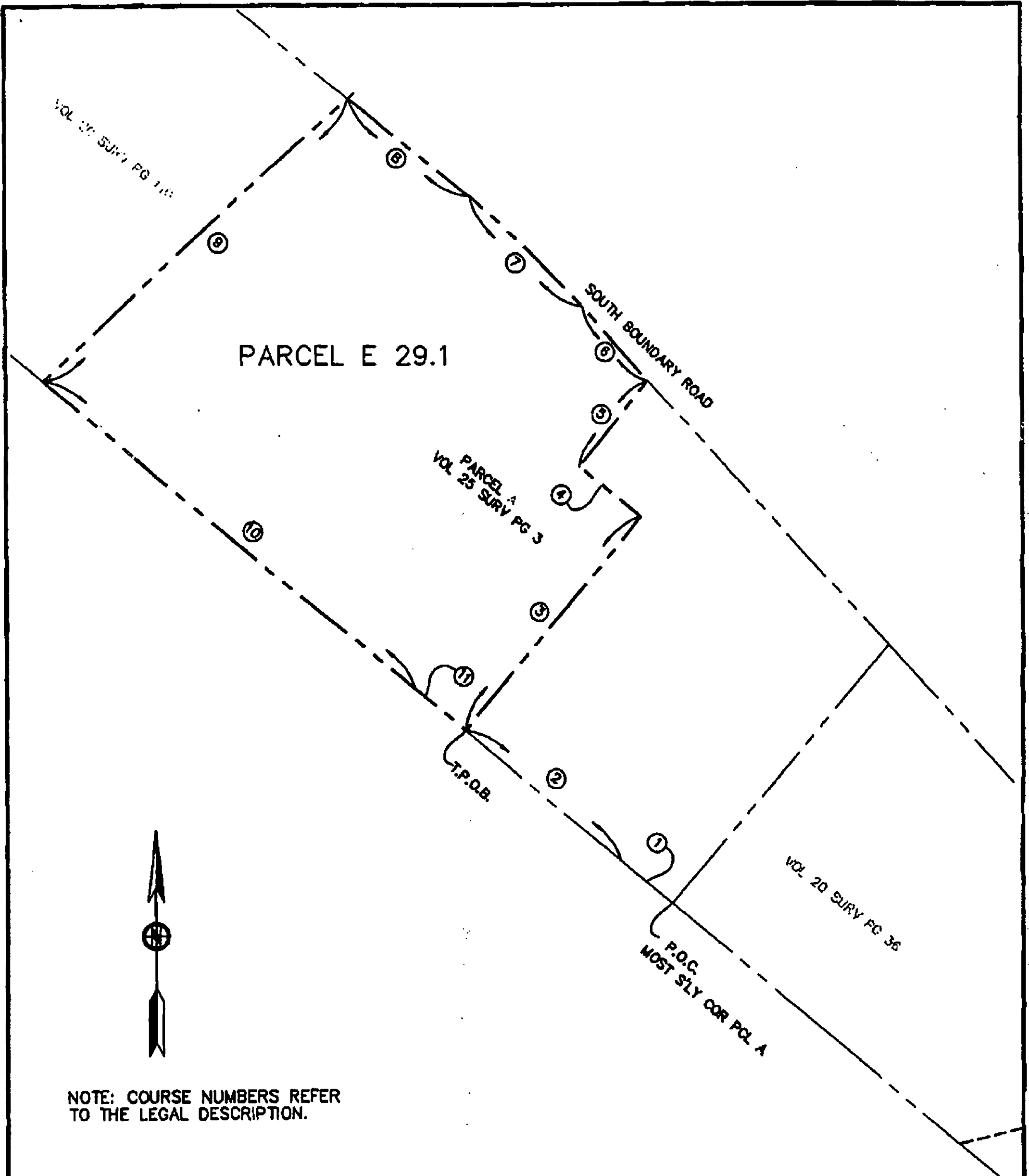
Commencing at the most southerly corner of said Parcel A; thence along the southwesterly line of said Parcel A the following 2 courses:

1. North 50°05'43" West 150.87 feet, And
2. North 50°05'33" West 453.00 feet to the **True Point of Beginning**; thence
3. North 39°54'27" East 616.76 feet; thence
4. North 51°14'48" West 176.71 feet; thence
5. North 39°17'34" East 244.15 feet to the northeasterly line of said Parcel A; thence along the northeasterly line of said Parcel A the following 3 courses:
6. North 42°17'00" West 219.74 feet; to the beginning of a curve concave southwesterly having a radius of 2370.00 feet;
7. Northwesterly 347.63 feet along said curve through a central angle of 8°24'15"; and
8. North 50°41'15" West 342.57 feet to the northwesterly line of said Parcel A; thence
9. South 47°25'32" West 913.49 feet along said northwesterly line to the southwesterly line of said Parcel A; thence along said southwesterly line the following 2 courses:
10. South 50°06'02" East 1061.00 feet; and
11. South 50°05'33" East 144.70 feet to the **True Point of Beginning**.

Contains an area of 22.457 Acres more or less.

Thomas B. Reeves
Thomas B. Reeves LS 7280





NOTE: COURSE NUMBERS REFER TO THE LEGAL DESCRIPTION.

CITY OF MONTEREY DEPARTMENT OF PUBLIC WORKS				
DRAWN: BWM	SKETCH TO ACCOMPANY A LEGAL DESCRIPTION PARCEL E 29.1			
SCALE: 1"=300'	APPROVED			
DATE: 4-12-06	<table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 60%;">CITY ENGINEER _____</td> <td style="border: none; width: 20%;">REGIST. No. _____</td> <td style="border: none; width: 20%;">DATE _____</td> </tr> </table>	CITY ENGINEER _____	REGIST. No. _____	DATE _____
CITY ENGINEER _____	REGIST. No. _____	DATE _____		

EXHIBIT C

City of Monterey Ordinance No. 3384 C.S., amending Chapter 9 of the City Code to add Article 8, titled "*Digging and Excavation on the Former Fort Ord*". The ordinance prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit.

EXHIBIT C

ORDINANCE NO. 3384 C.S.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY
REGULATING DIGGING AND EXCAVATION ON THE FORMER FORT ORD**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1: Chapter 9 of the Monterey City Code is hereby amended to add a new Article 8 which shall read as follows:

"ARTICLE 8.

DIGGING AND EXCAVATION ON THE FORMER FORT ORD

Sec. 9-73 Purpose and intent.

The United States Army (Army) is in the process of transferring various parcels of the former Fort Ord military installation (Fort Ord) to the City or to other entities within the City's land use jurisdiction. Some parcels of the former Fort Ord were contaminated with unexploded ordnance and explosives (UXO), which is a hazardous waste. The Army will not transfer those parcels until it has completed response actions for UXO as required by law. Even following the Army's completion of UXO response actions, it is possible that some UXO materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all UXO has been cleared and has considered requiring land use restrictions that will be recorded with the Monterey County recorder. The City believes that recorded land use restrictions would burden the title of those parcels and present economic disincentives to develop them. The City and DTSC desire that sufficient controls and restrictions be placed on these parcels to protect the public health, safety and in a manner equivalent to that resulting from recordation of land use restrictions.

Sec. 9-74 General.

The City Council finds and determines that those properties formerly included within the Fort Ord military installation which are suspected of containing UXO require special standards and procedures for digging and excavation in addition to those contained in the building code, to ensure that:

- (a) Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;
- (b) Potential purchasers or developers of UXO sites and those persons whose work at UXO sites includes disturbing soil, are aware of the potential that UXO may be

located on these properties and are aware of the requirements for UXO remediation prior to any digging, excavation or ground disturbance thereon; and

- (c) DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions.

Sec. 9-75. Designation and applicability.

- (a) The City Council shall by resolution, and with the concurrence of DTSC, designate all real property within the City's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Revised Archives Search Report, Former Fort Ord, dated 1997, or are otherwise identified, as the possible location of unexploded ordnance or explosives as an ordnance remediation district. All such districts shall be depicted on a grading district map by an "ORD" suffix to indicate the existence of ordnance remediation obligations on such property and, upon receipt of notification by the Army of specific requirements or restrictions on such districts, a notation thereof. The City shall notify DTSC of any change in the permitted land uses in any district within thirty days after it adopts any change.
- (b) The regulations in this chapter shall apply in all "ORD" districts and shall be in addition and subject to all provisions of the municipal code and the building code.

Sec. 9-76 Excavation and digging restrictions.

It is unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid permit issued pursuant to this chapter: excavation, digging, development or ground disturbance of any type:

- (a) involving the displacement of ten cubic feet or more of soil; or
- (b) in violation of requirements or restrictions placed on such property by the Army and as noted on the grading district map.

Sec. 9-77 Permit requirements.

An owner or user of real property located within a district who desires to conduct the activities described in Section 9-76 shall apply to the Director of Public Works (Director) for a permit. The application shall be on a form approved by the City, shall be signed by the permit applicant, and shall contain the following information:

- (a) A description of any previous UXO excavation or removal activity conducted on the property whose soil is proposed to be excavated, moved or graded;
- (b) A description of the property whose soil is proposed to be excavated, moved or

graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to (1) disturb ten cubic feet or more of soil; or (2) disturb soil in a manner inconsistent with restrictions placed on the property by the Army and as noted on the grading district map;

- (c) A statement that the person submitting the application acknowledges liability for removing all detected unexploded ordnance and explosives in accordance with this chapter and the permit;
- (d) A statement by the person submitting the application that s/he has, within the preceding twelve months, delivered a copy of the notice to everyone whose work at the property described in subsection b above includes disturbing soil;
- (e) Any other information which the director may require as pertinent to the determination of the adequacy of the proposed plan;
- (f) Payment of the permit fee, as established by the City Council, at the time of filing the application for the permit.

Sec. 9-78 Permit procedure.

The Director shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the director, in his/her sole discretion; may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Except as otherwise indicated in Section 9-80, any permit issued hereunder shall be subject to the following conditions:

- (a) All excavation and grading shall be performed solely in accordance with the permit approved by the City and in accordance with the permit as issued by the City.
- (b) Prior to movement of any soil on any property located within a district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the notice and safety plan which is attached hereto as Exhibit A, and explain to each such person the information set forth in that notice.
- (c) The permittee may not move or disturb soil in a manner inconsistent with restrictions placed on the property by the Army and as noted on the grading district map unless there is a Department of Defense certified, or equivalent, explosive ordnance disposal technician acceptable to the director who is on site and visually supervises any such activity. Any excavation or soil disturbance inconsistent with restrictions placed on the property by the Army may be accomplished only after

investigation using sweep lanes no wider than five feet throughout the excavation area and after using detection devices and visual identification to locate, identify and remove any unexploded ordnance discovered during such excavation activity.

- (d) The permittee shall cease soil disturbance activities and shall notify the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC.
- (e) No later than thirty days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the director, the Army and DTSC an after action report that shall state whether and where UXO was detected and the extent and depth of UXO response actions undertaken and completed on the property that is the subject of the permit. The after action report shall include site maps to illustrate the information contained in the report. All after action reports prepared and filed in accordance with this chapter shall be deemed public records.
- (f) The permittee agrees as a condition of issuance of a permit to defend at its sole expense, indemnify and hold harmless from any liability the City, and reimburse the City for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this subsection.

Sec. 9-79 Term of permit.

The permit shall be valid for one year from the date it is issued.

Sec. 9-80 Exceptions to permit conditions.

Following consultation with and approval by DTSC, the City Council may, upon a finding that the requirements of Section 9-78(c) are no longer necessary, designate by resolution any district as a limited control district. The holder of any permit issued for any limited control district shall not be subject to section 9-78(c).

Sec. 9-81 Performance bond.

Upon a finding by the Director that a permit should issue for excavation or grading on the proposed site, a surety bond, lien or other security guarantee conditioned upon the faithful performance and completion of the permitted excavation activity shall be filed with the City. Such surety shall be executed in favor of the City and shall be maintained in an amount prescribed by the director sufficient to ensure the completion of the ordnance remediation and excavation of the site as prescribed in the approved permit.

Sec. 9-82 Amendment to permits.

Request for amendments to an approved excavation permit may be submitted to the Director at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the City in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit.

Sec. 9-83 Appeals.

Any person aggrieved by any determination of the director in exercise of the authority granted in this chapter shall have the right to appeal to the City Council. Any appeal setting forth the contested decision and the reasons for contesting same must be filed within ten working days after the posting of the Director's decision at the three places designated by the City Council. The City council shall render its decision within sixty days following the filing of the notice of appeal. The council may affirm, reverse or modify the decision of the director. The Council action shall be final upon issuance of its decision.

Sec. 9-84 Notification to property owners and other land users.

- (a) To the extent that the Army identifies those persons to whom it has conveyed property that is designated ordnance remediation districts, the City will notify those persons and those utilities known to be providing service within the City, of the requirements of this chapter and provide those persons with a notice and safety plan ("Notice and Safety Plan"), which shall be adopted by the City. The City shall annually notify the owners of such property as shown on the equalized tax rolls of the requirements of this chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive such notification shall not relieve that person from responsibility for compliance with this chapter.
- (b) All owners, occupants or users of land subject to this chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this chapter. Notification shall be made prior to transfer of the property in question.
- (c) All persons identified in subsection (a) above shall deliver, at least annually, a copy of the Notice and Safety Plan to everyone whose work at UXO sites includes disturbing soil and shall explain the contents thereof to those persons.

Sec. 9-85 Revision of chapter

This chapter shall not be revised without prior written notice to the DTSC and subject to the terms and conditions of the DTSC in their agreement with the City."

SECTION 2: All ordinances and parts of ordinances in conflict herewith are

hereby repealed.

SECTION 3: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

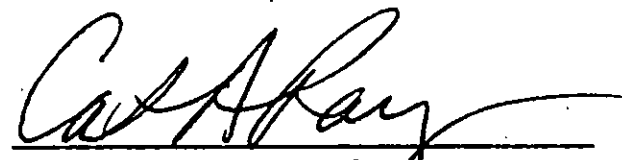
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 20th day of February 2007, by the following vote:

AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	none
ABSENT:	0	COUNCILMEMBERS:	none

APPROVED:


Mayor of Said City

ATTEST:


City Clerk thereof

END OF DOCUMENT

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

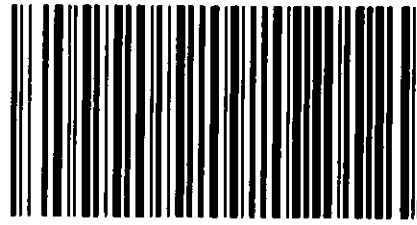
CRMELISSA
5/08/2009
8:00:00

RECORDING REQUESTED BY:

U. S. Army Corps of Engineers
Real Estate Division, ATTN: CESP-K-RE-MC
1325 J Street
Sacramento, CA 95814-2922

DOCUMENT: **2009028279**

Titles: 1/ Pages: 71



Fees.....
Taxes....
Other....
AMT PAID _____

WHEN RECORDED, MAIL TO:

ATTN: Anthony J. Landis, P.E.
Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

(Space Above This Line For Recorder's Use Only)

**COVENANT TO RESTRICT USE OF PROPERTY
ENVIRONMENTAL RESTRICTION**

**COUNTY OF MONTEREY – MUNITIONS AND EXPLOSIVES OF CONCERN
FORT ORD REUSE AUTHORITY (FORA) EARLY TRANSFER PARCELS**

Re: This Covenant and Agreement (“Covenant”) is for a portion of the former Fort Ord consisting of non-contiguous Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1 (the “Property”). The Property is described in the Finding of Suitability for Early Transfer (FOSET), Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (FOSET 5). Portions of the Property lie within one or more “Munitions Response Sites” (MRSs). The Property, described below and shown on Exhibit A, is within the jurisdiction of the County of Monterey, California.

This Covenant is made by and among The United States of America acting by and through the United States Department of the Army (also referred to herein as the “Covenantor”), the current owner of the herein described real property located in the County of Monterey, State of California, shown on Exhibit A and described in Exhibit B, attached hereto and incorporated herein by this reference (the “Property”), and the State of California acting by and through the Department of Toxic Substances Control (“Department”).

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

The United States Environmental Protection Agency (U.S. EPA) placed Fort Ord on the National Priorities List (Superfund) in 1990. All of the former Fort Ord facility is subject to the requirements of the federal Comprehensive Environmental Compensation and Liability Act ("CERCLA"). The entire Property is undergoing the CERCLA remediation process, which will not be completed prior to transfer of the Property. Because the Covenantor intends to transfer this Property to the Fort Ord Reuse Authority ("FORA") prior to the end of the CERCLA remediation process, and FORA has agreed to receive the Property under those conditions, such transfer must be pursuant to the CERCLA Section 120(h)(3)(C) "early transfer process". CERCLA Section 120(h)(3)(A)(ii)(I) requires a separate federal deed covenant from the Covenantor warranting that all remedial action necessary to protect human health and the environment, with respect to any substances remaining on the Property, has been taken before the date of the transfer. The required covenant may be deferred when the federal deed or other agreements contain response action assurances, as specified in CERCLA Section 120(h)(3)(C)(ii)(I-IV), that:

1. Ensure the Property is suitable for the use intended by the transferee;
2. Use restrictions are in place to ensure the protection of human health and the environment;
3. Use restrictions will also ensure that transfer will not disrupt remedial activities; and
4. The federal deed or other agreements also contain an assurance from the Army that it will request adequate funds to address schedules for investigation and completion of all actions necessary to support the subsequent issuance of the required CERCLA 120(h)(3)(A)(ii)(I) covenant.

The Covenantor's statutory authority for transferring this Property is the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, Title XXIX), as amended. As a part of the early transfer, the Covenantor issued FOSET 5 on November 15, 2007.

Pursuant to California Civil Code Section 1471, the Department has determined this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence of hazardous materials, as defined in the California Health and Safety Code Section 25260(d).

The Covenantor and the Department, collectively referred to as the "Parties", hereby agree that the use of the Property will be restricted as set forth in this Covenant.

ARTICLE I

STATEMENT OF FACTS

1.01 The Property, consisting of twenty (20) non-contiguous parcels and totaling approximately 1,767.356 acres, is more particularly depicted in Exhibit A and described in Exhibit B. The Property is located on the former Fort Ord, California and within the jurisdiction of the County of Monterey, California. The Property is summarized in the table below.

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

Parcel Number	Acres	Name on Legal Description in Exhibit B	Intended Reuse
E11.b.6.1	251.797	EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1	Habitat Reserve
E11b.7.1.1			Habitat Reserve
E11b.8			Development / Mixed Use / Explosives Storage
L20.19.1.1			Right-of-way / Barloy Canyon Road
E18.1.2	896.981	EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4	Veterans Cemetery
E19a.1			Development
E19a.2			Habitat Reserve
E19a.3			Horse Park
E19a.4	Habitat Reserve		
L5.7	73.444	PBC Parcel L5.7	Residential
L20.2.1	252.457	EDC Parcel L20.2.1	Habitat Reserve
L20.3.1	79.138	COE Parcels L20.3.1 and L20.3.2	Vehicle Parking / Staging on-site portable/temporary restrooms
L20.3.2			
L20.5.1	196.093	COE Parcels L20.5.1, L20.5.2, L20.5.3 and L20.5.4	Vehicle Parking / Staging on-site portable/temporary restrooms
L20.5.2			
L20.5.3			
L20.5.4			Vehicle Parking, Racetrack
L20.8	7.25	COE Parcel L20.8	Right-of-way / Barloy Canyon Road
L20.18	7.249	EDC Parcel L20.18	Right-of-way / Eucalyptus Road
L32.1	2.947	EDC Parcel L32.1	Public Facilities

1.02 The Property includes all or portions of several Munitions Response Sites (MRSs) that have been evaluated for the presence of Munitions and Explosives of Concern (MEC). Based on a review of existing records and available information, as described in FOSET 5, there is evidence MEC are or may be present on the Property.

1.03 The Army and FORA entered into an Environmental Services Cooperative Agreement (ESCA), effective March 30, 2007, under which the Army will provide funds for FORA to conduct all response actions for the Property and obtain regulatory closure, except for those responsibilities the Army has retained.

1.04 The remedial action will be conducted pursuant to the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA, and the Department, finalized on April 18, 2007. After all remedial actions are completed, the U.S. EPA, with consultation with the Department, will issue a Certificate of Completion.

1.05 The County adopted Ordinance No. 5012, entitled "Digging and Excavation on the Former Fort Ord" (hereinafter "Excavation Ordinance") amending the County Code to add Chapter 16.10. The Excavation Ordinance addresses the potential MEC risk by prohibiting excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit. A copy of County Code Chapter 16.10 is attached to this Covenant as Exhibit C.

1.06 The Parties recommend reasonable and prudent precautions be taken when conducting

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC

County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

intrusive operations, including providing the Army's MEC recognition and safety training, or equivalent, to any persons conducting such activities. In accordance with the Army's Fort Ord Munitions Response Site Security Program, dated April 2005, the Army offers MEC recognition and safety training to any persons conducting intrusive activities on the former Fort Ord. This training includes identification of MEC that might be found, the safety and notification procedures to follow if suspected MEC is found, and the distribution and explanation of "Safety Alert" brochures.

1.07 The Fort Ord Reuse Plan land use concept, as modified by the Assessment, East Garrison – Parker Flats Land Use Modifications, for Parcels E11.b.6.1, E11b.7.1.1, E18.1.2, E19a.4, and L32.1 does not include potential sensitive land uses, including residential, hospital, school or day care. Such uses are restricted as set forth in this Covenant.

1.08 The Fort Ord Reuse Plan land use concept, as modified by the Assessment, East Garrison – Parker Flats Land Use Modifications, for Parcels E11b.8, E19a.1, E19a.2, E19a.3, L20.18, and L20.19.1.1 may include potential sensitive land uses, including residential, school or day care. Such uses are restricted as set forth in this Covenant.

1.09 The Fort Ord Reuse Plan land use concept for Parcels L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, and L20.8 does not include potential sensitive land uses, including residential, hospital, school or day care. Such uses are restricted as set forth in this Covenant.

1.10 Pursuant to FOSET 5, all buildings on Parcels E11b.7.1.1, E19a.3, E19a.4, L20.2.1, and L20.3.1, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property on which a residential dwelling was built prior to 1978 is notified that there is a risk of exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The FOSET provides that the federal deed include residential occupancy restrictions on these buildings until the Owner has performed, at its sole expense, the abatement required by all applicable federal, state and local laws pertaining to lead based paint and lead based paint hazards.

ARTICLE II

DEFINITIONS

2.01 AOC. "AOC" means the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA and the Department.

2.02 County. "County" means the County of Monterey.

2.03 Covenantor. "Covenantor" means the United States of America acting through the Department of the Army.

2.04 Department. "Department" means the California Department of Toxic Substances

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

Control and includes its successor agencies, if any.

2.05 FORA. "FORA" means the Fort Ord Reuse Authority and includes its successor entities, if any.

2.06 FOSET 5. "FOSET 5" means Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume).

2.07 Jurisdictions. "Jurisdictions" means the County of Monterey, the City of Del Rey Oaks, the City of Marina, the City of Monterey, the City of Seaside, California State University Monterey Bay, University of California Santa Cruz, and Monterey Peninsula College.

2.08 MEC. "MEC" means Munitions and Explosives of Concern, which are military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C., Section 101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C., Section 2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C., Section 2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, MEC does not include small arms ammunition (i.e. ammunition without projectiles containing explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).

2.09 Owner. "Owner" means the Covenantor's successors in interest, and their successors in interest, including heirs and assigns, during their ownership of all or any portion of the Property.

2.10 Occupant. "Occupant" means Owners and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property after the Covenantor has conveyed the Property.

2.11 U.S. EPA. "U.S. EPA" means the United States Environmental Protection Agency.

ARTICLE III

GENERAL PROVISIONS

3.01 Restrictions to Run with The Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Restriction: (a) runs with the land pursuant to Health and Safety Code Sections 25222.1, and 25355.5(a)(1)(c), and Civil Code Section 1471; (b) inures to the benefit of the Department and passes with each and every portion of Property; (c) is for the benefit of, and is enforceable by, the Department; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.02 Binding upon Owners/Occupants. Pursuant to Health and Safety Code Sections 25222.1

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

and 25355.5(a)(1)(C) and Civil Code Section 1471, this Covenant binds all Owners and Occupants of the Property, and their heirs, successors, and assignees, and their agents, employees, and lessees. Pursuant to Civil Code Section 1471, all successive Owners and Occupants of the Property are expressly bound hereby for the benefit of the Department.

3.03 Accompaniment to Deeds and Leases. This Covenant shall accompany all deeds and leases for any portion of the Property.

3.04 Conveyance of Property. The immediate past Owner shall notify the Department of the conveyance of the Property and the name and address of the new Owner within one year of such conveyance. This requirement will be deemed satisfied if the annual reporting agreed to for the Property in the Memorandum of Agreement (MOA) described in Paragraph 5.01 has been completed for the year the conveyance occurred. The Department shall not have, by reason of this Covenant, authority to approve, disapprove, or otherwise affect any proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

3.05 Costs of Administering this Covenant. The Department has incurred and will in the future incur costs associated with the administration of this Covenant. Pursuant to California Code of Regulations, title 22, section 67391.1(h), the Department's costs associated with the administration of this Covenant must be paid. The Department has entered into a Memorandum of Agreement (MOA) dated February 27, 2008 with FORA and the Jurisdictions to pay the Department's costs associated with Covenants at the former Fort Ord. The MOA provides that the Department's costs associated with administering this and other Covenants will be paid by FORA until FORA ceases to exist, and then by the County thereafter. Cost recovery may also be pursued by the Department under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law. Pursuant to the MOA, the Department will invoice FORA and the County for the Department's costs on a quarterly basis.

ARTICLE IV

RESTRICTIONS

4.01 Prohibited Uses Prior to Certification of Completion of Remedial Action under the AOC.

- (a) Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.5.3, L20.8, L20.18, L20.19.1.1, and L32.1 shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC.

- (b) Parcels L20.3.1, L20.3.2, L20.5.1, L20.5.2, and L20.5.4 shall not be used for any purposes other than activities associated with the investigation and remediation of MEC; parking, staging and on-site portable/temporary toilets for events associated with the Mazda Raceway Laguna Seca; and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC.

This Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

4.02 Prohibited Uses. Continuing until this Covenant is terminated pursuant to Paragraph 6.02 herein, the Property shall not be used for any of the following purposes:

- (a) A residence, including any condominium, mobile home or factory built housing, constructed or installed for residential habitation.
- (b) A hospital (other than a veterinary hospital);
- (c) A public or private school for persons under the age of 21, except for post-secondary schools; and
- (d) A day care center for children.

4.03 Prohibited Activities/Soil Management Requirements. Prior to or after certification of completion of remedial action under the AOC, activities (including soil disturbance) in violation of County Code Chapter 16.10 (Exhibit C), as modified, are prohibited.

4.04 Written Notice of Presence of MEC. Prior to the sale, lease, or sublease of the Property, or any portion thereof, or the execution of a license or easement on the Property, the owner, lessor, or sub-lessor shall give the buyer, lessee, or sub-lessee written notice that there is the potential for the presence of MEC in the soil of the Property.

4.05 Access. The Department, Covenantor, and their contractors and agents shall have reasonable right-of-entry and access to the Property for inspection, monitoring, testing, sampling and other activities consistent with the purposes of this Covenant as deemed necessary by the Department in order to protect the public health and safety or the environment and oversee any required activities.

ARTICLE V

IMPLEMENTATION AND ENFORCEMENT

5.01 Implementation. Owner shall submit an annual report detailing compliance with Article IV of this Covenant, including an annual inspection, and check of county and city records. The submission of an annual report containing this information, as outlined in the MOA by FORA

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

and the Jurisdictions, shall satisfy this requirement.

5.02 Enforcement. Failure of the Owner or Occupant to comply with any of the Restrictions specifically applicable to it shall be grounds for the Department, by reason of this Covenant, to require that the Owner or Occupant modify or remove any improvements (“Improvements” herein shall include, but are not limited to, all buildings, roads, driveways, and paved parking areas, water wells, and surface impoundments) constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant shall be grounds for the Department to file civil or criminal actions against the Owner or Occupant as provided by law.

ARTICLE VI

VARIANCE, TERMINATION AND TERM

6.01 Variance. The Covenantor, any Owner or, with the Owner’s written consent, any Occupant of the Property, may apply to the Department for a written variance from the provisions of this Covenant. Such application shall be made in accordance with Health and Safety Code Section 25233. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment, before any such variance is effective.

6.02 Termination. The Covenantor, any Owner and/or, with the Owner’s written consent, any Occupant of the Property, or any portion thereof, may apply to the Department for a termination of the Restrictions or other terms of this Covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with Health and Safety Code Section 25234. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment by before any such termination is effective.

6.03 Term. Unless ended in accordance with the termination paragraph above, by law, or by the Department exercise of its discretion, this Covenant shall continue in perpetuity.

ARTICLE VII

MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication of the Property, or any portion thereof, to the general public or anyone else for any purpose whatsoever.

7.02 State of California References. All references to the State of California and the Department include successor agencies/departments or other successor entity(ies) and delegated agencies.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey within ten (10) days of the Covenantor’s receipt of a fully executed original and prior to transfer of the Property from the Department of the Army to another Owner.

7.04 Notices. Whenever any person gives or serves any Notice (“Notice” as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served, or (2) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Covenantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008

To Department: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

To U.S. EPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

To FORA: Executive Officer
Fort Ord Reuse Authority
100 12th Street
Marina, CA 93933-6006

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any provision of this Covenant is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

7.06 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

7.07 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

7.08 Statutory References. All statutory references include successor provisions.

7.09 Representative Authority. The undersigned representative of each party to this Covenant

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

{Signatures follow}

IN WITNESS WHEREOF, the GRANTOR has caused this Deed to be executed in its name by the Deputy Assistant Secretary of the Army for Installations and Housing (I&H), this the 19th day of MARCH 2009.

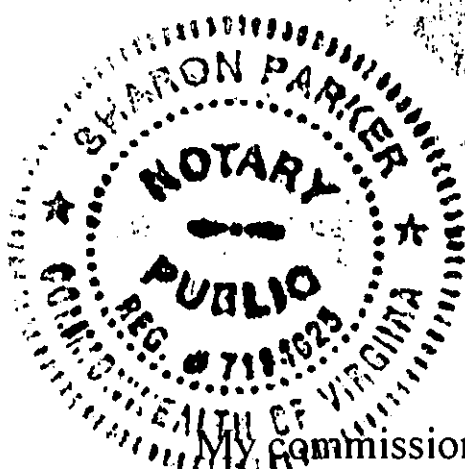
UNITED STATES OF AMERICA

By: [Signature]
JOSEPH F. CALCARA
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA(I&E)

NOTARIAL CERTIFICATE

COMMONWEALTH OF VIRGINIA)
) SS:
COUNTY OF ARLINGTON)

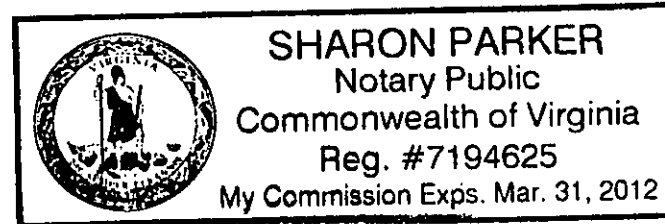
I, Sharon Parker, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that this the 19 day of March, 2009, Joseph F. Calcara, Deputy Assistant Secretary of the Army (I&H), known to me or proven through satisfactory evidence of identity to be the person whose name is subscribed to the foregoing document, appeared in person and acknowledged before me that the signature on the document was voluntarily affixed by him for the purposes therein stated and that he had due authority to sign the document in the capacity therein stated.



[Signature]
Notary Public

Notary Registration No. 7194625

My commission expires the 31 day of March, 2012



CRUP-FOSET 5 (ESCA and OUCIP Parcels): MEC
County of Monterey Group Parcels E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

NOTARY SEAL
GOVERNMENT CODE SECTION 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Kathleen C. Ancom

Commission Number 168775

Date of Commission Expires 12/9/09

Place of Execution sacramento Date 4/27/09

Signed Debra J. Smith

IN WITNESS WHEREOF, the DEPARTMENT OF TOXIC SUBSTANCES CONTROL, STATE OF CALIFORNIA has caused these presents to be executed on this 21st day of April, 2009.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Anthony J. Landis
Anthony J. Landis
Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Sacramento Office

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)ss
COUNTY OF SACRAMENTO)

On April 21, 2009 before me, Kathleen C. Duncan Notary Public,
Date Name and Title of Officer
personally appeared Anthony J. Landis,
Name of Signer

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kathleen C. Duncan
Signature of Notary Public

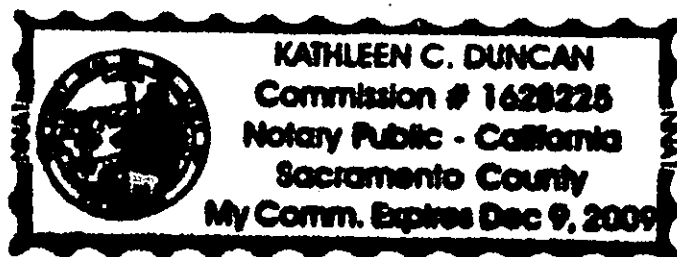


EXHIBIT A

Plates showing the locations of parcels to be restricted by this covenant and the locations of Munitions Response Sites.

EXHIBIT A

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
County of Monterey Group Parcels E4.7.2, E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

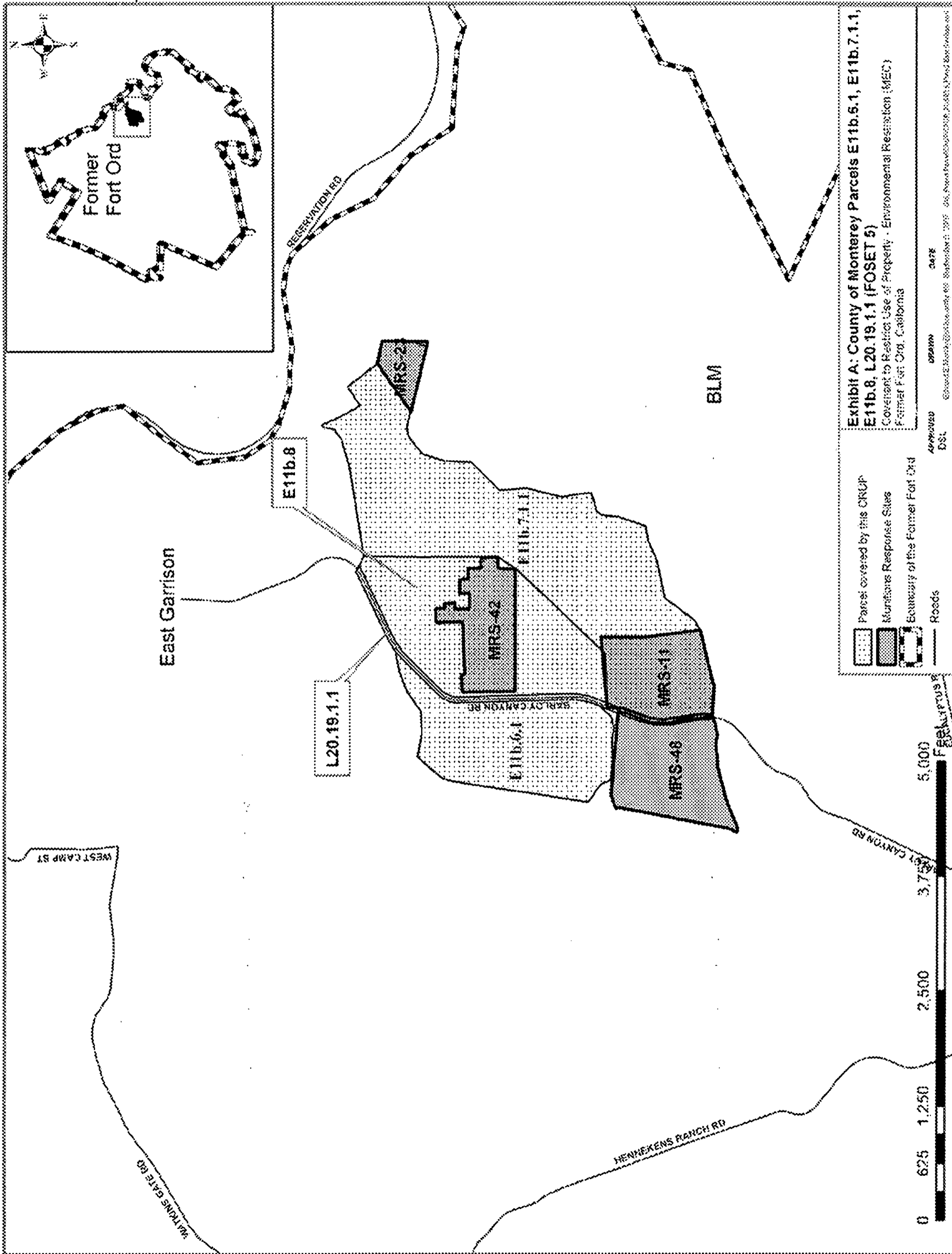




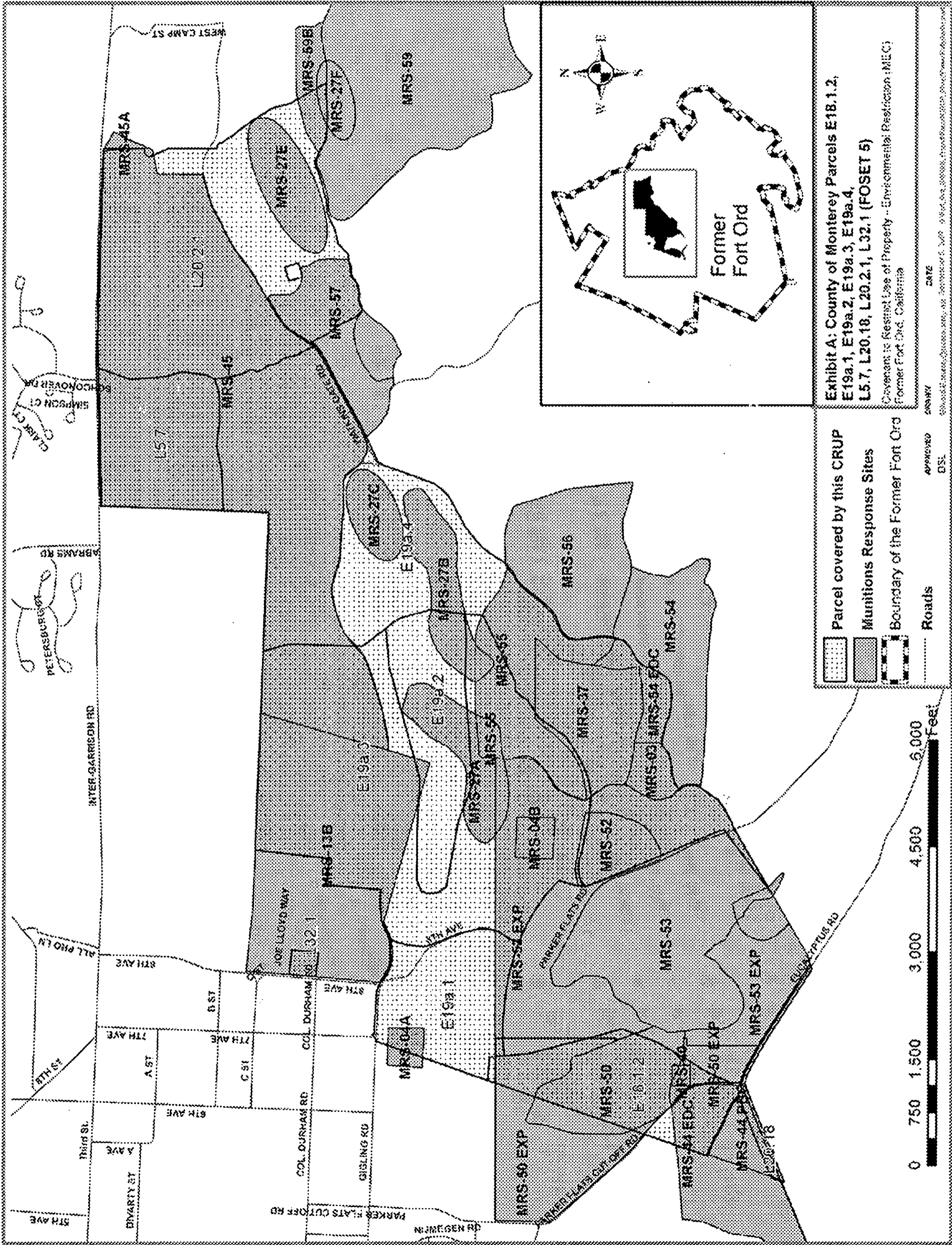


Exhibit A: County of Monterey Parcels E11b.5.1, E11b.7.1.1, E11b.8, L20.19.1.1 (FOSET 5)
 Covenant to Restrict Use of Property - Environmental Restriction (MEC)
 Former Fort Ord, California

-  Parcel covered by this CRUP
-  Munitions Response Sites
-  Boundary of the Former Fort Ord
-  Roads

Approved: _____ Date: _____
 Drawn: _____ Date: _____
 Checked/Reviewed/Submitted by: _____ Date: _____

0 625 1,250 2,500 3,750 5,000 Feet



- Parcel covered by this CRUP
- Munitions Response Sites
- Boundary of the Former Fort Ord
- Roads

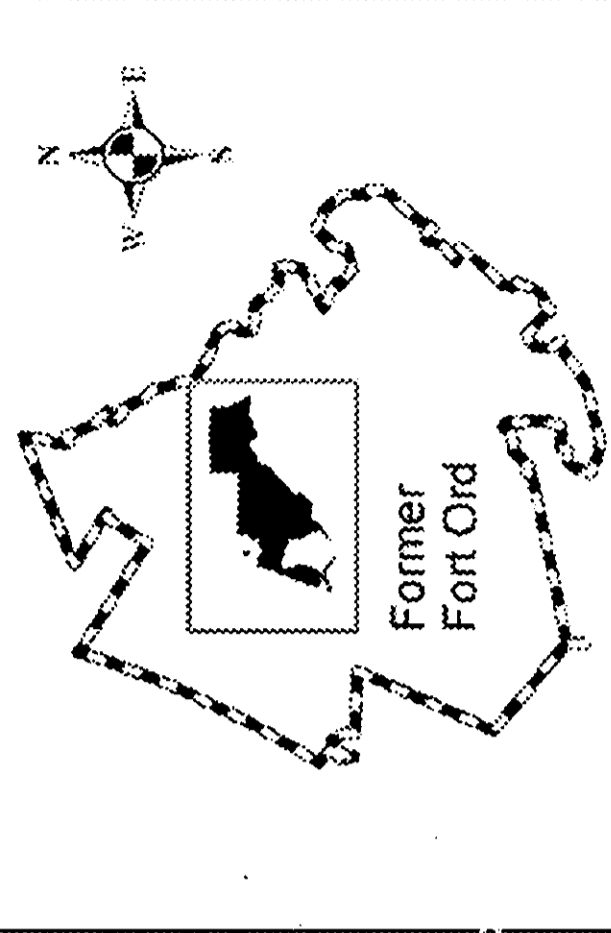
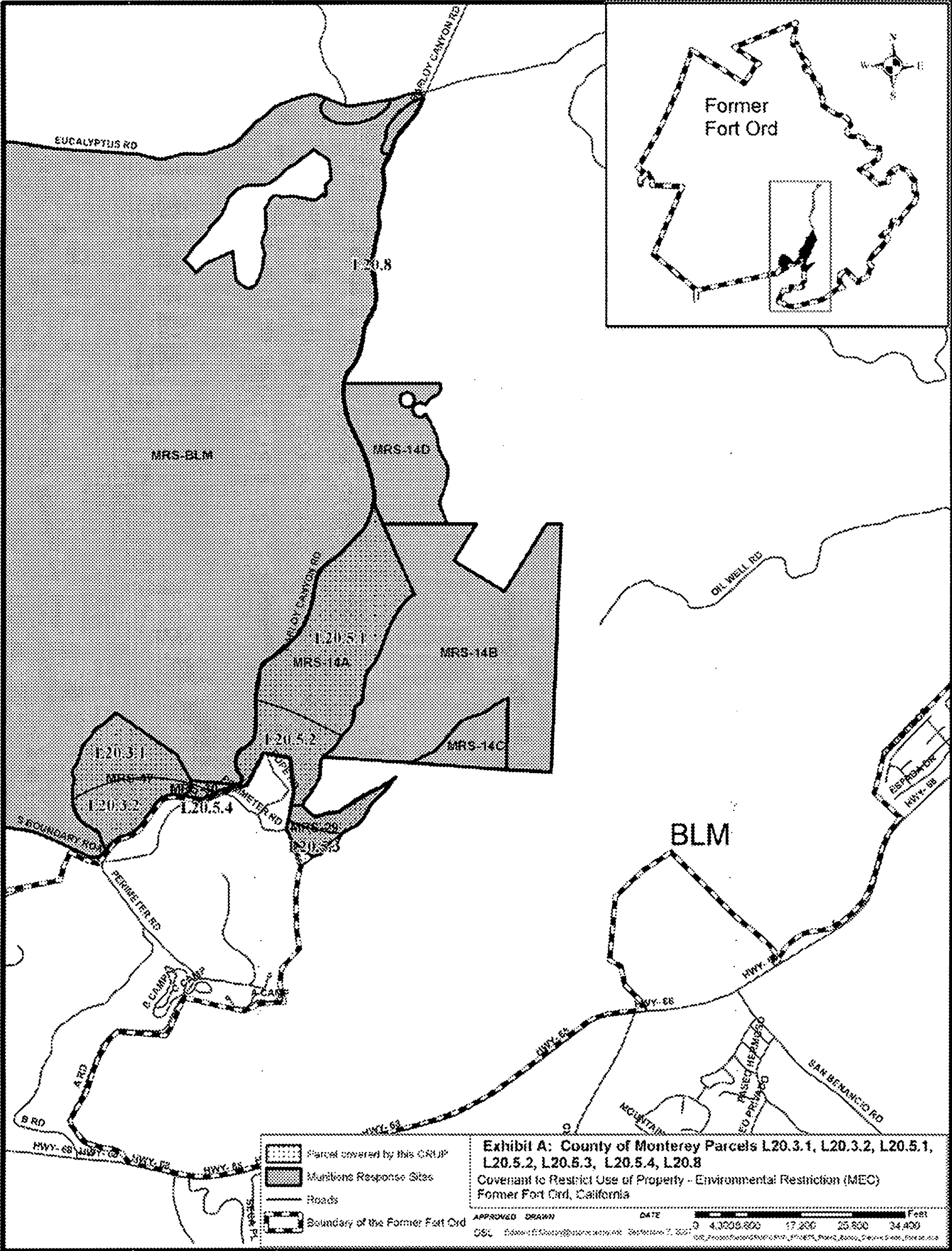


Exhibit A: County of Monterey Parcels E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.18, L20.2.1, L32.1 (FOSET 5)
 (Covenant to Restrict Use of Property - Environmental Restriction (NEC))
 Former Fort Ord, California

DATE: _____
 DRAWN BY: _____
 APPROVED BY: _____
 TITLE: _____







-  Parcel covered by this CRUP
-  Military Response Sites
-  Roads
-  Boundary of the Former Fort Ord

Exhibit A: County of Monterey Parcels L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8
 Covenant to Restrict Use of Property - Environmental Restriction (MEC)
 Former Fort Ord, California

APPROVED DRAWN DATE
 0 4,000 8,000 17,000 25,800 34,400 Feet
 DDL Edward E. Galloway@blm.gov September 7, 2007

EXHIBIT B

Legal descriptions and records of survey of the parcels restricted by this covenant.

Notes to Exhibit B:

1. The Covenantor intends to transfer the parcels to the Fort Ord Reuse Authority (FORA).
2. FORA intends to transfer the parcels to the County of Monterey.

EXHIBIT B

EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of Parcel 1, "Monterey County IV", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 104, also being a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the most westerly corner of Parcel C, as said parcel is shown on that certain map recorded in Volume 28 of Surveys at Page 143; thence from said Point of Beginning along the southerly boundary of said Parcel C

1. South 79° 42' 05" East for a distance of 266.22 feet; thence
2. North 86° 28' 56" East for a distance of 234.92 feet; thence
3. North 55° 08' 30" East for a distance of 263.54 feet; thence
4. North 68° 58' 45" East for a distance of 222.12 feet; thence
5. North 79° 25' 03" East for a distance of 234.60 feet to the beginning of a non-tangential curve on the westerly boundary of Parcel 17, as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said westerly boundary
6. Along a curve to the right, through a central angle of 12° 44' 31", having a radius of 730.00 feet, for an arc length of 162.34 feet, and whose long chord bears North 58° 46' 04" East for a distance of 162.01 feet to a point of intersection with a tangent line; thence
7. North 65° 08' 20" East for a distance of 762.95 feet to the beginning of a tangent curve; thence
8. Along a curve to the left, through a central angle of 09° 18' 32", having a radius of 300.00 feet, for an arc length of 48.74 feet, and whose long chord bears North 60° 29' 04" East for a distance of 48.69 feet to a point of intersection with a non-tangential line; thence leaving said westerly boundary of Parcel 17 and continuing along said southerly boundary of Parcel C

EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

9. South 64° 20' 35" East for a distance of 194.33 feet; thence
10. North 80° 57' 08" East for a distance of 995.89 feet; thence
11. North 73° 39' 30" East for a distance of 310.00 feet; thence
12. North 53° 57' 45" East for a distance of 128.65 feet; thence
13. North 11° 41' 33" East for a distance of 114.45 feet; thence
14. North 40° 57' 32" East (shown on said map recorded in Volume 28 of Surveys at Page 143 as North 40° 50' 58" East) for a distance of 37.76 feet; thence leaving said southerly boundary of Parcel C and following the westerly boundary of Parcel E11b.7.1.2
15. South 24° 38' 38" East for a distance of 213.55 feet; thence
16. South 27° 21' 27" East for a distance of 230.78 feet; thence
17. South 38° 10' 16" East for a distance of 24.19 feet; thence
18. North 57° 19' 19" East for a distance of 251.86 feet; thence
19. South 37° 46' 00" East for a distance of 411.32 feet; thence
20. South 77° 51' 15" East for a distance of 246.61 feet; thence
21. South 00° 02' 57" West for a distance of 332.86 feet to the boundary of said Parcel 1, "Monterey County IV"; thence leaving said westerly boundary of Parcel E11b.7.1.2 and running along the boundary of said Parcel 1, "Monterey County IV"
22. South 19° 51' 16" West for a distance of 162.04 feet; thence
23. North 75° 57' 30" West for a distance of 907.03 feet; thence
24. South 78° 04' 37" West for a distance of 109.65 feet; thence
25. South 51° 30' 12" West for a distance of 239.89 feet; thence
26. South 16° 31' 14" West for a distance of 243.69 feet; thence
27. South 03° 52' 00" West for a distance of 302.09 feet; thence
28. South 45° 19' 32" West for a distance of 429.04 feet; thence

EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

29. South 04° 20' 02" East for a distance of 194.19 feet; thence
30. South 05° 11' 18" East for a distance of 103.37 feet; thence
31. South 14° 03' 06" West for a distance of 409.72 feet; thence
32. South 10° 25' 47" East for a distance of 165.34 feet; thence
33. South 05° 47' 54" East for a distance of 151.56 feet; thence
34. South 70° 02' 49" West for a distance of 107.15 feet; thence
35. South 76° 48' 38" West for a distance of 103.38 feet; thence
36. South 33° 59' 13" West for a distance of 71.97 feet; thence
37. South 05° 40' 51" West for a distance of 170.80 feet; thence
38. South 19° 10' 09" West for a distance of 317.20 feet; thence
39. South 79° 08' 31" West for a distance of 165.10 feet; thence
40. South 66° 07' 20" West for a distance of 227.73 feet; thence
41. South 78° 18' 26" West for a distance of 426.71 feet; thence
42. South 37° 24' 04" West for a distance of 405.24 feet; thence
43. South 60° 11' 20" West for a distance of 157.83 feet; thence
44. South 77° 37' 10" West for a distance of 604.84 feet; thence
45. North 86° 39' 21" West for a distance of 300.78 feet; thence
46. North 81° 43' 15" West for a distance of 60.02 feet to the beginning of a non-tangential curve on the westerly boundary of said Parcel 17; thence following said westerly boundary
47. Along a curve to the left, through a central angle of 16° 10' 12", having a radius of 445.00 feet, for an arc length of 125.59 feet, and whose long chord bears North 01° 23' 04" West for a distance of 125.17 feet to a point of intersection with a tangent line; thence
48. North 09° 28' 10" West for a distance of 304.65 feet to the beginning of a tangent curve; thence

EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

49. Along a curve to the right, through a central angle of $30^{\circ} 30' 23''$, having a radius of 680.00 feet, for an arc length of 362.06 feet, and whose long chord bears North $05^{\circ} 47' 08''$ East for a distance of 357.80 feet to a point of intersection with a tangent line; thence
50. North $21^{\circ} 02' 20''$ East for a distance of 453.89 feet; thence leaving said westerly boundary of Parcel 17 and continuing along the boundary of said Parcel 1, "Monterey County IV"
51. South $42^{\circ} 37' 56''$ West for a distance of 161.20 feet; thence
52. South $74^{\circ} 32' 59''$ West for a distance of 127.14 feet; thence
53. North $80^{\circ} 11' 35''$ West for a distance of 143.17 feet; thence
54. South $87^{\circ} 14' 25''$ West for a distance of 200.49 feet; thence
55. North $84^{\circ} 29' 14''$ West for a distance of 236.48 feet; thence
56. North $23^{\circ} 00' 40''$ West for a distance of 115.19 feet; thence
57. North $55^{\circ} 12' 30''$ West for a distance of 237.06 feet; thence
58. North $09^{\circ} 00' 50''$ East for a distance of 533.04 feet; thence
59. North $08^{\circ} 24' 49''$ East for a distance of 814.99 feet; thence
60. North $09^{\circ} 05' 29''$ East for a distance of 208.24 feet; thence
61. North $24^{\circ} 06' 33''$ East for a distance of 86.18 feet (shown on said map as South $24^{\circ} 18' 40''$ West, 86.40 feet); thence
62. North $41^{\circ} 48' 01''$ East a distance of 335.44 feet to the POINT OF BEGINNING;

Containing an area of 251.797 acres, more or less.

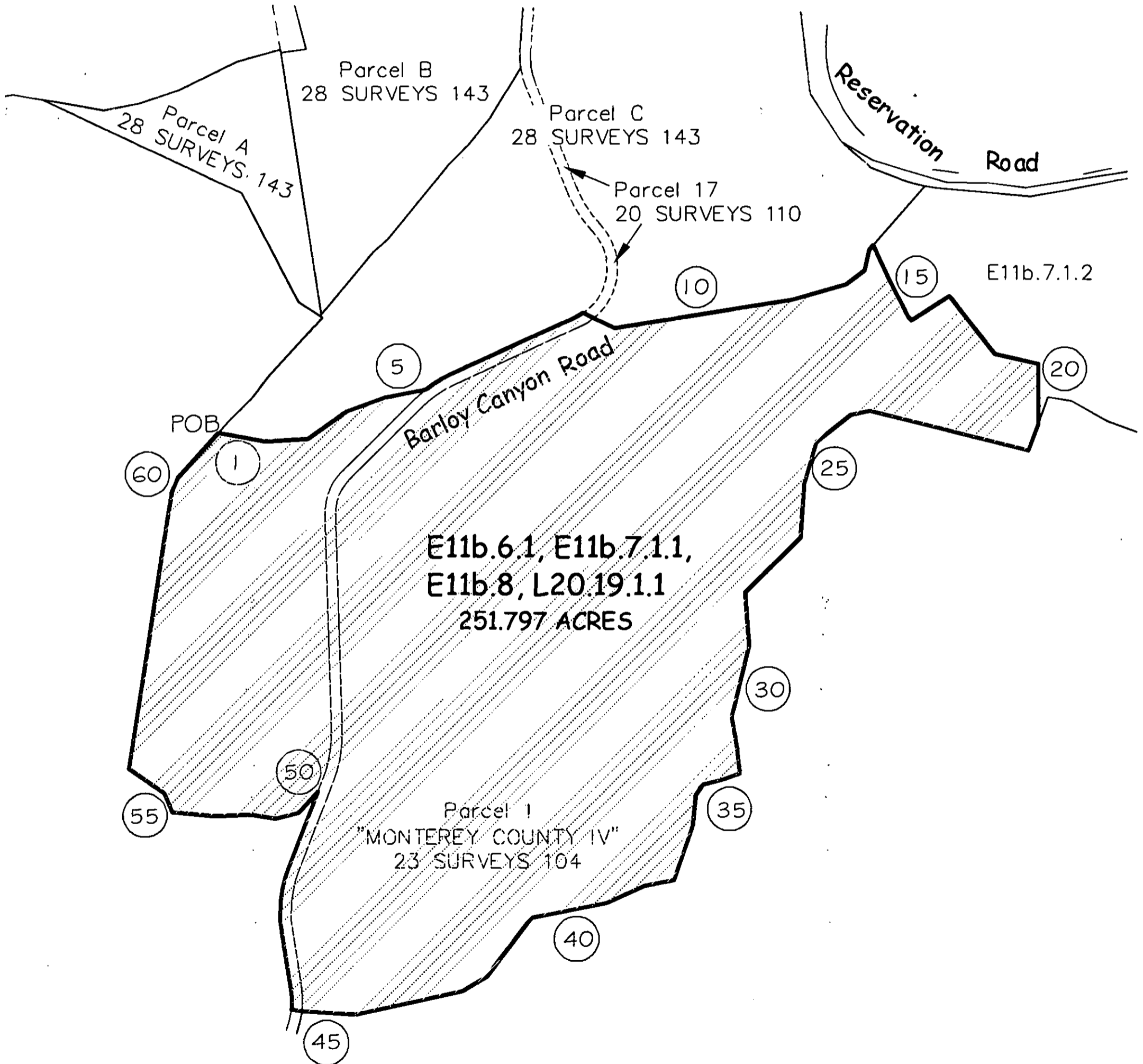
This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT
 of
 EDC Parcels E11b.6.1, E11b.7.1.1, E11b.8, L20.19.1.1
 Being a Portion of
 Parcel 1 "Monterey County IV" as shown on Vol. 23 of Surveys at Page 104
 Monterey County Jurisdiction
 Fort Ord FOSET 5
 Lying within the Fort Ord Military Reservation
 as shown on Vol. 19 of Surveys at Page 1
 Being also within Monterey City Lands Tract No. 1
 Monterey County, California



Not To Scale



Note: Course Numbers Refer to the Legal Description.

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North 18° 59' 35" East (shown on said map as North 18° 59' 46" East), 298.43 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

1. North 18° 59' 35" East for a distance of 4944.59 feet; thence leaving said common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A"
2. North 56° 06' 54" East for a distance of 80.01 feet to a point on the southerly boundary of Parcel 1, L23.4.2, as it is shown on that certain map recorded in Volume 27 of Surveys at Page 17; thence along the southerly boundary of said Parcel 1, L23.4.2
3. South 86° 42' 26" East (shown on said map as South 86° 35' 49" East) for a distance of 59.64 feet to the southeast corner of said Parcel 1, L23.4.2 at Gigling Road, being also corner numbered 13 in the southerly boundary of Parcel 3 as it is shown on that certain map recorded in Volume 25 of Surveys at Page 54; thence along the southerly boundary of said Parcel 3,
4. South 86° 45' 00" East for a distance of 492.62 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of 12° 17' 46", having a radius of 532.00 feet, for an arc length of 114.17 feet, and whose long chord bears South 80° 36' 07" East for a distance of 113.95 feet to the beginning of a tangent curve at an angle point in the southerly boundary of said Parcel 1, L23.4.2; thence along the southerly boundary of said Parcel 1, L23.4.2
6. Along a curve to the right, through a central angle of 14° 16' 14", having a radius of 532.00 feet, for an arc length of 132.50 feet, and whose long chord bears South 67° 19' 07" East for a distance of 132.16 feet to a point of intersection with a tangent line; thence
7. South 60° 11' 00" East for a distance of 153.83 feet to the beginning of a tangent curve, at 2.05 feet, leaving the southerly boundary of said Parcel 1, L23.4.2 and following the

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
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common boundary of said "Monterey County III" and "MST Parcel 2" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; thence continuing along the boundary of said "Monterey County III"

8. Along a curve to the left, through a central angle of $31^{\circ} 35' 00''$, having a radius of 418.00 feet, for an arc length of 230.42 feet, and whose long chord bears South $75^{\circ} 58' 30''$ East for a distance of 227.51 feet to a point of intersection with a tangent line; thence
9. North $88^{\circ} 14' 00''$ East for a distance of 107.55 feet to the beginning of a tangent curve; thence
10. Along a curve to the left, through a central angle of $26^{\circ} 00' 00''$, having a radius of 568.00 feet, for an arc length of 257.75 feet, and whose long chord bears North $75^{\circ} 14' 00''$ East for a distance of 255.54 feet to a point of intersection with a tangent line; thence
11. North $62^{\circ} 14' 00''$ East for a distance of 25.58 feet to the beginning of a tangent curve; thence
12. Along a curve to the right, through a central angle of $19^{\circ} 25' 00''$, having a radius of 482.00 feet, for an arc length of 163.34 feet, and whose long chord bears North $71^{\circ} 56' 30''$ East for a distance of 162.56 feet to the beginning of a tangent curve; thence
13. Along a curve to the right, through a central angle of $14^{\circ} 13' 51''$, having a radius of 1632.00 feet, for an arc length of 405.35 feet, and whose long chord bears North $88^{\circ} 45' 56''$ East for a distance of 404.31 feet to a point of intersection with a non-tangent line; thence
14. North $04^{\circ} 50' 13''$ East for a distance of 768.48 feet to a point on the common boundary of "Monterey County III" and Parcel 7 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence along said common boundary
15. South $83^{\circ} 34' 21''$ East for a distance of 382.09 feet to the southeasterly corner of said Parcel 7; thence
16. North $06^{\circ} 30' 01''$ East for a distance of 985.25 feet to a point on the common boundary of said "Monterey County III" and Parcel 3C as it is shown on that certain map recorded in Volume 19 of Surveys at Page 86; thence along said common boundary
17. North $06^{\circ} 27' 43''$ East for a distance of 66.72 feet to a point on the common boundary of said "Monterey County III" and Parcel 3 as it is shown on that certain map recorded in Volume 19 of Surveys at Page 15; thence leaving said common boundary of "Monterey County III" and Parcel 3C and following said common boundary of "Monterey County III" and Parcel 3
18. South $87^{\circ} 45' 00''$ East for a distance of 4,791.91 feet; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

19. North 02° 15' 00" East for a distance of 645.13 feet to a point on the common boundary of said "Monterey County III" and Parcel 1 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 64; thence leaving said common boundary of "Monterey County III" and Parcel 3 and following said common boundary of "Monterey County III" and Parcel 1
20. North 87° 27' 00" East for a distance of 577.00 feet; thence
21. North 79° 00' 00" East for a distance of 351.00 feet; thence
22. South 82° 51' 00" East for a distance of 359.00 feet; thence
23. South 89° 38' 00" East for a distance of 244.00 feet; thence
24. North 84° 00' 00" East for a distance of 199.00 feet; thence
25. North 68° 44' 00" East for a distance of 163.00 feet to a point on the common boundary of said "Monterey County III" and Parcel 1 "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89; thence along said common boundary of "Monterey County III" and Parcel 1 "Travel Camp"
26. South 07° 51' 00" East for a distance of 198.34 feet; thence
27. South 13° 25' 00" East for a distance of 206.15 feet; thence
28. South 26° 14' 00" East for a distance of 145.60 feet; thence
29. South 24° 41' 00" West for a distance of 96.00 feet; thence
30. South 30° 56' 00" East for a distance of 170.50 feet; thence
31. South 14° 47' 00" East for a distance of 137.30 feet; thence
32. South 38° 48' 00" East for a distance of 112.50 feet; thence
33. South 13° 07' 00" East for a distance of 170.90 feet; thence
34. South 28° 52' 00" East for a distance of 253.18 feet (shown on said map of "Monterey County III" as 253.20 feet); thence
35. South 34° 13' 00" West for a distance of 24.50 feet; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

36. South 55° 46' 46" East for a distance of 60.00 feet (shown on said map of Parcel 1 "Travel Camp" as South 54° 47' 00" East, 60.00 feet) (shown on said map of "Monterey County III" as South 54° 40' 49" East, 59.38 feet); thence leaving said common boundary of "Monterey County III" and Parcel 1 "Travel Camp" and following the boundary of said "Monterey County III"
37. South 52° 45' 14" West for a distance of 85.69 feet (shown on said map as 85.68 feet); thence
38. South 57° 36' 32" West for a distance of 133.91 feet (shown on said map as 133.90 feet); thence
39. South 62° 57' 50" West for a distance of 427.70 feet (shown on said map as 427.67 feet); thence
40. South 61° 05' 51" West for a distance of 584.54 feet (shown on said map as 584.50 feet); thence
41. South 63° 53' 31" West for a distance of 221.98 feet (shown on said map as 221.96 feet); thence
42. South 65° 18' 13" West for a distance of 428.37 feet (shown on said map as 428.34 feet); thence
43. South 38° 21' 27" West for a distance of 78.55 feet (shown on said map as 78.54 feet); thence
44. South 20° 57' 08" West for a distance of 89.62 feet (shown on said map as 89.61 feet); thence
45. South 19° 29' 14" West for a distance of 673.04 feet (shown on said map as 672.99 feet); thence
46. South 31° 41' 09" West for a distance of 132.84 feet (shown on said map as 132.83 feet); thence
47. South 46° 19' 42" West for a distance of 160.39 feet (shown on said map as 160.38 feet); thence
48. South 61° 30' 46" West for a distance of 508.42 feet (shown on said map as 508.39 feet); thence
49. South 50° 40' 25" West for a distance of 223.70 feet (shown on said map as 223.68 feet); thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

50. South 49° 16' 25" West for a distance of 135.48 feet (shown on said map as 135.47 feet);
thence
51. South 36° 37' 42" West for a distance of 162.54 feet (shown on said map as 162.53 feet);
thence
52. South 33° 25' 09" West for a distance of 265.19 feet (shown on said map as 265.17 feet);
thence
53. South 49° 49' 05" West for a distance of 123.54 feet (shown on said map as 123.53 feet);
thence
54. South 62° 19' 42" West for a distance of 168.15 feet (shown on said map as 168.14 feet);
thence
55. South 43° 50' 29" West for a distance of 115.37 feet (shown on said map as 115.36 feet);
thence
56. South 38° 11' 13" West for a distance of 200.82 feet (shown on said map as 200.81 feet);
thence
57. South 40° 27' 38" West for a distance of 271.06 feet (shown on said map as 271.04 feet);
thence
58. South 53° 08' 07" West for a distance of 144.59 feet (shown on said map as 144.58 feet);
thence
59. South 69° 49' 08" West for a distance of 193.33 feet (shown on said map as 193.32 feet);
thence
60. South 54° 59' 05" West for a distance of 72.44 feet; thence
61. South 41° 12' 49" West for a distance of 81.00 feet (shown on said map as 80.99 feet);
thence
62. South 24° 33' 59" West for a distance of 55.05 feet; thence
63. South 05° 54' 51" West for a distance of 88.85 feet (shown on said map as 88.84 feet);
thence
64. South 08° 19' 42" East for a distance of 329.24 feet (shown on said map as 329.22 feet);
thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

65. South 00° 05' 57" West for a distance of 78.53 feet (shown on said map as 78.52 feet);
thence
66. South 08° 37' 33" West for a distance of 97.39 feet (shown on said map as 97.38 feet);
thence
67. South 18° 58' 46" West for a distance of 165.56 feet (shown on said map as 165.55 feet);
thence
68. South 44° 37' 32" West for a distance of 95.78 feet (shown on said map as 95.77 feet);
thence
69. South 60° 52' 39" West for a distance of 254.56 feet (shown on said map as 254.54 feet);
thence
70. South 37° 26' 54" West for a distance of 126.63 feet (shown on said map as 126.62 feet);
thence
71. South 10° 48' 03" West for a distance of 68.50 feet; thence
72. South 29° 22' 04" West for a distance of 156.15 feet (shown on said map as 156.14 feet);
thence
73. South 34° 57' 59" West for a distance of 139.63 feet (shown on said map as 139.62 feet);
thence
74. South 56° 21' 39" West for a distance of 59.71 feet; thence
75. South 82° 29' 44" West for a distance of 194.59 feet (shown on said map as 194.58 feet);
thence
76. North 83° 42' 42" West for a distance of 287.16 feet (shown on said map as 287.14 feet);
thence
77. North 66° 01' 20" West for a distance of 147.40 feet (shown on said map as 147.39 feet);
thence
78. North 79° 00' 34" West for a distance of 251.38 feet (shown on said map as 251.36 feet);
thence
79. South 77° 12' 53" West for a distance of 55.92 feet; thence
80. South 46° 42' 29" West for a distance of 87.19 feet (shown on said map as 87.18 feet);
thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

81. South 58° 47' 57" West for a distance of 75.86 feet (shown on said map as 75.85 feet);
thence
82. South 80° 55' 21" West for a distance of 132.37 feet (shown on said map as 132.36 feet);
thence
83. South 87° 12' 11" West for a distance of 112.48 feet (shown on said map as 112.47 feet);
thence
84. South 71° 38' 58" West for a distance of 176.74 feet (shown on said map as 176.73 feet);
thence
85. South 56° 09' 46" West for a distance of 97.72 feet (shown on said map as 97.71 feet);
thence
86. South 37° 48' 47" East for a distance of 90.92 feet (shown on said map as 90.91 feet);
thence
87. South 17° 07' 11" East for a distance of 62.89 feet; thence
88. South 02° 33' 03" West for a distance of 88.27 feet (shown on said map as 88.26 feet);
thence
89. South 18° 58' 47" West for a distance of 63.58 feet; thence
90. South 36° 47' 12" West for a distance of 201.49 feet (shown on said map as 201.48 feet);
thence
91. South 31° 02' 57" West for a distance of 121.85 feet (shown on said map as 121.84 feet);
thence
92. South 51° 55' 07" West for a distance of 113.24 feet (shown on said map as 113.23 feet);
thence
93. South 61° 32' 12" West for a distance of 269.69 feet (shown on said map as 269.67 feet);
thence
94. South 75° 50' 25" West for a distance of 66.11 feet; thence
95. South 59° 39' 37" West for a distance of 1066.26 feet; thence
96. North 52° 52' 17" East for a distance of 1103.36 feet to a 5/8" rebar with cap stamped LS
5321; thence

EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

97. North 12° 53' 13" West for a distance of 90.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
98. North 23° 03' 02" West for a distance of 1755.77 feet to a 5/8" rebar with cap stamped LS 5321; thence
99. North 20° 08' 36" West for a distance of 268.73 feet to a 5/8" rebar with cap stamped LS 5321; thence
100. North 06° 42' 03" East for a distance of 153.53 feet to a 5/8" rebar with cap stamped LS 5321; thence
101. North 17° 38' 14" East for a distance of 226.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
102. North 48° 03' 46" West for a distance of 283.49 feet; thence
103. North 55° 11' 28" West for a distance of 278.91 feet to a 5/8" rebar with cap stamped LS 5321; thence
104. North 62° 41' 36" West for a distance of 227.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
105. North 65° 01' 11" West for a distance of 250.60 feet; thence
106. North 71° 11' 51" West for a distance of 335.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
107. North 79° 30' 16" West for a distance of 483.47 feet to a 5/8" rebar with cap stamped LS 5321; thence
108. North 84° 57' 11" West for a distance of 320.10 feet; thence
109. South 89° 14' 18" West for a distance of 321.74 feet to a 5/8" rebar with cap stamped LS 5321; thence
110. South 85° 32' 01" West for a distance of 169.80 feet; thence
111. South 04° 34' 26" East for a distance of 338.58 feet; thence
112. South 14° 47' 14" East for a distance of 1369.35 feet; thence
113. South 20° 28' 20" West for a distance of 520.37 feet; thence

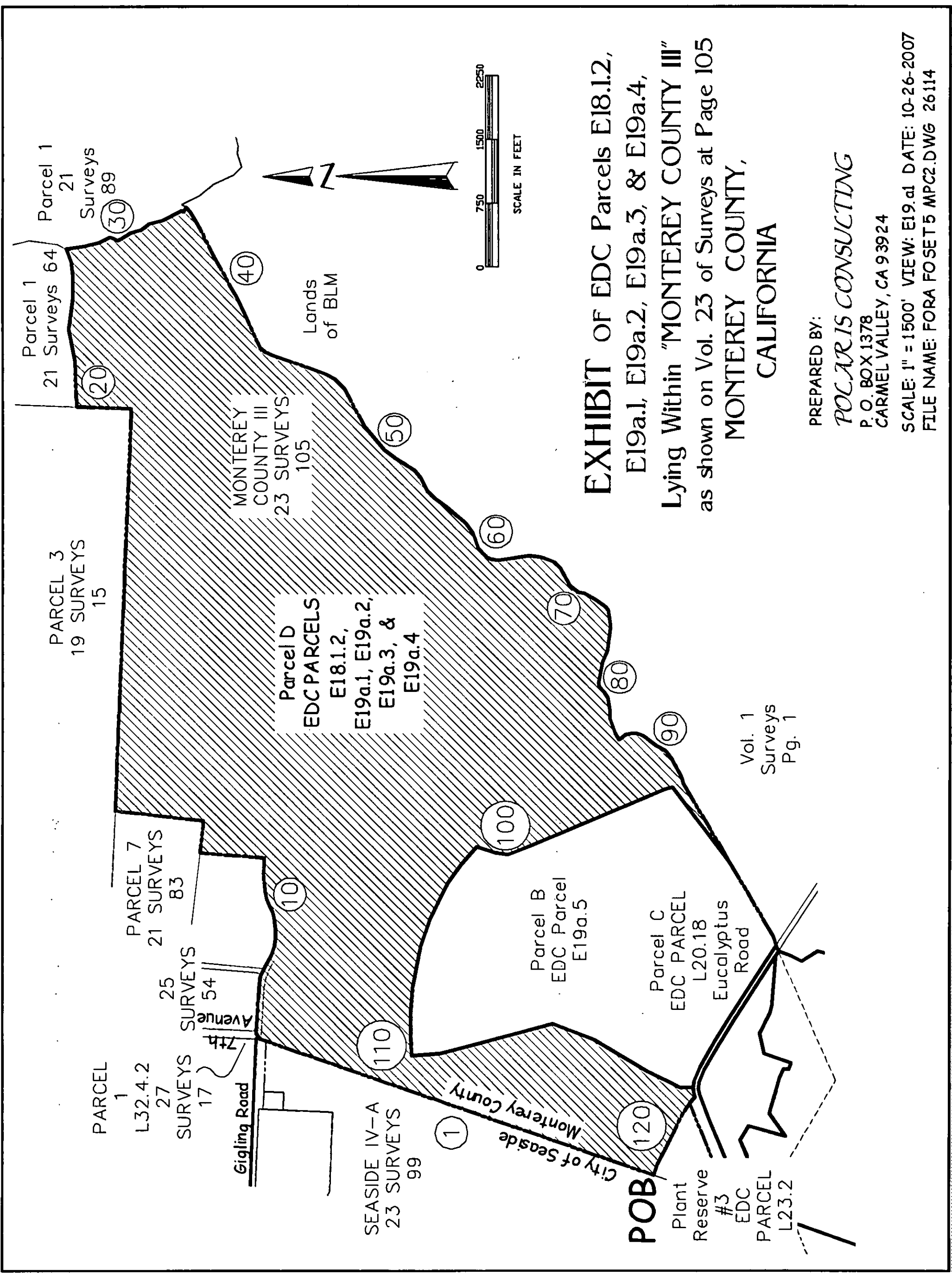
EDC Parcels E18.1.2, E19a.1, E19a.2, E19a.3, & E19a.4
FOSET 5
Fort Ord Military Reservation
Monterey County, California

114. South 30° 46' 05" West for a distance of 753.57 feet; thence
115. South 25° 53' 24" West for a distance of 427.12 feet; thence
116. South 01° 39' 30" West for a distance of 156.63 feet to the beginning of a non-tangent curve; thence
117. Along a curve to the left, the center of which bears South 00° 33' 41" East for a distance of 280.00 feet, through a central angle of 22° 52' 50", having a radius of 280.00 feet, for an arc length of 111.82 feet, and whose long chord bears South 77° 59' 54" West for a distance of 111.07 feet to the beginning of a non-tangent curve; thence
118. Along a curve to the left, the center of which bears South 41° 45' 33" West for a distance of 1,370.00 feet, through a central angle of 04° 10' 37", having a radius of 1,370.00 feet, for an arc length of 99.87 feet, and whose long chord bears North 50° 19' 45" West for a distance of 99.85 feet to a point on a curve, being the most easterly corner of "Plant Reserve #3, EDC Parcel L23.2; thence continuing along said curve and along the northerly boundary of said "Plant Reserve #3"
119. Along a compound curve to the left, through a central angle of 16° 36' 37", having a radius of 1,370.00 feet, for an arc length of 397.17 feet, and whose long chord bears North 60° 43' 22" West for a distance of 395.78 feet to the beginning of a tangent curve; thence
120. Along a reverse curve to the right, through a central angle of 10° 50' 30", having a radius of 1,430.00 feet, for an arc length of 270.59 feet, and whose long chord bears North 63° 36' 25" West for a distance of 270.19 feet to the beginning of a tangent curve; thence
121. Along a reverse curve to the left, through a central angle of 16° 42' 49", having a radius of 970.00 feet, for an arc length of 282.96 feet, and whose long chord bears North 66° 32' 34" West for a distance of 281.95 feet to the POINT OF BEGINNING.

Containing an area of 896.981 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



**EXHIBIT OF EDC Parcels E18.1.2,
E19a.1, E19a.2, E19a.3, & E19a.4,
Lying Within "MONTEREY COUNTY III"
as shown on Vol. 23 of Surveys at Page 105
MONTEREY COUNTY,
CALIFORNIA**

PREPARED BY:
POLARIS CONSULTING
P. O. BOX 1378
CARMEL VALLEY, CA 93924
SCALE: 1" = 1500' VIEW: E19.a1 DATE: 10-26-2007
FILE NAME: FORA FOSET5 MPC2.DWG 26114

Vol. 1
Surveys
Pg. 1

PBC Parcel L5.7
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being all of Parcel 1 as it is shown on that certain map recorded in Volume 21 of Surveys at Page 64; being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1 being also the southeast corner of Parcel 6 and the southwest corner of Parcel 9, as said parcels are shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning

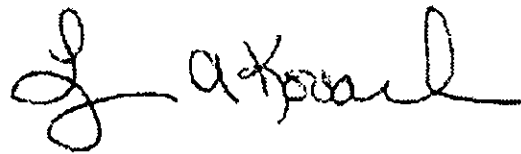
1. North 88° 53' 00" East along the common boundary of said Parcels 1 and 9 for a distance of 1237.33 feet; thence
2. North 88° 50' 07" East for a distance of 722.04 feet to the northeast corner of said Parcel 1 being also the northwest corner of Parcel 1, "Travel Camp," as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89; thence leaving said common boundary with said Parcel 9 and continuing along the common boundary of said Parcel 1 and said "Travel Camp" the following courses
3. South 19° 18' 00" West for a distance of 473.58 feet; thence
4. South 4° 09' 00" East for a distance of 474.00 feet; thence
5. South 14° 40' 00" East for a distance of 277.00 feet; thence
6. South 7° 43' 00" West for a distance of 345.00 feet; thence
7. South 28° 16' 00" West for a distance of 121.00 feet to the southwest corner of said "Travel Camp" being also the northeasterly corner of Parcel 1, Monterey County III (Parker Flats)" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; thence leaving said common boundary with said "Travel Camp" and continuing along the common boundary of said Parcel 1 and said "Monterey County III (Parker Flats)"
8. South 68° 45' 00" West for a distance of 163.00 feet; thence
9. South 84° 00' 00" West for a distance of 199.00 feet; thence
10. North 89° 38' 00" West for a distance of 244.00 feet; thence

PBC Parcel L5.7
FOSET 5
Fort Ord Military Reservation
Monterey County, California

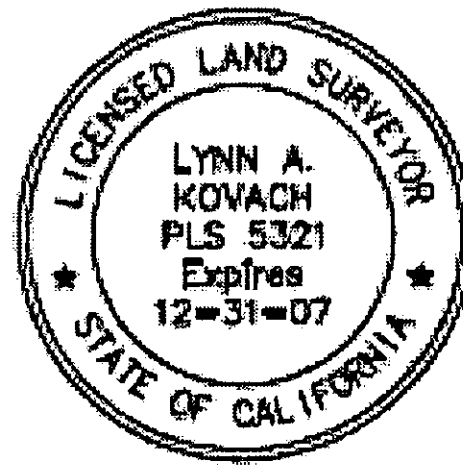
11. North 82° 51' 00" West for a distance of 359.00 feet; thence
12. South 79° 00' 00" West for a distance of 351.00 feet; thence
13. South 87° 27' 00" West for a distance of 577.00 feet to the southwest corner of said Parcel 1 being also a point on the east boundary of Parcel 3 B as said parcel is shown on that certain map recorded in Volume 19 of Surveys at Page 86; thence along the common boundary of said Parcels 1 and 3 B
14. North 2° 15' 00" East for a distance of 1725.01 feet to the POINT OF BEGINNING

Containing an area of 73.444 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EXHIBIT

of

PBC Parcel L5.7

Being Parcel 1 as shown on Vol. 21 of Surveys at Page 64

Monterey County Jurisdiction

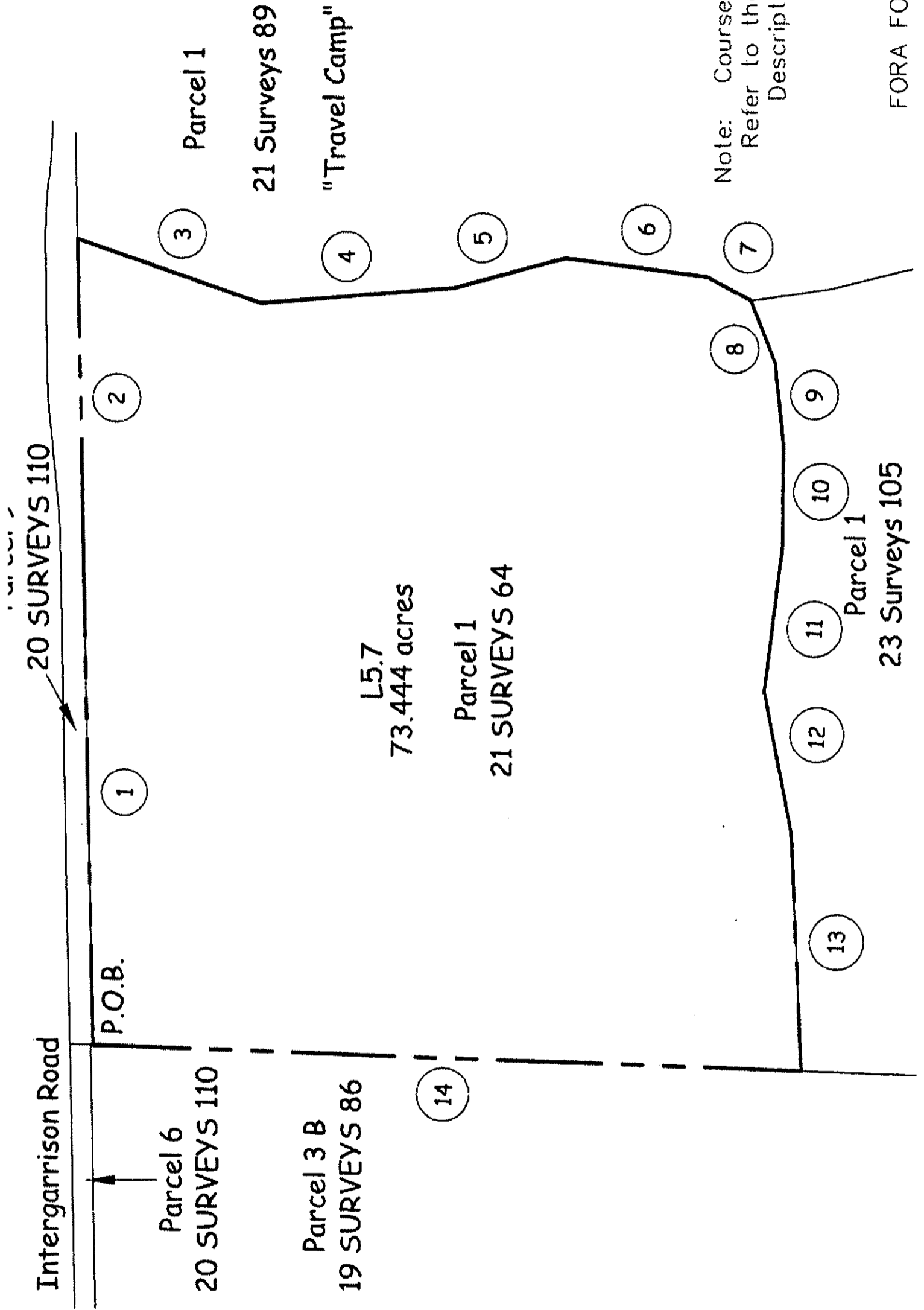
Fort Ord FOSET 5

Lying within the Fort Ord Military Reservation

as shown on Vol. 19 of Surveys at Page 1

Being also within Monterey City Lands Tract No. 1

Monterey County, California



EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of Parcel 1, "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1, "Travel Camp," being also a point on the southerly boundary of Parcel 9 as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence from said Point of Beginning, along said southerly boundary of Parcel 9

1. North 88° 50' 07" East for a distance of 255.92 feet; thence
2. North 88° 53' 00" East for a distance of 84.43 feet, at 5.21 feet a point being the southeast corner of said Parcel 9 and the southwest corner of Parcel 10, as said parcel is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence leaving said southerly boundary of Parcel 9 and following the southerly boundary of said Parcel 10 a distance of 79.22 feet to the beginning of a tangent curve; thence
3. Along a curve to the right, through a central angle of 02° 48' 30", having a radius of 4906.00 feet, for an arc length of 240.47 feet, and whose long chord bears South 89° 42' 45" East for a distance of 240.44 feet to a point of intersection with a tangent line; thence
4. South 88° 18' 30" East for a distance of 2351.06 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of 01° 14' 07", having a radius of 6770.00 feet, for an arc length of 145.96 feet, and whose long chord bears South 87° 41' 26" East for a distance of 145.96 feet to a point of intersection with a non-tangential line, point also being the northwest corner of EDC Parcel L20.2.2; thence leaving said southerly boundary of Parcel 10 and following the westerly boundary of said EDC Parcel L20.2.2 & L20.2.3.1
6. South 00° 14' 04" East for a distance of 593.48 feet to the beginning of a non-tangential curve, said point also being on the perimeter boundary of EDC Parcel L35.4; thence leaving said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1 and following said perimeter boundary of EDC Parcel L35.4

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

7. Along a curve to the left, the center of which bears South $31^{\circ}47'11''$ West for a distance of 75.00 feet, through a central angle of $145^{\circ}56'11''$, having a radius of 75.00 feet, for an arc length of 191.03 feet, and whose long chord bears South $48^{\circ}49'06''$ West for a distance of 143.42 feet to a point of intersection with a tangent line; thence
8. South $24^{\circ}09'00''$ East for a distance of 200.00 feet to the beginning of a tangent curve; thence
9. Along a curve to the left, through a central angle of $31^{\circ}29'46''$, having a radius of 75.00 feet, for an arc length of 41.23 feet, and whose long chord bears South $39^{\circ}53'53''$ East for a distance of 40.71 feet to a point of intersection with a non-tangential line; thence leaving said perimeter boundary of EDC Parcel L35.4 and following said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1
10. South for a distance of 699.31 feet; thence
11. South $61^{\circ}39'09''$ East for a distance of 71.98 feet; thence
12. South $33^{\circ}25'44''$ East for a distance of 906.41 feet; thence
13. South $14^{\circ}11'56''$ East for a distance of 245.87 feet; thence
14. South $29^{\circ}41'01''$ East for a distance of 599.01 feet, more or less, to a point on the southerly boundary of said Parcel 1, "Travel Camp;" thence leaving said westerly boundary of EDC Parcel L20.2.2 & L20.2.3.1 and following said southerly boundary of Parcel 1
15. North $89^{\circ}42'00''$ West for a distance of 242.59 feet; thence
16. South $86^{\circ}36'00''$ West for a distance of 211.30 feet; thence
17. North $87^{\circ}14'00''$ West for a distance of 337.00 feet; thence
18. North $62^{\circ}14'00''$ West for a distance of 360.60 feet; thence
19. South $68^{\circ}40'00''$ West for a distance of 198.00 feet; thence
20. South $74^{\circ}30'00''$ West for a distance of 361.60 feet; thence
21. South $86^{\circ}04'00''$ West for a distance of 194.20 feet; thence

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

22. South 65° 00' 00" West for a distance of 255.50 feet; thence
23. South 77° 50' 00" West for a distance of 187.60 feet; thence
24. South 47° 16' 00" West for a distance of 203.30 feet; thence
25. South 80° 16' 00" West for a distance of 310.10 feet; thence
26. South 55° 23' 00" West for a distance of 123.00 feet; thence
27. South 74° 52' 00" West for a distance of 141.10 feet; thence
28. North 84° 16' 00" West for a distance of 96.50 feet; thence
29. South 70° 02' 00" West for a distance of 164.10 feet to the southwest corner of said Parcel 1, "Travel Camp;" thence leaving said southerly boundary of Parcel 1 and following the westerly boundary of said Parcel 1
30. North 43° 39' 00" West for a distance of 128.40 feet; thence
31. North 25° 11' 00" West for a distance of 271.80 feet; thence
32. North 37° 55' 00" West for a distance of 216.30 feet; thence
33. North 25° 54' 00" West for a distance of 226.00 feet; thence
34. South 34° 13' 00" West for a distance of 63.70 feet to the most easterly corner of "Monterey County III," as said parcel is shown on that certain map recorded in Volume 23 of Surveys at Page 110; thence along the easterly boundary of said "Monterey County III"
35. North 55° 47' 00" West for a distance of 60.00 feet; thence
36. North 34° 13' 00" East for a distance of 24.50 feet; thence
37. North 28° 52' 00" West for a distance of 253.20 feet; thence
38. North 13° 07' 00" West for a distance of 170.90 feet; thence
39. North 38° 48' 00" West for a distance of 112.50 feet; thence

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

40. North 14° 47' 00" West for a distance of 137.30 feet; thence
41. North 30° 56' 00" West for a distance of 170.50 feet; thence
42. North 24° 41' 00" East for a distance of 96.00 feet; thence
43. North 26° 14' 00" West for a distance of 145.60 feet; thence
44. North 13° 25' 00" West for a distance of 206.15 feet; thence
45. North 07° 51' 00" West for a distance of 198.34 feet to the southeast corner of Parcel 1 as said parcel is shown on that certain map recorded in Volume 21 of Surveys at Page 64; thence leaving said easterly boundary of "Monterey County III" and following the easterly boundary of said Parcel 1
46. North 28° 16' 00" East for a distance of 121.00 feet; thence
47. North 07° 43' 00" East for a distance of 345.00 feet; thence
48. North 14° 40' 00" West for a distance of 277.00 feet; thence
49. North 04° 09' 00" West for a distance of 474.00 feet; thence
50. North 19° 18' 00" East for a distance of 473.59 feet to the POINT OF BEGINNING.

Containing a gross area of 253.375 acres, more or less.

EXCEPTING THEREFROM EDC Parcel L35.5 which is more particularly described as follows:

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, the City of Marina, County of Monterey, State of California; being all of the Tank Parcel 0.918 acres as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89 being more particularly described as follows:

EDC Parcel L20.2.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

BEGINNING at a point from which an angle point in the westerly boundary of Parcel 1 "Travel Camp" as it is shown on that certain map recorded in Volume 21 of Surveys at Page 89 bears South 69° 28' 49" West for a distance of 909.95 feet (as shown on said map of Parcel 1 "Travel Camp"); thence from said Point of Beginning

1. North 74° 23' 00" East for a distance of 200.00 feet to a point on a line; thence
2. South 15° 37' 00" East for a distance of 200.00 feet to a point on a line; thence
3. South 74° 23' 00" West for a distance of 200.00 feet to a point on a line; thence
4. North 15° 37' 00" West a distance of 200.00 feet to the POINT OF BEGINNING.

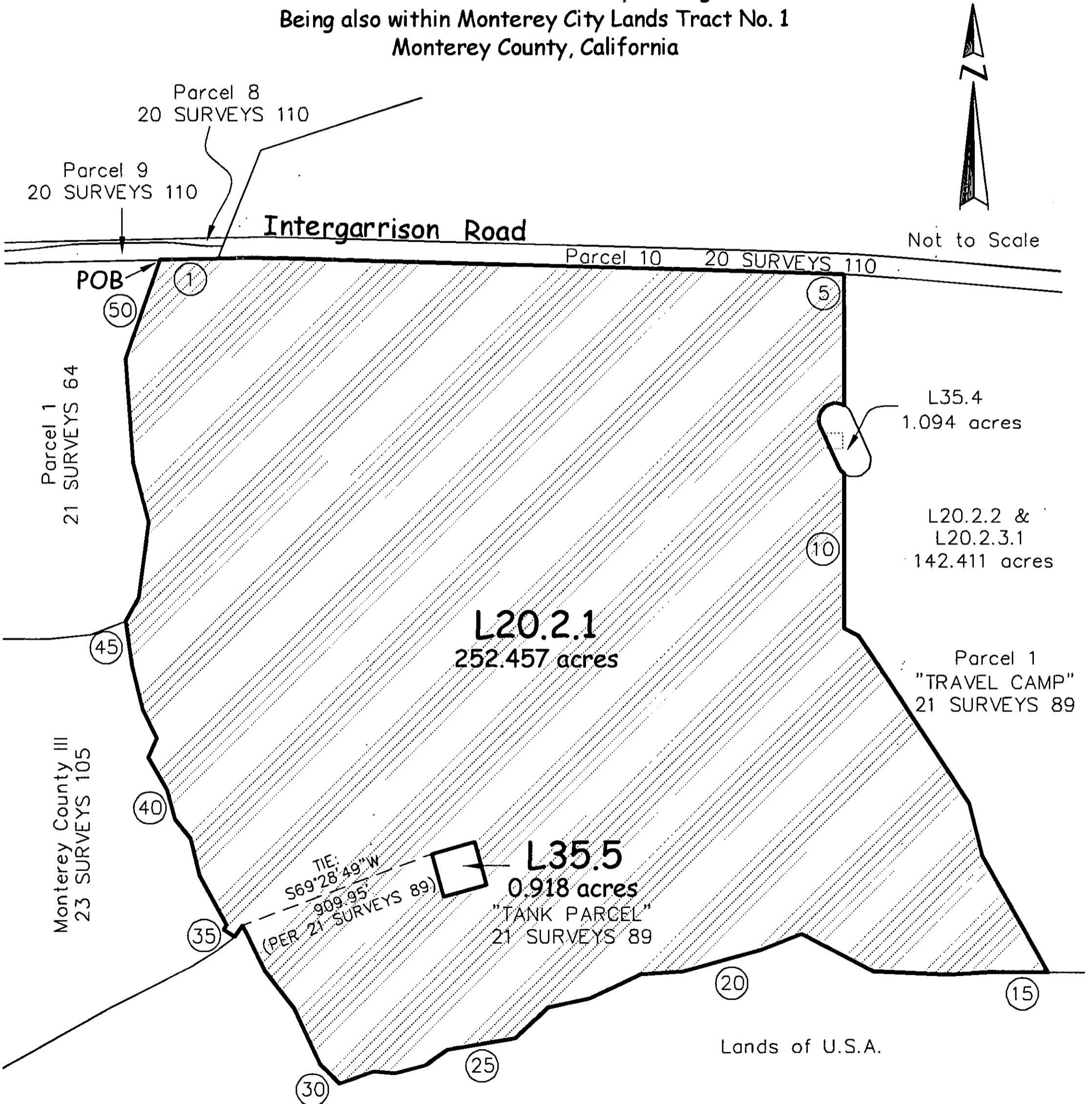
Containing an area of 0.918 acres, more or less.

Leaving a net area of 252.457 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT
of
EDC Parcel L20.2.1
Being a Portion of
Parcel 1 "Travel Camp" as shown on Vol. 21 of Surveys at Page 89
Monterey County Jurisdiction
Fort Ord FOSET 5
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Note: Course Numbers Refer to the Legal Description.

**COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1, County of Monterey, State of California, particularly described as follows:

COMMENCING at a point on the southerly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said parcel is shown and so designated on that certain Record of Survey Map filed September 7, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered 14 as shown on said map and described as "Found 1½" iron pipe with brass disk " R.C.E. 15310"; thence leaving said boundary

- (a) S. 59° 43' 54" W., 119.19 feet to the TRUE POINT OF BEGINNING; thence
- (1) N. 34° 31' 04" W., 61.26 feet; thence
- (2) Northwesterly, 115.85 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 15° 48' 16"; thence tangentially
- (3) N. 18° 42' 48" W., 128.06 feet; thence
- (4) Northwesterly, 74.69 feet along the arc of a tangent curve to the left having a radius of 105.00 feet, through a central angle of 40° 45' 28"; thence tangentially
- (5) N. 59° 28' 16" W., 244.53 feet; thence
- (6) Northwesterly, 138.76 feet along the arc of a tangent curve to the right having a radius of 345.00 feet, through a central angle of 23° 02' 39"; thence tangentially
- (7) N. 36° 25' 37" W., 55.37 feet; thence
- (8) Northwesterly, 123.62 feet along the arc of a tangent curve to the right having a radius of 545.00 feet, through a central angle of 12° 59' 46"; thence tangentially
- (9) N. 23° 25' 51" W., 19.72 feet; thence
- (10) Northerly, 126.08 feet along the arc of a tangent curve to the right having a radius of 370.00 feet, through a central angle of 19° 31' 25"; thence tangentially
- (11) N. 03° 54' 26" W., 113.05 feet; thence
- (12) Northerly, 187.44 feet along the arc of a tangent curve to the right having a radius of 1220.00 feet, through a central angle of 08° 48' 10"; thence tangentially
- (13) N. 04° 53' 44" E., 51.22 feet; thence
- (14) Northerly, 47.69 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 06° 30' 20"; thence tangentially
- (15) N. 11° 24' 04" E., 44.03 feet; thence
- (16) Northerly, 21.00 feet along the arc of a tangent curve to the left having a radius of 180.00 feet, through a central angle of 06° 41' 05"; thence tangentially
- (17) N. 04° 42' 59" E., 6.90 feet; thence

COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA

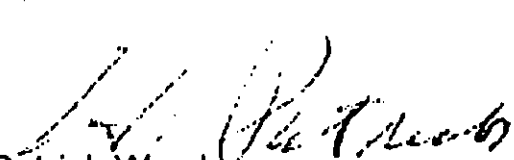
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL, PAGE 2

- (18) Northerly, 23.13 feet along the arc of a tangent curve to the left having a radius of 60.00 feet, through a central angle of 22° 05' 10"; thence tangentially
- (19) N. 17° 22' 11" W., 61.94 feet; thence
- (20) Northerly, 117.52 feet along the arc of a tangent curve to the right having a radius of 145.00 feet, through a central angle of 46° 26' 17"; thence tangentially
- (21) N. 29° 04' 06" E., 176.53 feet; thence
- (22) Northerly, 56.83 feet along the arc of a tangent curve to the left having a radius of 230.00 feet, through a central angle of 14° 09' 21"; thence tangentially
- (23) N. 14° 54' 45" E., 171.95 feet; thence
- (24) Northeasterly, 188.99 feet along the arc of a tangent curve to the right having a radius of 295.00 feet, through a central angle of 36° 42' 21"; thence tangentially
- (25) N. 51° 37' 06" E., 70.71 feet; thence
- (26) Northeasterly, 12.09 feet along the arc of a tangent curve to the left having a radius of 30.00 feet, through a central angle of 23° 05' 34"; thence tangentially
- (27) N. 28° 31' 32" E., 111.64 feet; thence
- (28) Northeasterly, 53.32 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 07° 16' 27"; thence tangentially
- (29) N. 35° 47' 59" E., 17.19 feet; thence
- (30) Northeasterly, 41.28 feet along the arc of a tangent curve to the right having a radius of 95.00 feet, through a central angle of 24° 53' 44"; thence tangentially
- (31) N. 60° 41' 43" E., 100.44 feet; thence
- (32) Northeasterly, 73.87 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 11° 08' 19"; thence tangentially
- (32) N. 49° 33' 24" E., 274.65 feet; thence
- (33) S. 55° 08' 44" E., 1377.76 feet; thence
- (34) S. 29° 09' 04" E., 537.48 feet; thence
- (35) S. 84° 54' 10" E., 820.96 feet; thence
- (36) S. 72° 46' 28" W., 72.15 feet; thence
- (37) Westerly, 419.04 feet along the arc of a tangent curve to the left having a radius of 3020.00 feet, through a central angle of 07° 57' 00"; thence tangentially
- (38) S. 64° 49' 28" W., 153.97 feet; thence

COE PARCELS L20.3.1 AND L 20.3.2
DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA

DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL, PAGE 3

- (39) Westerly, 71.98 feet along the arc of a tangent curve to the right having a radius of 120.00 feet, through a central angle of 34° 22' 00"; thence tangentially
- (40) N. 80° 48' 32" W., 112.41 feet; thence
- (41) Westerly, 27.36 feet along the arc of a tangent curve to the left having a radius of 60.00 feet, through a central angle of 26° 07' 46"; thence tangentially
- (42) Westerly, 9.05 feet along the arc of a reverse curve to the right having a radius of 20.00 feet, through a central angle of 25° 54' 59"; thence tangentially
- (43) N. 81° 01' 19" W., 265.74 feet; thence
- (44) Westerly, 453.90 feet along the arc of a tangent curve to the left having a radius of 410.00 feet, through a central angle of 63° 25' 51"; thence tangentially
- (45) S. 35° 32' 50" W., 467.34 feet; thence
- (46) Southwesterly, 278.97 feet along the arc of a tangent curve to the right having a radius of 480.00 feet, through a central angle of 33° 18' 00"; thence tangentially
- (47) S. 68° 50' 50" W., 158.42 feet; thence
- (48) Southwesterly, 262.54 feet along the arc of a tangent curve to the left having a radius of 495.00 feet, through a central angle of 30° 23' 18"; thence tangentially
- (49) S. 38° 27' 32" W., 118.24 feet to the TRUE POINT OF BEGINNING.


H. Patrick Ward
Registered Civil Engineer #29811
State of California
Expires: 31 March 2009



6 April 07
W.O. 5443.06
HPW/jf.L:/5443/544306/070406 Description of Wolf Hill.doc

COE PARCELS L20.3.1 and L20.3.2
 DESCRIPTION OF 79.138 ACRE (WOLF HILL) PARCEL
 BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
 IN MONTEREY CITY LANDS TRACT NO. 1
 MONTEREY COUNTY, CALIFORNIA

Vol. 19 SURV. PG. 88

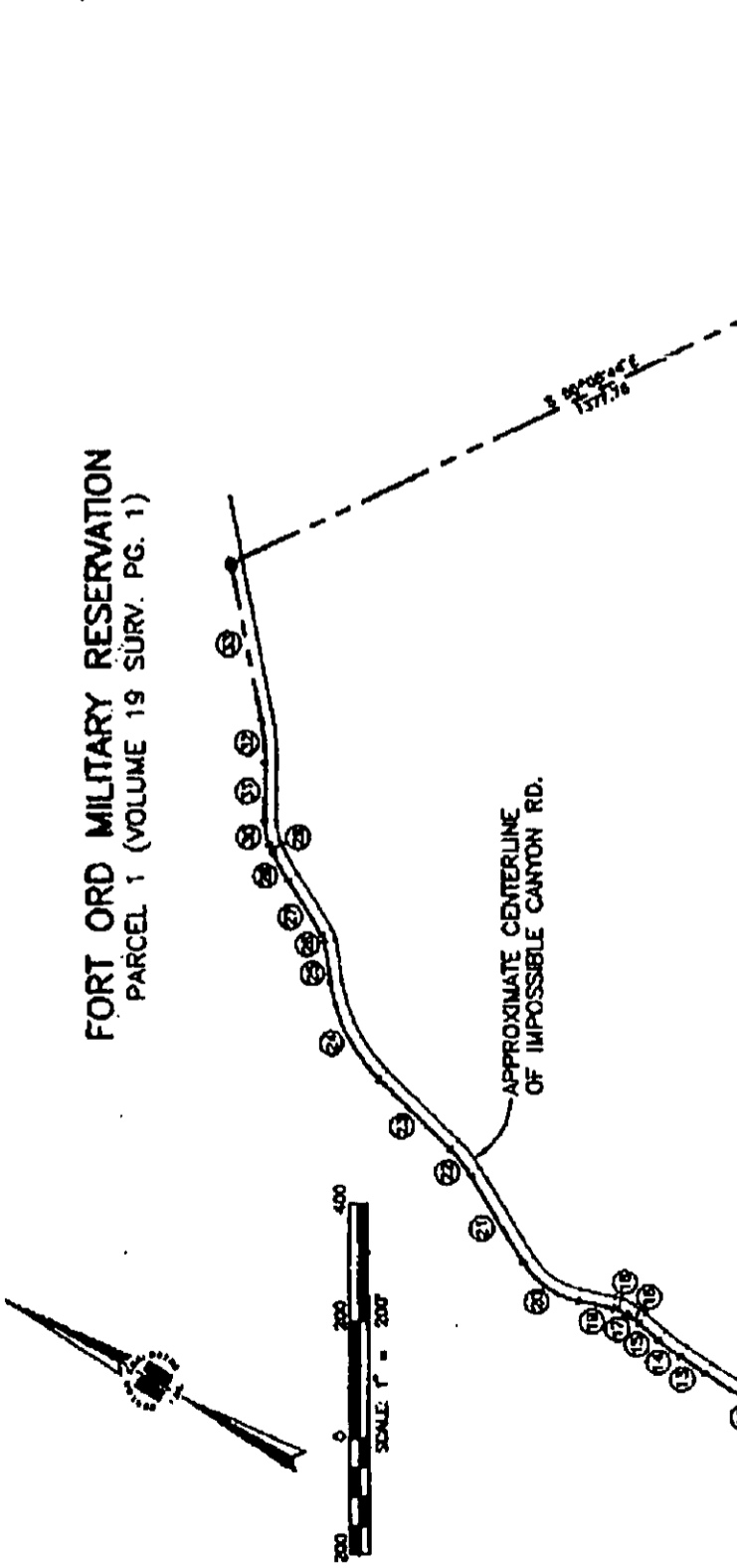
FORT ORD MILITARY RESERVATION
 PARCEL 1 (VOLUME 19 SURV. PG. 1)

APPROXIMATE CENTERLINE
 OF IMPOSSIBLE CANYON RD.

WOLF HILL PARCEL
 79.138 ACRES

LAGUNA SECA RECREATIONAL AREA
 (VOLUME 11 SURV. PG. 29)

DATA			DATA		
DELTA/BEARING	RADIUS	LEN./DIST.	DELTA/BEARING	RADIUS	LEN./DIST.
N 34°31'04"W	61.28	61.28	S 36°42'21"	255.00	188.99
N 15°48'16"	650.00	115.85	N 51°37'06"E	70.71	70.71
N 18°42'48"W	128.06	128.06	S 23°05'54"	30.00	12.09
N 49°45'28"	105.00	74.69	N 28°31'32"E	111.54	111.54
N 39°28'16"W	244.53	198.76	N 71°16'27"	420.00	53.32
N 36°25'37"W	345.00	198.76	N 35°47'59"E	95.00	17.19
N 12°59'45"	545.00	56.37	S 26°33'44"	95.00	41.28
N 23°25'17"W	370.00	123.62	N 60°41'45"E	380.00	100.44
N 15°31'28"	113.05	19.72	N 17°08'18"	380.00	73.87
N 03°54'26"W	1220.00	126.08	N 49°53'24"E	274.85	274.85
N 04°33'44"E	187.44	113.05	S 72°46'28"W	72.15	72.15
N 17°24'04"E	47.89	187.44	S 75°17'00"	3020.00	419.04
N 04°42'59"E	51.22	51.22	S 64°49'28"W	153.97	153.97
N 17°24'04"E	47.89	47.89	S 34°22'00"	120.00	71.98
N 17°22'17"W	21.00	44.03	N 80°48'32"W	112.41	112.41
N 04°42'59"E	51.22	21.00	S 28°07'48"	60.00	27.38
N 17°22'17"W	21.00	5.80	S 25°34'58"	20.00	9.05
N 22°05'10"	60.00	23.13	N 87°01'19"W	285.74	285.74
N 17°22'17"W	21.00	61.84	S 63°25'51"	410.00	453.90
N 28°04'06"E	176.53	117.82	S 33°18'00"	480.00	278.97
N 14°54'45"E	171.95	176.53	S 68°50'30"W	158.42	158.42
N 14°54'45"E	171.95	56.83	S 30°23'18"	495.00	282.54
N 14°54'45"E	171.95	171.95	S 36°27'32"W	118.24	118.24



RECORD OF SURVEY

SHOWING
 65.874 & 79.138 ACRE PARCELS OF LAND
 BEING A PORTION OF THE FORT ORD MILITARY RESERVATION
 INCLUDING PORTIONS OF
 MONTEREY CITY LANDS TRACT NO. 1 AND
 THE RANCHO EL CHAMISAL AND
 TOWNSHIP 15 SOUTH, RANGE 2 EAST M.D.B. AND M.
 MONTEREY COUNTY, CALIFORNIA



BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 8701 BLUE LAGOON LANE, MONTEREY, CALIFORNIA 93940

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1 and Rancho El Chamisal, County of Monterey, State of California, Particularly described as follows:

BEGINNING at point on the southerly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said parcel is shown and so designated on that certain Record of Survey Map filed September 7, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered 29 as shown on said map and described as "Found 1" iron pipe with plastic plug marked "Monterey County"; thence along said boundary

- (1) N. 19° 24' 53" W., 635.06 feet to Corner numbered 28, as shown on said map; thence
- (2) N. 19° 30' 25" W., 119.39 feet to Corner numbered 27, as shown on said map; thence
- (3) N. 10° 32' 25" E., 666.50 feet to Corner numbered 26, as shown on said map; thence
- (4) N. 05° 46' 37" W., 643.24 feet to Corner numbered 25, as shown on said map; thence
- (5) N. 79° 53' 53" W., 512.80 feet to Corner numbered 24, as shown on said map; thence
- (6) S. 27° 22' 32" W., 668.29 feet to Corner numbered 23, as shown on said map; thence
- (7) S. 72° 49' 35" W., 332.97 feet to Corner numbered 22, as shown on said map; thence
- (8) S. 67° 39' 05" W., 338.33 feet to Corner numbered 21, as shown on said map; thence
- (9) S. 60° 12' 34" W., 155.84 feet to Corner numbered 20, as shown on said map; thence
- (10) N. 81° 16' 14" W., 106.74 feet; thence leaving said boundary
- (11) N. 09° 11' 28" E., 50.43 feet; thence
- (12) Easterly, 71.98 feet along the arc of a non-tangent curve to the left having a radius of 120.00 feet whose center bears N. 09° 11' 28" E., through a central angle of 34° 22' 00"; thence tangentially
- (13) N. 64° 49' 28" E., 153.97 feet; thence
- (14) Easterly, 419.04 feet along the arc of a tangent curve to the right having a radius of 3020.00 feet, through a central angle of 07° 57' 00"; thence tangentially
- (15) N. 72° 46' 28" E., 113.20 feet; thence
- (16) Northeasterly and Northerly, 167.02 feet along the arc of a tangent curve to the left having a radius of 90.00 feet, through a central angle of 106° 19' 49"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 2

- (17) N. 33° 33' 21" W., 97.98 feet; thence
- (18) Northerly, 505.07 feet along the arc of a tangent curve to the right having a radius of 320.00 feet, through a central angle of 90° 25' 58"; thence tangentially
- (19) N. 56° 52' 37" E., 96.39 feet; thence
- (20) Northeasterly, 304.72 feet along the arc of a tangent curve to the left having a radius of 320.00 feet, through a central angle of 54° 33' 34"; thence tangentially
- (21) N. 02° 19' 03" E., 244.58 feet; thence
- (22) Northerly, 109.35 feet along the arc of a tangent curve to the left having a radius of 2380.00 feet, through a central angle of 02° 37' 57"; thence tangentially
- (23) N. 00° 18' 54" W., 212.24 feet; thence
- (24) Northerly, 192.81 feet along the arc of a tangent curve to the right having a radius of 1170.00 feet, through a central angle of 09° 26' 32"; thence tangentially
- (25) N. 09° 07' 38" E., 363.12 feet; thence
- (26) Northeasterly, 262.98 feet along the arc of a tangent curve to the right having a radius of 295.00 feet, through a central angle of 51° 04' 36"; thence tangentially
- (27) N. 60° 12' 14" E., 11.73 feet; thence
- (28) Northeasterly, 193.21 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 11° 17' 46"; thence tangentially
- (29) N. 48° 54' 28" E., 287.39 feet; thence
- (30) Northeasterly, 755.17 feet along the arc of a tangent curve to the left having a radius of 1255.00 feet, through a central angle of 34° 28' 35"; thence tangentially
- (31) N. 14° 25' 53" E., 263.22 feet; thence
- (32) Northerly, 240.99 feet along the arc of a tangent curve to the left having a radius of 1455.00 feet, through a central angle of 09° 29' 24"; thence tangentially
- (33) Northeasterly, 364.77 feet along the arc of a reverse curve to the right having a radius of 450.00 feet, through a central angle of 46° 26' 40"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 3

- (34) N. 51° 23' 09" E., 308.19 feet; thence
- (35) Northeasterly, 100.46 feet along the arc of a tangent curve to the left having a radius of 755.00 feet, through a central angle of 07° 37' 25"; thence tangentially
- (36) N. 43° 45' 44" E., 570.59 feet; thence
- (37) Northeasterly, 163.06 feet along the arc of a tangent curve to the left having a radius of 355.00 feet, through a central angle of 26° 19' 04"; thence tangentially
- (38) N. 17° 26' 40" E., 196.66 feet; thence
- (39) Northerly, 40.24 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 06° 04' 01"; thence tangentially
- (40) N. 11° 22' 39" E., 182.54 feet; thence
- (41) S. 23° 25' 50" E., 1902.07 feet; thence
- (42) S. 64° 00' 53" W., 48.03 feet; thence
- (43) Southwesterly, 177.61 feet along the arc of a tangent curve to the left having a radius of 375.00 feet, through a central angle of 27° 08' 11"; thence tangentially
- (44) S. 36° 52' 42" W., 127.05 feet; thence
- (45) Southwesterly, 121.03 feet along the arc of a tangent curve to the left having a radius of 920.00 feet, through a central angle of 07° 32' 15"; thence tangentially
- (46) S. 29° 20' 27" W., 280.09 feet; thence
- (47) Southerly, 154.17 feet along the arc of a tangent curve to the left having a radius of 920.00 feet, through a central angle of 09° 36' 04"; thence tangentially
- (48) S. 19° 44' 23" W., 371.56 feet; thence
- (49) Southwesterly, 308.19 feet along the arc of a tangent curve to the right having a radius of 880.00 feet, through a central angle of 20° 03' 57"; thence tangentially
- (50) S. 39° 48' 20" W., 72.09 feet; thence
- (51) Southerly, 181.42 feet along the arc of a tangent curve to the left having a radius of 335.00 feet, through a central angle of 31° 01' 46"; thence tangentially

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 4

- (52) S. 08° 46' 34" W., 234.25 feet; thence
- (53) Southerly, 77.13 feet along the arc of a tangent curve to the left having a radius of 820.00 feet, through a central angle of 05° 23' 21"; thence tangentially
- (54) S. 03° 23' 13" W., 78.15 feet; thence
- (55) Southwesterly, 64.78 feet along the arc of a tangent curve to the right having a radius of 80.00 feet, through a central angle of 46° 23' 45"; thence tangentially
- (56) S. 49° 46' 58" W., 96.14 feet; thence
- (57) Southerly, 153.25 feet along the arc of a tangent curve to the left having a radius of 170.00 feet, through a central angle of 51° 39' 06"; thence tangentially
- (58) S. 01° 52' 08" E., 38.06 feet; thence
- (59) Southerly, 282.23 feet along the arc of a tangent curve to the right having a radius of 360.00 feet, through a central angle of 44° 55' 06"; thence tangentially
- (60) S. 43° 02' 58" W., 137.72 feet; thence
- (61) Southwesterly, 80.13 feet along the arc of a tangent curve to the left having a radius of 395.00 feet, through a central angle of 11° 37' 23"; thence tangentially
- (62) S. 31° 25' 35" W., 211.79 feet; thence
- (63) Southwesterly, 86.08 feet along the arc of a tangent curve to the right having a radius of 180.00 feet, through a central angle of 27° 24' 00"; thence tangentially
- (64) S. 58° 49' 35" W., 114.52 feet; thence
- (65) Southwesterly, 215.46 feet along the arc of a tangent curve to the left having a radius of 220.00 feet, through a central angle of 56° 06' 45"; thence tangentially
- (66) S. 02° 42' 50" W., 192.34 feet; thence
- (67) Southerly, 153.24 feet along the arc of a tangent curve to the right having a radius of 330.00 feet, through a central angle of 26° 36' 24"; thence tangentially
- (68) S. 29° 19' 14" W., 72.41 feet; thence

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

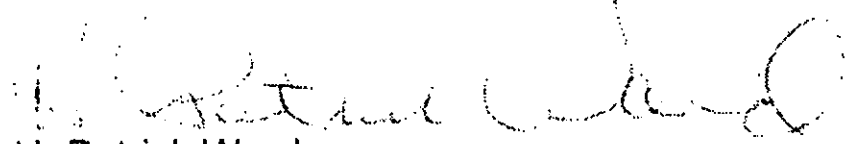
DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 5

- (69) Southwesterly, 264.59 feet along the arc of a tangent curve to the right having a radius of 1730.00 feet, through a central angle of 08° 45' 47"; thence tangentially
- (70) S. 38° 05' 01" W., 47.82 feet; thence
- (71) Southwesterly, 109.99 feet along the arc of a tangent curve to the left having a radius of 395.00 feet, through a central angle of 15° 57' 17"; thence tangentially
- (72) S. 22° 07' 44" W., 40.15 feet; thence
- (73) S. 50° 28' 45" E., 277.36 feet; thence
- (74) N. 88° 36' 10" E., 41.00 feet; thence
- (75) Easterly, 70.42 feet along the arc of a tangent curve to the left having a radius of 210.00 feet, through a central angle of 19° 12' 48"; thence tangentially
- (76) N. 69° 23' 22" E., 74.81 feet; thence
- (77) Easterly, 124.23 feet along the arc of a tangent curve to the right having a radius of 415.00 feet, through a central angle of 17° 09' 05"; thence tangentially
- (78) N. 86° 32' 27" E., 70.96 feet; thence
- (79) Easterly, 168.66 feet along the arc of a tangent curve to the left having a radius of 310.00 feet, through a central angle of 31° 10' 20"; thence tangentially
- (80) N. 55° 22' 07" E., 261.49 feet; thence
- (81) Northeasterly, 389.91 feet along the arc of a tangent curve to the right having a radius of 2230.00 feet, through a central angle of 10° 01' 05"; thence tangentially
- (82) Easterly, 153.97 feet along the arc of a compound curve to the right having a radius of 2030.00 feet, through a central angle of 04° 20' 45"; thence tangentially
- (83) N. 69° 43' 57" E., 78.18 feet; thence
- (84) Northeasterly, 146.62 feet along the arc of a tangent curve to the left having a radius of 345.00 feet, through a central angle of 24° 20' 57"; thence tangentially
- (85) S. 44° 37' 00" E., 50.00 feet; thence

**COE PARCELS L20.5.1, L20.5.2, L20.5.3 AND L20.5.4
DESCRIPTION OF 196.093 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1 AND RANCHO EL CHAMISAL
MONTEREY COUNTY, CALIFORNIA**

DESCRIPTION OF 196.093 ACRE PARCEL, CONTINUED, PAGE 6

- (86) Southwesterly, 65.00 feet along the arc of a non-tangent curve to the left having a radius of 345.00 feet whose center bears S. 44° 37' 00" E., through a central angle of 10° 47' 41"; thence tangentially
- (87) S. 34° 35' 19" W., 101.14 feet; thence
- (88) Southwesterly, 91.50 feet along the arc of a tangent curve to the right having a radius of 345.00 feet, through a central angle of 15° 11' 47"; thence tangentially
- (89) S. 49° 47' 06" W., 135.28 feet; thence
- (90) Southwesterly, 244.59 feet along the arc of a tangent curve to the left having a radius of 620.00 feet, through a central angle of 22° 36' 10"; thence tangentially
- (91) S. 27° 10' 56" W., 44.30 feet; thence
- (92) Southwesterly, 146.74 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 09° 08' 19"; thence tangentially
- (93) S. 36° 19' 15" W., 99.30 feet; thence
- (94) S. 37° 05' 30" W., 62.85 feet; thence
- (95) S. 64° 03' 14" W., 247.29 feet; thence
- (96) S. 56° 14' 40" W., 99.46 feet; thence
- (97) S. 30° 58' 07" W., 196.51 feet; thence
- (98) S. 54° 23' 54" W., 371.35 feet; thence
- (99) S. 75° 53' 37" W., 133.70 feet; thence
- (100) S. 51° 47' 35" W., 288.63 feet to the POINT OF THE BEGINNING



H. Patrick Ward
Registered Civil Engineer #29811
State of California
Expires: 31 March 2009

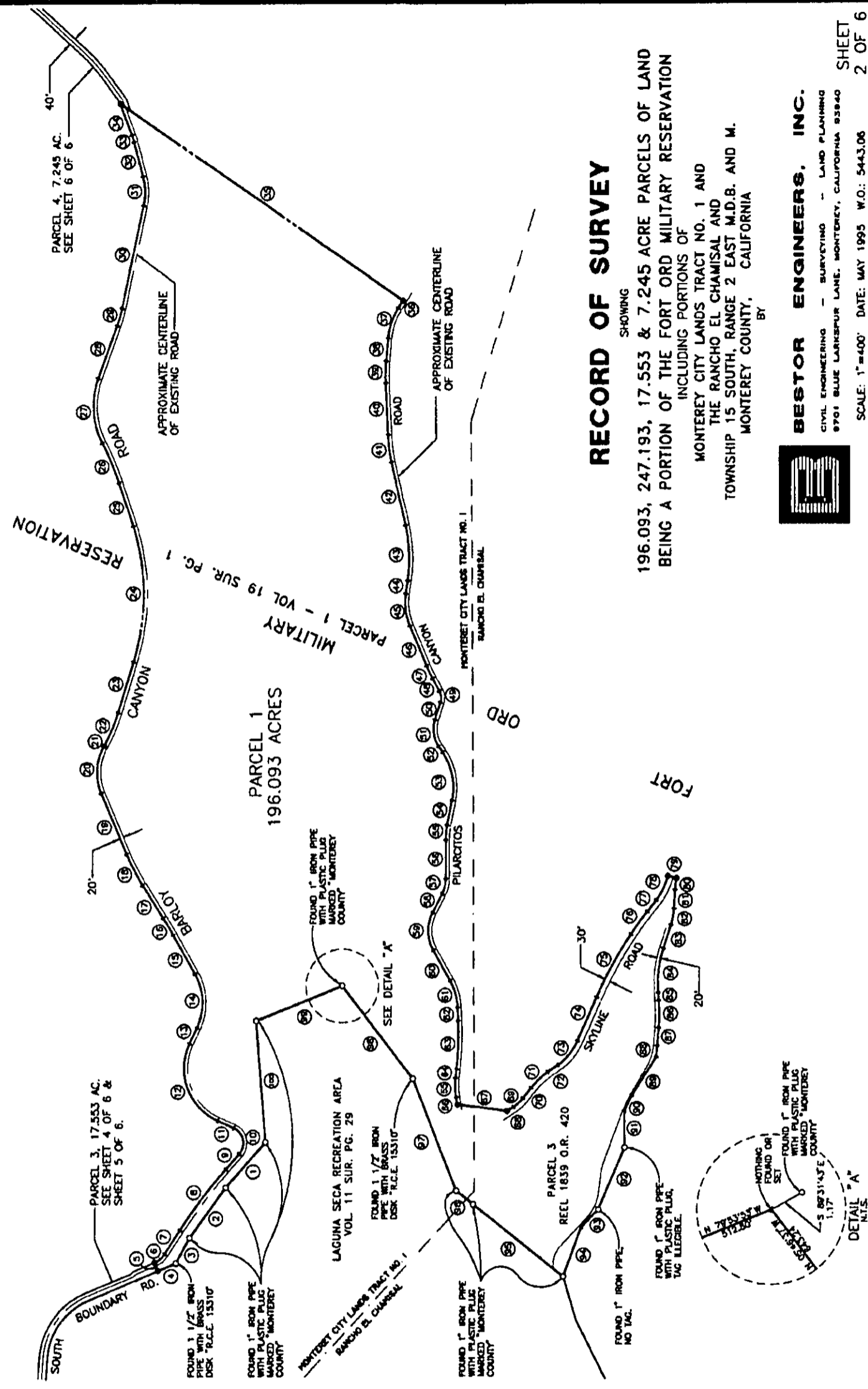
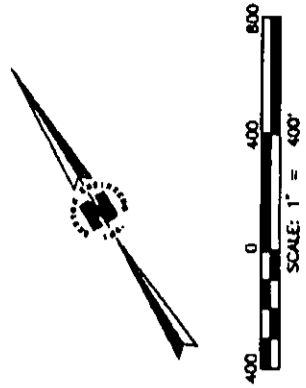
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DATA	RADIUS	LEN./DIST.
1	S 72°49'35" W	332.97
2	S 67°39'05" W	338.33
3	S 60°12'34" W	155.84
4	N 61°16'14" W	106.74
5	N 09°11'25" E	50.43
6	S 47°22'00" E	71.98
7	N 64°49'25" E	153.97
8	N 72°46'25" E	419.04
9	N 106°19'48" E	113.20
10	N 33°33'21" W	167.02
11	N 80°25'38" E	97.98
12	N 56°52'37" E	505.07
13	N 54°33'34" E	96.39
14	N 02°19'03" E	304.72
15	N 23°57' E	244.58
16	N 00°16'54" W	109.35
17	N 92°06'32" E	212.24
18	N 09°07'38" E	192.81
19	N 51°04'36" E	363.12
20	N 60°12'14" E	262.98
21	N 11°17'48" E	11.73
22	N 48°54'28" E	193.21
23	N 34°28'35" E	287.39
24	N 14°25'53" E	755.17
25	N 48°28'40" E	263.22
26	N 52°29'24" E	240.99
27	N 51°23'09" E	364.77
28	N 73°7'25" E	308.19
29	N 43°45'44" E	100.46
30	N 26°18'04" E	570.59
31	N 17°26'40" E	163.06
32	N 60°41'01" E	196.66
33	N 11°22'38" E	40.24
34	S 23°25'50" E	182.54
35	S 64°00'35" W	1902.07
36	S 27°08'11" E	48.03
37	S 36°52'42" W	177.61
38	S 7°32'15" E	127.05
39	S 29°20'27" W	121.03
40	S 19°44'23" W	280.09
41	S 20°03'57" E	154.17
42	S 39°48'20" W	371.56
43	S 31°01'46" E	308.19
44	S 08°46'34" W	72.09
45	S 52°23'21" E	181.42
46	S 03°23'13" W	234.25
47	S 48°23'45" W	77.13
48	S 49°46'36" W	78.15
49	S 51°39'06" E	84.78
50	S 01°52'08" E	96.14
51	S 43°02'58" W	137.72
52	S 11°37'23" E	38.06
53	S 31°25'35" W	282.23
54	S 27°24'00" E	137.72
55	S 58°49'35" W	80.13
56	S 07°42'50" W	211.79
57	S 25°36'24" E	88.08
58	S 02°42'50" W	88.08
59	S 07°42'50" W	114.52
60	S 25°36'24" E	215.46
61	S 02°42'50" W	192.34
		153.24

DATA	RADIUS	LEN./DIST.
62	S 28°19'14" W	72.41
63	S 08°45'47" E	264.59
64	S 38°05'01" W	47.82
65	S 15°37'17" E	108.99
66	S 22°07'44" W	40.15
67	S 50°28'45" E	277.36
68	N 88°36'10" E	41.00
69	N 19°12'48" E	70.42
70	N 89°23'22" E	74.81
71	N 17°09'05" E	124.23
72	N 86°32'27" E	70.96
73	S 31°10'20" E	168.66
74	N 52°22'07" E	261.49

DATA	RADIUS	LEN./DIST.
75	107°01'05" E	389.91
76	4°20'45" E	153.97
77	N 69°43'57" E	78.18
78	S 4°20'57" E	146.62
79	S 44°37'00" E	50.00
80	10°47'41" E	50.00
81	S 34°35'18" W	101.14
82	S 15°11'47" E	91.50
83	S 49°47'06" W	135.28
84	S 27°36'10" W	244.59
85	S 27°10'56" W	44.30
86	S 9°08'19" W	146.74
87	S 36°18'15" W	89.30

DATA	RADIUS	LEN./DIST.
88	S 37°05'30" W	62.85
89	S 64°03'14" W	247.29
90	S 56°14'40" W	98.46
91	S 30°58'07" W	196.51
92	S 54°23'54" W	371.35
93	S 75°53'37" W	133.70
94	S 51°47'35" W	288.63
95	N 19°24'53" W	635.06
96	N 19°30'25" W	119.39
97	N 10°32'25" E	666.50
98	N 05°46'37" W	643.24
99	N 79°53'53" W	512.80
100	S 27°22'37" W	868.29



RECORD OF SURVEY

SHOWING
 196.093, 247.193, 17.553 & 7.245 ACRE PARCELS OF LAND
 BEING A PORTION OF THE FORT ORD MILITARY RESERVATION
 INCLUDING PORTIONS OF
 MONTEREY CITY LANDS TRACT NO. 1 AND
 THE RANCHO EL CHAMISAL AND
 TOWNSHIP 15 SOUTH, RANGE 2 EAST M.D.B. AND M.
 MONTEREY COUNTY, CALIFORNIA
 BY



BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 8701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

SCALE: 1"=400' DATE: MAY 1995 W.O.: 5443.06 SHEET 2 OF 6



**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

CERTAIN real property situated in Monterey City Lands Tract No. 1, County of Monterey, State of California, particularly described as follows:

COMMENCING at an angle point on the southeasterly perimeter boundary of that certain "Parcel 1" of the Fort Ord Military Reservation, as said boundary and parcel are shown and so designated on that certain Record of Survey Map filed September 3, 1994 in Volume 19 of Surveys, at Page 1, Records of Monterey County, California, said point also being Corner numbered (72) as shown and designated on said map and described as "Found 1¼" Iron Pipe with Brass Tag, RCE 1215"; thence leaving said perimeter boundary

- (a) N. 40° 11' 57" W., 8450.48 feet to the TRUE POINT OF BEGINNING; thence
- (1) N. 23° 25' 50" W., 70.07 feet; thence
- (2) Northerly, 21.60 feet along the arc of a non-tangent curve to the left having a radius of 80.00 feet whose center bears N. 78° 37' 21" W., through a central angle of 15° 28' 11"; thence tangentially
- (3) N. 04° 05' 32" W., 147.19 feet; thence
- (4) Northerly, 164.86 feet along the arc of a tangent curve to the left having a radius of 880.00 feet, through a central angle of 10° 44' 01"; thence tangentially
- (5) N. 14° 49' 33" W., 300.42 feet; thence
- (6) Northerly, 115.84 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 06° 46' 21"; thence tangentially
- (7) N. 21° 35' 54" W., 206.25 feet; thence
- (8) Northerly, 77.40 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 04° 31' 30"; thence tangentially
- (9) N. 26° 07' 24" W., 408.35 feet; thence
- (10) Northerly, 244.49 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 15° 13' 35"; thence tangentially
- (11) N. 10° 53' 49" W., 244.21 feet; thence
- (12) Northerly, 153.80 feet along the arc of a tangent curve to the right having a radius of 620.00 feet, through a central angle of 14° 12' 46"; thence tangentially
- (13) N. 03° 18' 57" E., 123.57 feet; thence
- (14) Northerly, 326.49 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 35° 58' 25"; thence tangentially

Description of 7.245 Acre Parcel, Page 1

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (15) N. 39° 17' 22" E., 70.84 feet; thence
- (16) Northeasterly, 271.50 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 22° 52' 33"; thence tangentially
- (17) N. 16° 24' 49" E., 164.73 feet; thence
- (18) Northerly, 126.39 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 10° 38' 59"; thence tangentially
- (19) N. 05° 45' 50" E., 141.53 feet; thence
- (20) Northerly, 152.14 feet along the arc of a tangent curve to the right having a radius of 320.00 feet, through a central angle of 27° 14' 29"; thence tangentially
- (21) N. 33° 00' 19" E., 108.88 feet; thence
- (22) Northeasterly, 86.50 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 10° 19' 31"; thence tangentially
- (23) N. 22° 40' 48" E., 105.98 feet; thence
- (24) Northerly, 86.39 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (25) Northerly, 49.98 feet along the arc of a reverse curve to the right having a radius of 220.00 feet, through a central angle of 13° 01' 04"; thence tangentially
- (26) Northerly, 108.24 feet along the arc of a reverse curve to the left having a radius of 230.00 feet, through a central angle of 26° 57' 51"; thence tangentially
- (27) Northerly, 72.67 feet along the arc of a reverse curve to the right having a radius of 1520.00 feet, through a central angle of 02° 44' 22"; thence tangentially
- (28) N. 06° 12' 20" W., 218.35 feet; thence
- (29) Northerly, 157.39 feet along the arc of a tangent curve to the left having a radius of 1980.00 feet, through a central angle of 04° 33' 16"; thence tangentially
- (30) Northerly, 265.52 feet along the arc of a reverse curve to the right having a radius of 720.00 feet, through a central angle of 21° 07' 47"; thence tangentially
- (31) N. 10° 22' 11" E., 222.60 feet; thence
- (32) Northerly, 31.21 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 03° 26' 21"; thence tangentially

Description of 7.245 Acre Parcel, Page 2

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (33) N. 13° 48' 32" E., 253.08 feet; thence
- (34) Northerly, 103.33 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 21° 08' 40"; thence tangentially
- (35) Northerly, 123.40 feet along the arc of a reverse curve to the right having a radius of 1020.00 feet, through a central angle of 06° 55' 53"; thence tangentially
- (36) N. 00° 24' 15" W., 69.59 feet; thence
- (37) Northerly, 145.77 feet along the arc of a tangent curve to the right having a radius of 470.00 feet, through a central angle of 17° 46' 12"; thence tangentially
- (38) N. 17° 21' 57" E., 153.25 feet; thence
- (39) Northerly, 298.62 feet along the arc of a tangent curve to the left having a radius of 780.00 feet, through a central angle of 21° 56' 07"; thence tangentially
- (40) N. 04° 34' 10" W., 196.72 feet; thence
- (41) Northerly, 103.43 feet along the arc of a tangent curve to the right having a radius of 170.00 feet, through a central angle of 34° 51' 32"; thence tangentially
- (42) N. 30° 17' 22" E., 185.03 feet; thence
- (43) Northerly, 88.63 feet along the arc of a tangent curve to the left having a radius of 380.00 feet, through a central angle of 13° 21' 50"; thence tangentially
- (44) N. 16° 55' 32" E., 141.24 feet; thence
- (45) Northeasterly, 232.82 feet along the arc of a tangent curve to the right having a radius of 550.00 feet, through a central angle of 24° 15' 12"; thence tangentially
- (46) N. 41° 10' 44" E., 331.84 feet; thence
- (47) Northeasterly, 247.31 feet along the arc of a tangent curve to the left having a radius of 855.00 feet, through a central angle of 16° 34' 22"; thence tangentially
- (48) N. 24° 36' 22" E., 215.90 feet; thence
- (49) S. 65° 23' 38" E., 40.00 feet; thence along a line drawn parallel with and 40.00 feet southeasterly of the following forty-six courses
- (50) S. 24° 36' 22" W., 215.90 feet; thence
- (51) Southwesterly, 258.88 feet along the arc of a tangent curve to the right having a radius of 895.00 feet, through a central angle of 16° 34' 22"; thence tangentially

Description of 7.245 Acre Parcel, Page 3

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (52) S. 41° 10' 44" W., 331.84 feet; thence
- (53) Southwesterly, 215.88 feet along the arc of a tangent curve to the left having a radius of 510.00 feet, through a central angle of 24° 15' 12"; thence tangentially
- (54) S. 16° 55' 32" W., 141.24 feet; thence
- (55) Southerly, 97.96 feet along the arc of a tangent curve to the right having a radius of 420.00 feet, through a central angle of 13° 21' 50"; thence tangentially
- (56) S. 30° 17' 22" W., 185.03 feet; thence
- (57) Southerly, 79.09 feet along the arc of a tangent curve to the left having a radius of 130.00 feet, through a central angle of 34° 51' 32"; thence tangentially
- (58) S. 04° 34' 10" E., 196.72 feet; thence
- (59) Southerly, 313.93 feet along the arc of a tangent curve to the right having a radius of 820.00 feet, through a central angle of 21° 56' 07"; thence tangentially
- (60) S. 17° 21' 57" W., 153.25 feet; thence
- (61) Southerly, 133.36 feet along the arc of a tangent curve to the left having a radius of 430.00 feet, through a central angle of 17° 46' 12"; thence tangentially
- (62) S. 00° 24' 15" E., 69.59 feet; thence
- (63) Southerly, 118.56 feet along the arc of a tangent curve to the left having a radius of 980.00 feet, through a central angle of 06° 55' 53"; thence tangentially
- (64) Southerly, 118.09 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 21° 08' 40"; thence tangentially
- (65) S. 13° 48' 32" W., 253.08 feet; thence
- (66) Southerly, 28.81 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 03° 26' 21"; thence tangentially
- (67) S. 10° 22' 11" W., 222.60 feet; thence
- (68) Southerly, 250.77 feet along the arc of a tangent curve to the left having a radius of 680.00 feet, through a central angle of 21° 07' 47"; thence tangentially
- (69) Southerly, 160.57 feet along the arc of a reverse curve to the right having a radius of 2020.00 feet, through a central angle of 04° 33' 16"; thence tangentially
- (70) S. 06° 12' 20" E., 218.35 feet; thence

Description of 7.245 Acre Parcel, Page 4

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (71) Southerly, 70.76 feet along the arc of a tangent curve to the left having a radius of 1480.00 feet, through a central angle of 02° 44' 22"; thence tangentially
- (72) Southerly, 127.07 feet along the arc of a reverse curve to the left having a radius of 270.00 feet, through a central angle of 26° 57' 51"; thence tangentially
- (73) Southerly, 40.90 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (74) Southerly, 98.74 feet along the arc of a reverse curve to the right having a radius of 320.00 feet, through a central angle of 17° 40' 43"; thence tangentially
- (75) S. 22° 40' 48" W., 105.98 feet; thence
- (76) Southwesterly, 93.71 feet along the arc of a tangent curve to the right having a radius of 520.00 feet, through a central angle of 10° 19' 31"; thence tangentially
- (77) S. 33° 00' 19" W., 108.88 feet; thence
- (78) Southerly, 133.13 feet along the arc of a tangent curve to the left having a radius of 280.00 feet, through a central angle of 27° 14' 29"; thence tangentially
- (79) S. 05° 45' 50" W., 141.53 feet; thence
- (80) Southerly, 133.83 feet along the arc of a tangent curve to the right having a radius of 720.00 feet, through a central angle of 10° 38' 59"; thence tangentially
- (81) S. 16° 24' 49" W., 164.73 feet; thence
- (82) Southwesterly, 287.47 feet along the arc of a tangent curve to the right having a radius of 720.00 feet, through a central angle of 22° 52' 33"; thence tangentially
- (83) S. 39° 17' 22" W., 70.84 feet; thence
- (84) Southerly, 301.37 feet along the arc of a tangent curve to the left having a radius of 480.00 feet, through a central angle of 35° 58' 25"; thence tangentially
- (85) S. 03° 18' 57" W., 123.57 feet; thence
- (86) Southerly, 143.87 feet along the arc of a tangent curve to the left having a radius of 580.00 feet, through a central angle of 14° 12' 46"; thence tangentially
- (87) S. 10° 53' 49" E., 244.21 feet; thence
- (88) Southerly, 233.86 feet along the arc of a tangent curve to the left having a radius of 880.00 feet, through a central angle of 15° 13' 35"; thence tangentially

Description of 7.245 Acre Parcel, Page 5

**COE PARCEL L20.8
DESCRIPTION OF 7.25 ACRE PARCEL
BEING A PORTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

- (89) S. 26° 07' 24" E., 408.35 feet; thence
- (90) Southerly, 80.56 feet along the arc of a tangent curve to the right having a radius of 1020.00 feet, through a central angle of 04° 31' 30"; thence tangentially
- (91) S. 21° 35' 54" E., 206.25 feet; thence
- (92) Southerly, 120.57 feet along the arc of a tangent curve to the right having a radius of 1020.00 feet, through a central angle of 06° 46' 21"; thence tangentially
- (93) S. 14° 49' 33" E., 300.42 feet; thence
- (94) Southerly, 172.35 feet along the arc of a tangent curve to the right having a radius of 920.00 feet, through a central angle of 10° 44' 01"; thence tangentially
- (95) S. 04° 05' 32" E., 147.19 feet; thence
- (96) Southerly, 32.40 feet along the arc of a tangent curve to the right having a radius of 120.00 feet, through a central angle of 15° 28' 11"; thence tangentially
- (97) S. 11° 22' 39" W., 57.53 feet to the TRUE POINT OF BEGINNING

H. Patrick Ward
H. Patrick Ward
Registered Civil Engineer #29811
State of California
Expires: 31 March 2009

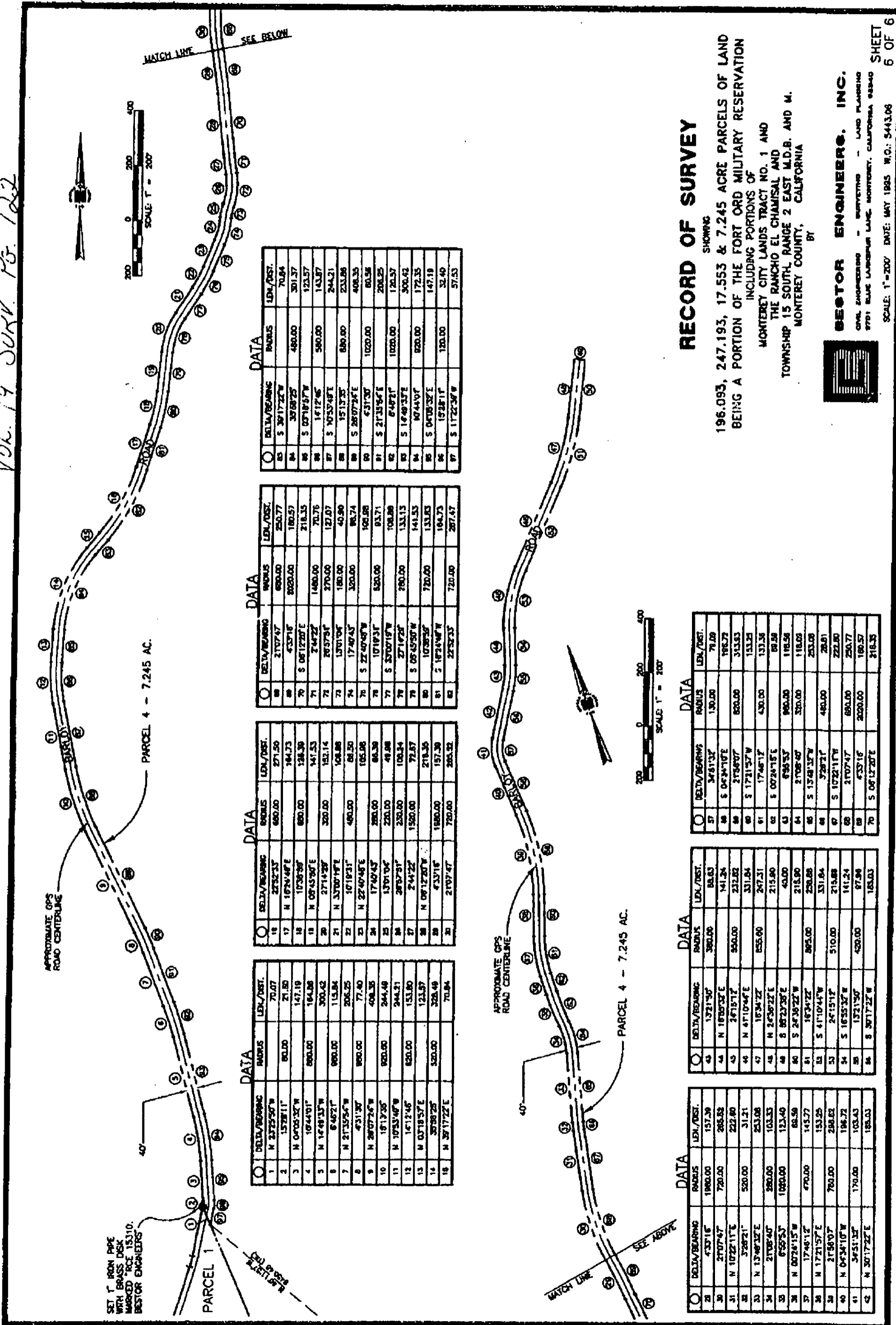


Description of 7.245 Acre Parcel, Page 6

6 April 07
W.O. 5443.06
HPW/jf.L:/5443/544308/Docs/070406 Description of Monterey City Lands.doc

**COE PARCEL L20.8
DESCRIPTION OF PARCEL 1 (VOLUME 19 SURVEYS PAGE 1)
IN MONTEREY CITY LANDS TRACT NO. 1
MONTEREY COUNTY, CALIFORNIA**

Vol. 19 SURV. PG. 1 & 2



POINT	DELTA/BEARING	RADIUS	LEN./DIST.
83	S 39°17'22"W	70.84	70.84
84	S 39°17'22"W	480.00	301.37
85	S 03°18'57"W	123.57	123.57
86	S 14°12'46"E	580.00	143.87
87	S 10°33'48"E	244.21	244.21
88	S 15°13'35"E	880.00	233.86
89	S 28°07'24"E	408.35	408.35
90	S 21°33'04"E	1020.00	80.58
91	S 21°33'04"E	208.25	208.25
92	S 14°48'37"E	1020.00	120.57
93	S 14°48'37"E	920.00	300.42
94	S 04°18'32"E	172.35	172.35
95	S 19°28'11"E	147.18	147.18
96	S 11°22'34"W	32.40	32.40
97	S 11°22'34"W	57.53	57.53

POINT	DELTA/BEARING	RADIUS	LEN./DIST.
88	S 21°07'47"	680.00	250.77
89	S 03°18'57"	800.00	180.57
90	S 08°12'20"E	218.35	218.35
91	S 24°22'	1480.00	70.76
92	S 24°22'	370.00	127.07
93	S 19°01'04"	180.00	40.80
94	S 17°40'43"	300.00	88.74
95	S 22°40'48"W	168.00	168.00
96	S 10°19'31"	820.00	83.71
97	S 32°00'19"W	108.88	108.88
98	S 27°19'28"	280.00	133.13
99	S 05°45'50"W	141.53	141.53
100	S 10°38'50"	720.00	133.83
101	S 10°38'50"	164.73	164.73
102	S 22°52'35"	720.00	287.47

POINT	DELTA/BEARING	RADIUS	LEN./DIST.
16	S 23°23'35"	680.00	271.50
17	N 10°24'48"E	184.73	184.73
18	N 03°38'38"	128.38	128.38
19	N 08°45'30"E	141.33	141.33
20	S 27°14'38"	152.14	152.14
21	N 33°00'19"E	108.88	108.88
22	N 10°19'31"	88.50	88.50
23	N 22°40'48"E	168.00	168.00
24	N 17°40'43"	280.00	84.38
25	N 10°19'04"	48.88	48.88
26	S 29°27'81"	230.00	106.34
27	S 24°22'	1520.00	72.57
28	N 08°12'20"W	218.35	218.35
29	S 13°18'11"	1880.00	187.38
30	S 21°07'47"	720.00	285.92

POINT	DELTA/BEARING	RADIUS	LEN./DIST.
1	N 23°25'50"W	70.07	70.07
2	S 15°28'11"	21.80	21.80
3	N 04°05'32"W	147.18	147.18
4	N 04°44'01"	184.88	184.88
5	N 14°48'33"W	300.42	300.42
6	S 6°46'21"	113.84	113.84
7	N 21°35'54"W	208.25	208.25
8	S 4°31'30"	77.40	77.40
9	N 28°07'24"W	408.35	408.35
10	N 18°12'25"	244.48	244.48
11	N 10°33'48"W	244.21	244.21
12	N 14°12'46"	153.80	153.80
13	N 03°18'37"E	123.87	123.87
14	S 29°28'25"	328.48	328.48
15	N 39°17'22"E	70.84	70.84

RECORD OF SURVEY
SHOWING
196.093, 247.193, 17.553 & 7.245 ACRE PARCELS OF LAND
BEING A PORTION OF THE FORT ORD MILITARY RESERVATION
INCLUDING PORTIONS OF
MONTEREY CITY LANDS TRACT NO. 1 AND
THE RANCHO EL CHAMISAL AND
TOWNSHIP 15 SOUTH, RANGE 2 EAST M.D.B. AND M.
MONTEREY COUNTY, CALIFORNIA
BY
BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
8701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940
SCALE: 1"=200' DATE: MAY 1985 W.O.: 5443.08

POINT	DELTA/BEARING	RADIUS	LEN./DIST.
37	S 49°13'32"	130.00	78.08
38	S 04°34'10"E	186.72	186.72
39	S 21°56'07"	860.00	313.83
40	S 17°21'57"W	133.24	133.24
41	S 17°48'12"	430.00	133.36
42	S 00°24'15"E	88.88	88.88
43	S 05°53'57"	860.00	118.58
44	S 19°08'48"	300.00	118.00
45	S 13°48'37"W	233.00	233.00
46	S 29°27'11"	480.00	28.81
47	S 10°22'11"W	222.00	222.00
48	S 19°07'47"	880.00	250.77
49	S 43°31'16"	2000.00	180.57
50	S 08°12'20"E	218.35	218.35

POINT	DELTA/BEARING	RADIUS	LEN./DIST.
57	S 49°13'32"	130.00	78.08
58	S 04°34'10"E	186.72	186.72
59	S 21°56'07"	860.00	313.83
60	S 17°21'57"W	133.24	133.24
61	S 17°48'12"	430.00	133.36
62	S 00°24'15"E	88.88	88.88
63	S 05°53'57"	860.00	118.58
64	S 19°08'48"	300.00	118.00
65	S 13°48'37"W	233.00	233.00
66	S 29°27'11"	480.00	28.81
67	S 10°22'11"W	222.00	222.00
68	S 19°07'47"	880.00	250.77
69	S 43°31'16"	2000.00	180.57
70	S 08°12'20"E	218.35	218.35

POINT	DELTA/BEARING	RADIUS	LEN./DIST.
43	N 12°21'30"	88.83	88.83
44	N 18°05'32"E	141.24	141.24
45	S 27°15'17"	232.82	232.82
46	N 41°04'46"E	331.84	331.84
47	S 16°34'22"	247.31	247.31
48	N 24°56'22"E	215.80	215.80
49	S 05°23'38"E	40.00	40.00
50	S 24°30'22"W	218.90	218.90
51	S 16°34'22"	238.88	238.88
52	S 41°10'44"W	331.84	331.84
53	S 24°15'17"	510.00	215.88
54	S 16°35'32"W	141.24	141.24
55	S 12°21'30"	420.00	87.88
56	S 39°17'22"W	180.83	180.83

POINT	DELTA/BEARING	RADIUS	LEN./DIST.
26	S 43°31'16"	1800.00	157.28
27	S 21°07'47"	720.00	285.92
28	N 10°22'11"E	222.80	222.80
29	S 29°27'11"	31.21	31.21
30	N 13°48'32"E	253.08	253.08
31	S 17°48'12"	103.33	103.33
32	S 05°53'57"	123.40	123.40
33	N 02°28'15"W	88.58	88.58
34	N 17°48'12"	143.27	143.27
35	N 17°21'57"E	153.25	153.25
36	S 21°56'07"	288.82	288.82
37	N 04°34'10"W	186.72	186.72
38	S 43°31'16"	103.83	103.83
39	N 30°17'22"E	180.83	180.83

EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North 18° 59' 35" East, 624.00 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

1. North 18° 59' 35" East for a distance of 193.37 feet to a point on the northerly boundary line of Eucalyptus Road, being Parcel 14, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said northerly boundary line
2. North 67° 45' 41" East for a distance of 1,247.86 feet (shown on said map as 1,247.79 feet) to the beginning of a non-tangent curve; thence
3. Along a curve to the right, the center of which bears South 37°34'57" West for a distance of 1,370.00 feet, through a central angle of 04° 10' 37" (shown on said map as 04° 05' 30"), having a radius of 1,370.00 feet, for an arc length of 99.87 feet (shown on said map as 97.89 feet), and whose long chord bears South 50° 19' 45" East for a distance of 99.85 feet to the beginning of a non-tangent curve; thence
4. Along a curve to the right, the center of which bears South 23° 26' 31" East for a distance of 280.00 feet, through a central angle of 40° 07' 31" (shown on said map as 35° 31' 41"), having a radius of 280.00 feet, for an arc length of 196.09 feet (shown on said map as 173.62 feet), and whose long chord bears North 86° 37' 14" East for a distance of 192.11 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of 12° 08' 00", having a radius of 830.00 feet, for an arc length of 175.77 feet, and whose long chord bears South 67° 15' 00" East for a distance of 175.44 feet to the beginning of a tangent curve; thence
6. Along a curve to the right, through a central angle of 04° 00' 00", having a radius of 10,030.00 feet, for an arc length of 700.23 feet, and whose long chord bears South 59° 11' 00" East for a distance of 700.08 feet to a point of intersection with a tangent line; thence

EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

7. South 57° 11' 00" East for a distance of 948.60 feet to the beginning of a tangent curve; thence
8. Along a curve to the right, through a central angle of 00° 18' 36", having a radius of 5,030.00 feet, for an arc length of 27.21 feet, and whose long chord bears South 57° 01' 42" East for a distance of 27.22 feet to the common northerly corner of Parcel 14 and Parcel 15, as they are shown on that certain map recorded in Volume 20 of Surveys at Page 110, being also the beginning of a tangent curve; thence along the northerly boundary of said Parcel 15
9. Along a compound curve to the right, through a central angle of 00° 14' 46", having a radius of 5,030.00 feet, for an arc length of 175.77 feet, and whose long chord bears South 56° 45' 00" East for a distance of 21.62 feet to the southerly boundary line of said "Monterey County III"; thence along said southerly boundary
10. South 71° 12' 11" West for a distance of 18.27 feet to a brass disk marked "BLM AP61D" at an angle point in said southerly boundary line of "Monterey County III"; thence continuing along said southerly boundary
11. South 66° 03' 27" West for a distance of 54.34 feet to the southerly boundary of said Parcel 15, being also the beginning of a non-tangent curve; thence along said southerly boundary
12. Along a curve to the left, the center of which bears South 32° 54' 20" West for a distance of 4,970.00 feet, through a central angle of 00° 05' 20", having a radius of 4,970.00 feet, for an arc length of 7.71 feet, and whose long chord bears North 57° 08' 20" West for a distance of 7.70 feet to a point of intersection with a tangent line; thence
13. North 57° 11' 00" West for a total distance of 948.60 feet to the beginning of a tangent curve, at a distance of 5.28 feet the common southerly corner of said Parcel 14 and Parcel 15; thence
14. Along a curve to the left, through a central angle of 04° 00' 00", having a radius of 9,970.00 feet, for an arc length of 696.04 feet, and whose long chord bears North 59° 11' 00" West for a distance of 695.90 feet to the beginning of a tangent compound curve; thence
15. Along a curve to the left, through a central angle of 12° 08' 00", having a radius of 770.00 feet, for an arc length of 163.06 feet, and whose long chord bears North 67° 15' 00" West for a distance of 162.76 feet to the beginning of a tangent compound curve; thence
16. Along a curve to the left, through a central angle of 38° 03' 00", having a radius of 220.00 feet, for an arc length of 146.10 feet, and whose long chord bears South 87° 39' 30" West for a distance of 143.43 feet to a point of intersection with a tangent line; thence
17. South 68° 38' 00" West for a distance of 211.78 feet to the beginning of a tangent curve; thence

EDC Parcel L20.18
FOSET 5
Fort Ord Military Reservation
Monterey County, California

18. Along a curve to the left, through a central angle of $00^{\circ} 58' 00''$, having a radius of 9,970.00 feet, for an arc length of 168.21 feet, and whose long chord bears South $68^{\circ} 09' 00''$ West for a distance of 168.21 feet to a point of intersection with a tangent line; thence
19. South $67^{\circ} 40' 00''$ West a distance of 1051.60 feet (shown on said map as 1028.50 feet) to the POINT OF BEGINNING.

Containing an area of 7.249 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT OF EDC Parcel L20.18
 Lying Within "MONTEREY COUNTY III"
 as shown on Vol. 23 of Surveys at Page 105
MONTEREY COUNTY,
CALIFORNIA



SEASIDE IV-A
 23 SURVEYS 99

Parcel D
 EDC PARCELS
 E18.1.2, E19a.1,
 E19a.2, E19a.3,
 & E19a.4

MONTEREY
 COUNTY. III
 23 SURVEYS
 105

PAR B
 EDC E19a.5

Parcel C
 EDC PARCEL
 L20.18
 Eucalyptus Road

Plant
 Reserve #3
 EDC Parcel
 L23.2

PARCEL A
 EDC Parcel
 E21b.3
 31.627 Acres

Parcel 14
 20 Surveys 110

POB

EDC PARCELS
 E39, E40, E41, E42

Parcel 15
 20 Surveys 110

Vol.
 19
 Surveys
 Pg. 1

City of Seaside
 Monterey County

PREPARED BY:

POLARIS CONSULTING

P. O. BOX 1378
 CARMEL VALLEY, CA 93924

SCALE: 1" = 600' VIEW: L20.18 DATE: 10-26-2007

FILE NAME: FORA FOSET 5 MPC2.DWG 26114

EDC Parcel L32.1
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

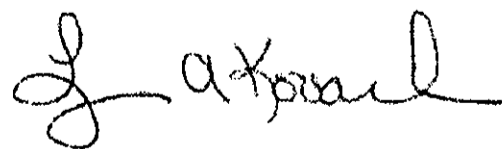
SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being a portion of Parcel 1, "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105; being more particularly described as follows:

BEGINNING at the most northwesterly corner of said Parcel 1, "Monterey County III (Parker Flats)," being also an angle point in the westerly boundary of Parcel 7 as said parcel is shown on that certain map recorded in Volume 21 of Surveys at Page 83; thence from said Point of Beginning along the common boundary of said Parcels 1 and 7

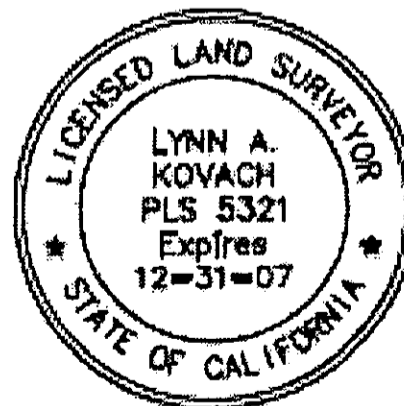
1. South 83° 26' 14" East for a distance of 351.31 feet; thence continuing along said common boundary
2. South 06° 36' 58" West for a distance of 371.08 feet to a point on the southerly boundary of said Parcel 7; thence leaving said southerly boundary of Parcel 7 and continuing along the easterly boundary of said Parcel 1, "Monterey County III (Parker Flats)"
3. North 83° 34' 21" West for a distance of 339.76 feet to a point on the easterly boundary of Parcel 1, L32.4.2, as it is shown on that certain map recorded in Volume 27 of Surveys at Page 17; thence along the common boundary of said Parcel 1, L32.4.2, and Parcel 1, "Monterey County III (Parker Flats)"
4. North 04° 50' 13" East for a distance of 8.92 feet to the northeast corner of said Parcel 1, L32.4.2; thence continuing along the boundary of said Parcel 1, "Monterey County III (Parker Flats)"
5. North 04° 50' 13" East a distance of 363.13 feet to the POINT OF BEGINNING.

Containing an area of 2.947 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EXHIBIT

of

EDC Parcel L32.1

Being a portion of Parcel 1 as shown on Vol. 23 of Surveys at Page 105

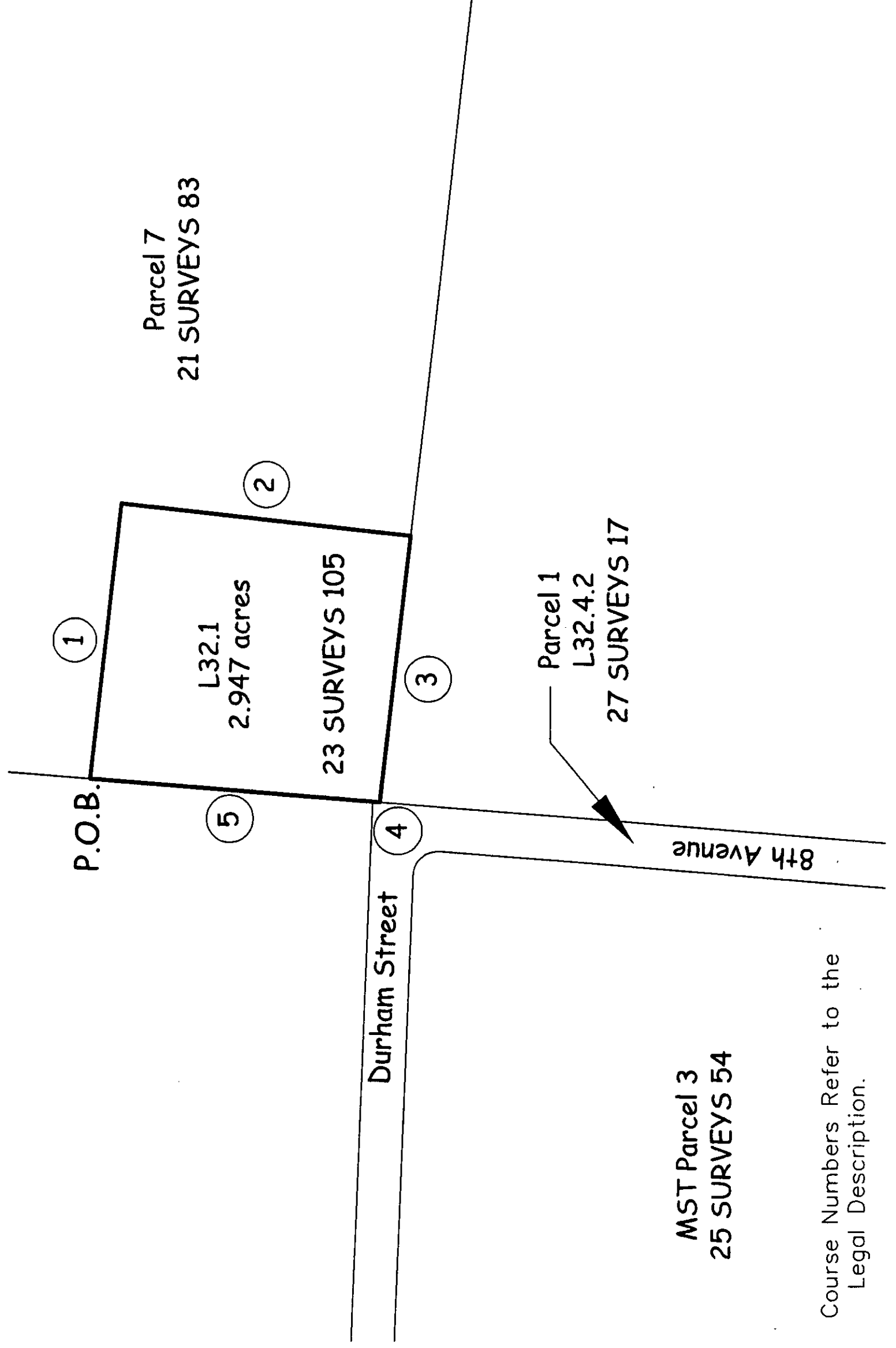
Monterey County Jurisdiction

Fort Ord FOSET 5 EDC

Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1

Being also within Monterey City Lands Tract No. 1

Monterey County, California



Note: Course Numbers Refer to the
Legal Description.

EXHIBIT C

County Code Chapter 16.10, titled "*Digging and Excavation on the Former Fort Ord*". Chapter 16.10 prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit.

EXHIBIT C

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC

County of Monterey Group Parcels E4.7.2, E11.b.6.1, E11b.7.1.1, E11b.8, E18.1.2, E19a.1, E19a.2, E19a.3, E19a.4, L5.7, L20.2.1, L20.3.1, L20.3.2, L20.5.1, L20.5.2, L20.5.3, L20.5.4, L20.8, L20.18, L20.19.1.1, and L32.1

Monterey County Code Chapter 16.10

Chapter 16.10 DIGGING AND EXCAVATION ON THE FORMER FORT ORD

- 16.10.010 Purpose and intent.
- 16.10.020 General.
- 16.10.030 Applicability.
- 16.10.040 Excavation and digging restrictions.
- 16.10.050 Permit requirements.
- 16.10.060 Permit procedure.
- 16.10.070 Term of permit.
- 16.10.080 Exceptions to permit conditions.
- 16.10.090 Performance bond.
- 16.10.100 Amendment to permits.
- 16.10.110 Appeals.
- 16.10.120 Notification to property owners and other land users.
- 16.10.130 Revision of Chapter.

16.10.010 Purpose and intent.

The United States Army (Army) is in the process of transferring various parcels of the former Fort Ord military installation (Fort Ord) to the County or to other entities within the County's land use jurisdiction. Some parcels of the former Fort Ord were contaminated with unexploded ordnance and explosives (UXO), which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of UXO to its standard. Even following the Army's completion of UXO response activities, it is possible that some UXO materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all UXO has been cleared and it will require a land use covenant to be recorded with the Monterey County Recorder on those parcels to provide additional controls and restrictions to protect the public health and safety. The County will also enter into an Agreement with DTSC to provide additional safety measures and reporting. (Ord. 5012 § 1 (part), 2005)

16.10.020 General.

The Board of Supervisors finds and determines that those properties formerly included within the Fort Ord military installation that are suspected of containing UXO require special standards and procedures for digging and excavation in addition to those contained in the Building Code, to ensure that:

- A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;
- B. Potential purchasers or developers of sites which may contain UXO and those persons whose work at such sites includes disturbing soil, are aware of the potential that UXO may be located on these properties and are aware of the requirements for UXO precautions prior to any digging, excavation or ground disturbance thereon; and
- C. DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions. (Ord. 5012 § 1 (part), 2005)

16.10.030 Applicability.

A. The Board of Supervisors, with the concurrence of DTSC, hereby designates all real property within the County's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Archives Search Report and supplement, dated 1997, or otherwise identified, as the possible location of unexploded ordnance or explosives as an Ordnance Remediation District (hereafter "district"). All such districts are defined as those areas of the unincorporated portions of the former Fort Ord, excepting therefrom the "Track 0" parcels as identified in the *Finding of Suitability to Transfer, Track 0 Parcels*,

Monterey County Code Chapter 16.10

Former Fort Ord, California document, dated May 2003. The County shall notify DTSC of any change in the permitted land uses in any district within thirty (30) days after it adopts any change.

B. The regulations in this Chapter shall apply in all districts and shall be in addition and subject to all provisions of the County Code, including Titles 16, 18 and 21. (Ord. 5012 § 1 (part), 2005)

16.10.040 Excavation and digging restrictions.

It shall be unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid excavation permit (hereafter "permit") issued pursuant to this Chapter: excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil. (Ord. 5012 § 1 (part), 2005)

16.10.050 Permit requirements.

An owner or user of real property located within a district who desires to conduct the activities described in Section 16.10.040 shall apply to the Building Official for a permit. The application shall be on a form approved by the County; may be combined with an application for grading pursuant to County Code Chapter 16.08, shall be signed by the permit applicant and all owners of each parcel of property on which excavation will be done, and shall contain the following information:

- A. Six copies of a description of any previous UXO excavation or removal activity conducted on the property whose soil is proposed to be excavated, moved or graded;
- B. Six copies of a description of the property where soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to do either of the following: (1) disturb ten (10) cubic yards or more of soil; or (2) disturb soil in a manner inconsistent with restrictions placed on the property by the Army or as noted on the district map;
- C. Six copies of a statement that the person submitting the application acknowledges liability for removing all detected unexploded ordnance and explosives in accordance with this Chapter and the permit;
- D. Six copies of a statement by the person submitting the application that they have, within the preceding twelve (12) months, delivered a copy of the notice to everyone whose work at the property described in Subsection 16.10.050(B) includes disturbing soil;
- E. The expected completion date of the activities authorized by the permit;
- F. Any other information which the Building Official may require as pertinent to the determination of the adequacy of the proposed plan;
- G. Payment of the permit fee, as established by the Board of Supervisors, at the time of filing the application for the permit. (Ord. 5012 § 1 (part), 2005)

16.10.060 Permit procedure.

The Building Official shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the Building Official, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Except as otherwise indicated in Section 16.10.080, any permit issued hereunder shall be subject to the following conditions:

- A. All excavation and grading shall be performed solely in accordance with the permit approved and issued by the County.
- B. Prior to movement of any soil on any property located within a district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert—Ordnance and Explosives at former Fort Ord, as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey, or its successor document, and explain to each such person the information set forth in that notice.

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C. The permittee may not move or disturb soil unless the permittee is in compliance with the requirements placed on the property by an Agreement executed between the County, Redevelopment Agency, FORA and DTSC. Said Agreement shall, at a minimum, include OE construction support ("Construction Support") and shall be attached to and become a part of any permit issued pursuant to this Chapter.

D. The permittee shall cease soil disturbance activities upon a discovery of any suspected unexploded ordnance. The permittee shall notify the Monterey County Sheriff, Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC.

E. No later than thirty (30) days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the Building Official, the Army and DTSC an After Action Report that shall state whether and where UXO was detected and the extent and depth of UXO response actions undertaken and completed on the property that is the subject of the permit. The After Action Report shall be in the form provided in Exhibit "A" and shall include site maps to illustrate the information contained in the report. All After Action Reports prepared and filed in accordance with this Chapter shall be deemed public records.

F. In consideration for the issuance of a permit and project approval, permittee shall defend at its sole expense any action or proceeding brought against the County and its Agents, Officers, and employees because of the approval of said permit. In further consideration for the issuance of a permit and project approval, the permittee shall indemnify and hold harmless from any liability the County and its agents, officers and employees and reimburse the County for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding and any and all related litigation costs, court costs, and attorneys' fees which the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this Subsection.

G. The Building Official shall mail a notice of permit approval to the Army, DTSC, and all owners of property within three hundred (300) feet of the real property that is the subject of the permit application. (Ord. 5012 § 1 (part), 2005)

16.10.070 Term of permit.

Every permit issued by the Building Official under the provisions of this Chapter shall expire if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the work authorized by such permit is commenced and then suspended or abandoned for a period of thirty (30) days, unless such suspension is approved by the Building Official. Before such work can be recommenced, a new permit shall first be obtained, and the fee therefor shall be as established from time to time by the Board of Supervisors for a new permit for such work, provided no changes have been made or will be made in the original plans and specification for such work. (Ord. 5012 § 1 (part), 2005)

16.10.080 Exceptions to permit conditions.

Following consultation with and approval by DTSC, the Board of Supervisors may, upon a finding that the requirements of Section 16.10.060(C) are no longer necessary, designate by ordinance or resolution any district as a Limited Control District and/or no longer subject to the provisions of this Chapter. The holder of any permit issued for any Limited Control District shall not be subject to Section 16.10.060(C). (Ord. 5012 § 1 (part), 2005)

16.10.090 Performance bond.

Upon a finding by the Building Official that a permit should be issued for excavation or grading on the proposed site, a surety bond, in the form prescribed by the Monterey County Code Section 16.08.290, conditioned upon the faithful performance and completion of the permitted excavation activity, shall be filed with the County. Such surety shall be executed in favor of the County and shall be maintained in an

Monterey County Code Chapter 16.10

amount prescribed by the Building Official sufficient to ensure the completion of the ordnance remediation and excavation of the site as prescribed in the approved permit. (Ord. 5012 § 1 (part), 2005)

16.10.100 Amendment to permits.

Request for amendments to an approved excavation permit may be submitted to the Building Official at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the County in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit. (Ord. 5012 § 1 (part), 2005)

16.10.110 Appeals.

Any person aggrieved by any determination of the Building Official in exercise of the authority granted in this Chapter shall have the right to appeal pursuant to Monterey County Code Sections 16.08.460 through 16.08.510, inclusive. (Ord. 5012 § 1 (part), 2005)

16.10.120 Notification to property owners and other land users.

A. The County shall notify the owners of property designated as Ordnance Remediation Districts, and those utilities known to be providing service within the County, of the requirements of this Chapter and provide those persons with the Safety Alert—Ordnance and Explosives at Former Fort Ord, as identified in Section 16.10.060(B), above. The County shall annually notify the owners of said property as shown on the equalized tax rolls of the requirements of this Chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive said notification shall not relieve them from responsibility for compliance with this Chapter.

B. All owners, occupants or users of land subject to this Chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this Chapter. Notification shall be made prior to transfer of the property in question.

C. All persons identified in Subsection 16.10.120(A) above shall deliver, at least annually, a copy of the notice to everyone whose work at UXO sites includes disturbing soil and shall explain the contents thereof to those persons. (Ord. 5012 § 1 (part), 2005)

16.10.130 Revision of Chapter.

This Chapter shall not be revised without prior written notice to the DTSC. (Ord. 5012 § 1 (part), 2005)

RECORDING REQUESTED BY:

U. S. Army Corps of Engineers
Real Estate Division, ATTN: CESP-K-RE-MC
1325 J Street
Sacramento, CA 95814-2922

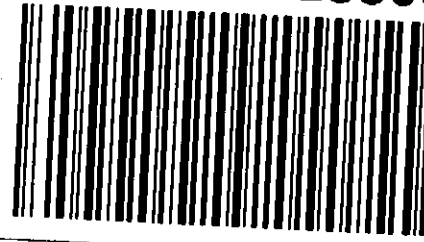
WHEN RECORDED, MAIL TO:

ATTN: Anthony J. Landis, P.E.
Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

CRMELISSA
5/08/2009
8:00:00

DOCUMENT: **2009028269**



Titles: 1/ Pages: 25

Fees.....

Taxes.....

Other.....

AMT PAID _____

(Space Above This Line For Recorder's Use Only)

**COVENANT TO RESTRICT USE OF PROPERTY
ENVIRONMENTAL RESTRICTION**

**MONTEREY PENINSULA REGIONAL PARK DISTRICT – MUNITIONS AND
EXPLOSIVES OF CONCERN
FORT ORD REUSE AUTHORITY (FORA) EARLY TRANSFER PARCELS**

Re: This Covenant and Agreement (“Covenant”) is for a portion of the former Fort Ord consisting of Parcel L6.2 (the “Property”). The Property is described in the Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (FOSET 5). The Property lies within “Munitions Response Site 43” (MRS-43). The Property, described below and shown on Exhibit A, is within the jurisdiction of the City of Del Rey Oaks, California.

This Covenant is made by and among The United States of America acting by and through the United States Department of the Army (also referred to herein as the “Covenantor”), the current owner of the herein described real property located in the County of Monterey, State of California, shown on Exhibit A and described in Exhibit B, attached hereto and incorporated herein by this reference (the “Property”), and the State of California acting by and through the Department of Toxic Substances Control (“Department”).

The United States Environmental Protection Agency (U.S. EPA) placed Fort Ord on the National Priorities List (Superfund) in 1990. All of the former Fort Ord facility is subject to the

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
Monterey Peninsula Regional Park District Parcel L6.2

requirements of the federal Comprehensive Environmental Compensation and Liability Act (“CERCLA”). The entire Property is undergoing the CERCLA remediation process, which will not be completed prior to transfer of the Property. Because the Covenantor intends to transfer this Property to the Fort Ord Reuse Authority (“FORA”) prior to the end of the CERCLA remediation process, and FORA has agreed to receive the Property under those conditions, such transfer must be pursuant to the CERCLA Section 120(h)(3)(C) “early transfer process”. CERCLA Section 120(h)(3)(A)(ii)(I) requires a separate federal deed covenant from the Covenantor warranting that all remedial action necessary to protect human health and the environment, with respect to any substances remaining on the Property, has been taken before the date of the transfer. The required covenant may be deferred when the federal deed or other agreements contain response action assurances, as specified in CERCLA Section 120(h)(3)(C)(ii)(I-IV), that:

1. Ensure the Property is suitable for the use intended by the transferee;
2. Use restrictions are in place to ensure the protection of human health and the environment;
3. Use restrictions will also ensure that transfer will not disrupt remedial activities; and
4. The federal deed or other agreements also contain an assurance from the Army that it will request adequate funds to address schedules for investigation and completion of all actions necessary to support the subsequent issuance of the required CERCLA 120(h)(3)(A)(ii)(I) covenant.

The Covenantor’s statutory authority for transferring this Property is the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, Title XXIX), as amended. As a part of the early transfer, the Covenantor issued FOSET 5 on November 15, 2007.

Pursuant to California Civil Code Section 1471, the Department has determined this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence of hazardous materials, as defined in the California Health and Safety Code Section 25260(d).

The Covenantor and the Department, collectively referred to as the “Parties,” hereby agree that the use of the Property will be restricted as set forth in this Covenant.

ARTICLE I

STATEMENT OF FACTS

1.01 The Property, consisting of Parcel L6.2 and totaling approximately 6.9 acres, is more particularly depicted in Exhibit A and described in Exhibit B. The Property is located on the former Fort Ord, California and within the jurisdiction of the City of Del Rey Oaks, California. The name of the Property on the legal description in Exhibit B is “Parcel L6.2” and its intended reuse is as habitat reserve.

1.02 The Property includes a portion of Munitions Response Site 43 (MRS-43) and has been evaluated for the presence of Munitions and Explosives of Concern (MEC). Based on a review

of existing records and available information, as described in FOSET 5, there is evidence MEC are or may be present on the Property.

1.03 The Army and FORA entered into an Environmental Services Cooperative Agreement (ESCA), effective March 30, 2007, under which the Army will provide funds for FORA to conduct all response actions for the Property and obtain regulatory closure, except for those responsibilities the Army has retained.

1.04 The remedial action will be conducted pursuant to the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA, and the Department, finalized on April 18, 2007. After all remedial actions are completed, the U.S. EPA, with consultation with the Department, will issue a Certificate of Completion.

1.05 The City adopted Ordinance No. 259, entitled "Digging and Excavation on the Former Fort Ord" (hereinafter "Excavation Ordinance"), amending the Municipal Code to add Chapter 15.48. The Excavation Ordinance addresses the potential MEC risk by prohibiting excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit. A copy of the Excavation Ordinance is attached to this Covenant as Exhibit C.

1.06 The Parties recommend reasonable and prudent precautions be taken when conducting intrusive operations, including providing the Army's MEC recognition and safety training, or equivalent, to any persons conducting such activities. In accordance with the Army's Fort Ord Munitions Response Site Security Program, dated April 2005, the Army offers MEC recognition and safety training to any persons conducting intrusive activities on the former Fort Ord. This training includes identification of MEC that might be found, the safety and notification procedures to follow if suspected MEC is found, and the distribution and explanation of "Safety Alert" brochures.

1.07 The Fort Ord Reuse Plan for Parcel L6.2 does not include potential sensitive land uses, including residential, hospital, school or day care. Such uses are restricted as set forth in this Covenant.

ARTICLE II

DEFINITIONS

2.01 AOC. "AOC" means the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA and the Department.

2.02 City. "City" means the City of Del Rey Oaks.

2.03 County. "County" means the County of Monterey.

2.04 Covenantor. "Covenantor" means the United States of America acting through the Department of the Army.

- 2.05 Department. “Department” means the California Department of Toxic Substances Control and includes its successor agencies, if any.
- 2.06 FORA. “FORA” means the Fort Ord Reuse Authority and includes its successor entities, if any.
- 2.07 FOSET 5. “FOSET 5” means Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume).
- 2.08 Jurisdictions. “Jurisdictions” means the County of Monterey, the City of Del Rey Oaks, the City of Marina, the City of Monterey, the City of Seaside, California State University Monterey Bay, University of California Santa Cruz, and Monterey Peninsula College.
- 2.09 MEC. “MEC” means Munitions and Explosives of Concern, which are military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C., Section 101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C., Section 2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C., Section 2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, MEC does not include small arms ammunition (i.e. ammunition without projectiles containing explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).
- 2.10 Owner. “Owner” means the Covenantor’s successors in interest, and their successors in interest, including heirs and assigns, during their ownership of all or any portion of the Property.
- 2.11 Occupant. “Occupant” means Owners and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property after the Covenantor has conveyed the Property.
- 2.12 U.S. EPA. “U.S. EPA” means the United States Environmental Protection Agency.

ARTICLE III

GENERAL PROVISIONS

- 3.01 Restrictions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as “Restrictions”), subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Restriction: (a) runs with the land pursuant to Health and Safety Code Sections 25222.1, and 25355.5(a)(1)(c), and Civil Code Section 1471; (b) inures to the benefit of the Department and passes with each and every portion of Property; (c) is for the benefit of, and is enforceable by, the Department; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.
- 3.02 Binding upon Owners/Occupants. Pursuant to Health and Safety Code Sections 25222.1

and 25355.5(a)(1)(C) and Civil Code Section 1471, this Covenant binds all Owners and Occupants of the Property, and their heirs, successors, and assignees, and their agents, employees, and lessees. Pursuant to Civil Code Section 1471, all successive Owners and Occupants of the Property are expressly bound hereby for the benefit of the Department.

3.03 Accompaniment to Deeds and Leases. This Covenant shall accompany all deeds and leases for any portion of the Property.

3.04 Conveyance of Property. The immediate past Owner shall notify the Department of the conveyance of the Property and the name and address of the new Owner within one year of such conveyance. This requirement will be deemed satisfied if the annual reporting agreed to for the Property in the Memorandum of Agreement (MOA) described in Paragraph 5.01 has been completed for the year the conveyance occurred. The Department shall not have, by reason of this Covenant, authority to approve, disapprove, or otherwise affect any proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

3.05 Costs of Administering this Covenant. The Department has incurred and will in the future incur costs associated with the administration of this Covenant. Pursuant to California Code of Regulations, title 22, section 67391.1(h), the Department's costs associated with the administration of this Covenant must be paid. The Department has entered into a Memorandum of Agreement (MOA) dated February 27, 2008 with FORA and the Jurisdictions to pay the Department's costs associated with Covenants at the former Fort Ord. The MOA provides that the Department's costs associated with administering this and other Covenants will be paid by FORA until FORA ceases to exist, and then by the County thereafter. Cost recovery may also be pursued by the Department under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law. Pursuant to the MOA, the Department will invoice FORA and the County for the Department's costs on a quarterly basis.

ARTICLE IV

RESTRICTIONS

4.01 Prohibited Uses Prior to Certification of Completion of Remedial Action under the AOC. The Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC. This Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

4.02 Prohibited Uses. Continuing until this Covenant is terminated pursuant to Paragraph 6.02 herein, the Property shall not be used for any of the following purposes:

- (a) A residence, including any condominium, mobile home or factory built housing, constructed or installed for residential habitation.
- (b) A hospital (other than a veterinary hospital);
- (c) A public or private school for persons under the age of 21, except for post-secondary schools; and
- (d) A day care center for children.

4.03 Prohibited Activities/Soil Management Requirements. Prior to or after certification of completion of remedial action under the AOC, activities (including soil disturbance) in violation of the Excavation Ordinance (Exhibit C), as modified, are prohibited.

4.04 Written Notice of Presence of MEC. Prior to the sale, lease, or sublease of the Property, or any portion thereof; or the execution of a license or easement on the Property, the owner, lessor, or sub-lessor shall give the buyer, lessee, or sub-lessee written notice that there is the potential for the presence of MEC in the soil of the Property.

4.05 Access. The Department, Covenantor, and their contractors and agents shall have reasonable right-of-entry and access to the Property for inspection, monitoring, testing, sampling and other activities consistent with the purposes of this Covenant as deemed necessary by the Department in order to protect the public health and safety or the environment and oversee any required activities.

ARTICLE V

IMPLEMENTATION AND ENFORCEMENT

5.01 Implementation. Owner shall submit an annual report detailing compliance with Article IV of this Covenant, including an annual inspection, and check of county and city records. The submission of an annual report containing this information, as outlined in the MOA by FORA and the Jurisdictions, shall satisfy this requirement.

5.02 Enforcement. Failure of the Owner or Occupant to comply with any of the Restrictions specifically applicable to it shall be grounds for the Department, by reason of this Covenant, to require that the Owner or Occupant modify or remove any improvements ("Improvements" herein shall include, but are not limited to, all buildings, roads, driveways, and paved parking areas, water wells, and surface impoundments) constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant shall be grounds for the Department to file civil or criminal actions against the Owner or Occupant as provided by law.

ARTICLE VI

VARIANCE, TERMINATION AND TERM

6.01 Variance. The Covenantor, any Owner or, with the Owner's written consent, any Occupant of the Property, may apply to the Department for a written variance from the provisions of this Covenant. Such application shall be made in accordance with Health and Safety Code Section 25233. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment before any such variance is effective.

6.02 Termination. The Covenantor, any Owner and/or, with the Owner's written consent, any Occupant of the Property, or any portion thereof, may apply to the Department for a termination of the Restrictions or other terms of this Covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with Health and Safety Code Section 25234. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment before any such termination is effective.

6.03 Term. Unless ended in accordance with the termination paragraph above, by law, or by the Department in the exercise of its discretion, this Covenant shall continue in perpetuity.

ARTICLE VII

MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication of the Property, or any portion thereof, to the general public or anyone else for any purpose whatsoever.

7.02 State of California References. All references to the State of California and the Department include successor agencies/departments or other successor entity(ies) and delegated agencies.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey within ten (10) days of the Covenantor's receipt of a fully executed original and prior to transfer of the Property from the Department of the Army to another Owner.

7.04 Notices. Whenever any person gives or serves any Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served, or (2) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Covenantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008

To Department: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

To U.S. EPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

To FORA: Executive Officer
Fort Ord Reuse Authority
100 12th Street
Marina, CA 93933-6006

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any provision of this Covenant is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

7.06 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

7.07 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

7.08 Statutory References. All statutory references include successor provisions.

7.09 Representative Authority. The undersigned representative of each party to this Covenant certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

{Signatures follow}

IN WITNESS WHEREOF, the GRANTOR has caused this Deed to be executed in its name by the Deputy Assistant Secretary of the Army for Installations and Housing (I&H), this the 19th day of March 2009.

UNITED STATES OF AMERICA

By:

JOSEPH F. CALCARA
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA(I&E)

NOTARIAL CERTIFICATE

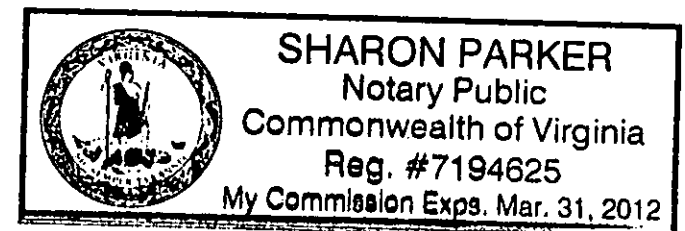
COMMONWEALTH OF VIRGINIA)
) SS:
COUNTY OF ARLINGTON)

I, Sharon Parker, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that this the 19 day of March, 2009, Joseph F. Calcara, Deputy Assistant Secretary of the Army (I&H), known to me or proven through satisfactory evidence of identity to be the person whose name is subscribed to the foregoing document, appeared in person and acknowledged before me that the signature on the document was voluntarily affixed by him for the purposes therein stated and that he had due authority to sign the document in the capacity therein stated.

Notary Public

Notary Registration No. 7194625

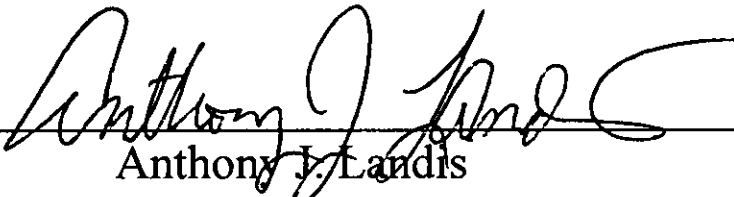
My commission expires the 31 day of March, 2012



CRUP-FOSET 5 (ESCA and OUCIP Parcels): MEC
Monterey Peninsula Regional Park District Parcel L6.2

IN WITNESS WHEREOF, the DEPARTMENT OF TOXIC SUBSTANCES CONTROL, STATE OF CALIFORNIA has caused these presents to be executed on this 21st day of April, 2009.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



 Anthony J. Landis
 Supervising Hazardous Substances Engineer II
 Brownfields and Environmental Restoration Program
 Sacramento Office

ACKNOWLEDGMENT


STATE OF CALIFORNIA)
)ss
 COUNTY OF SACRAMENTO)

On April 21, 2009 before me, Kathleen C. Duncan, Notary Public,
Date Name and Title of Officer
 personally appeared Anthony J. Landis
Name of Signer

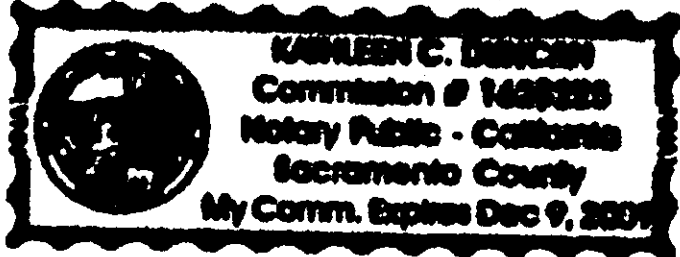
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



 Signature of Notary Public



NOTARY SEAL
GOVERNMENT CODE SECTION 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Kathleen C. Aman

Commission Number 1628225

Date of Commission Expires 12/9/09

Place of Execution Sacramento Date 4/21/09

Signed Debra J. Smith

EXHIBIT A

Plate showing the location of the parcel to be restricted by this covenant and the locations of Munitions Response Sites.

EXHIBIT A

Former Fort Ord

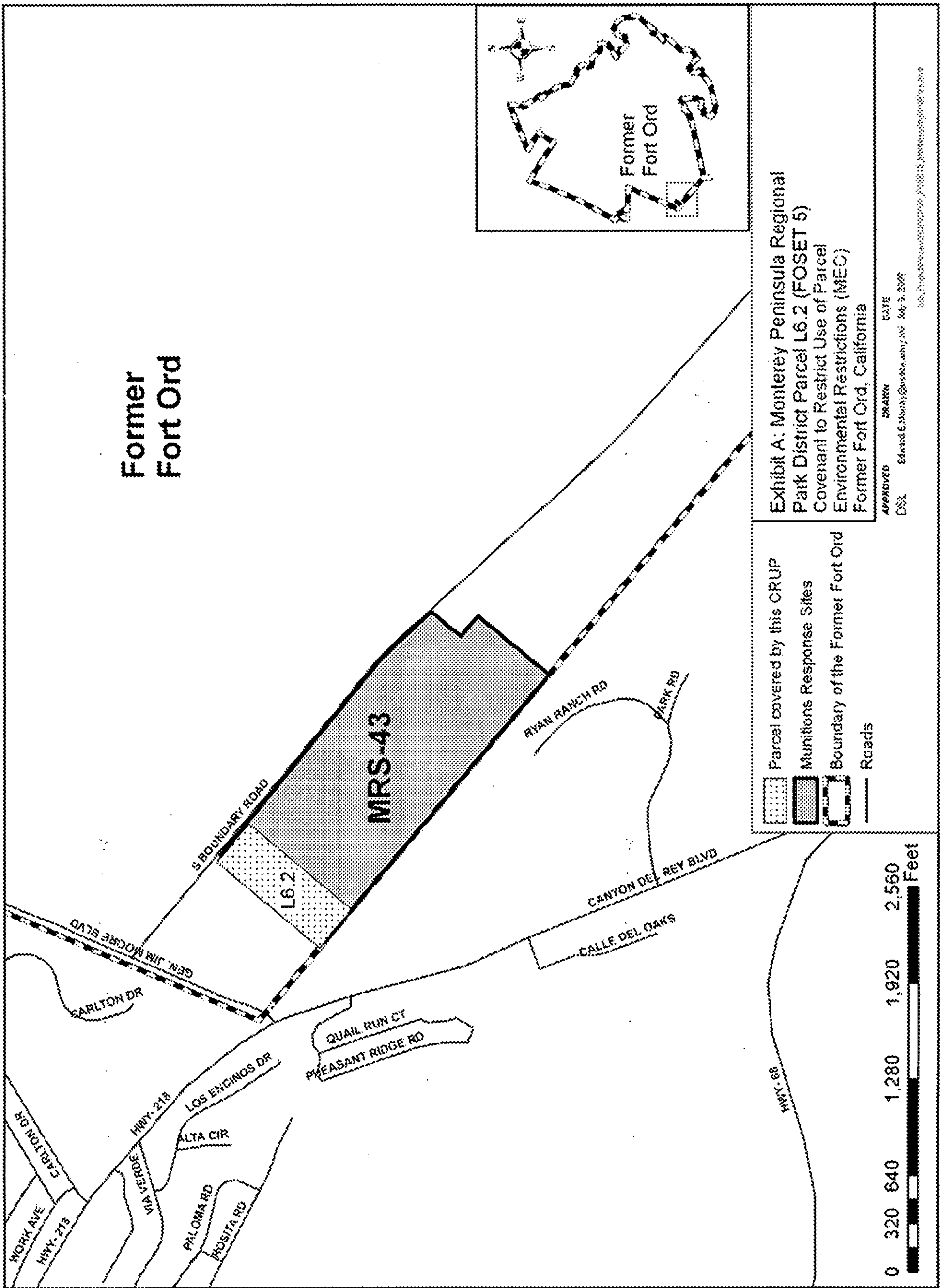






Exhibit A: Monterey Peninsula Regional
 Park District Parcel L6.2 (FOSET 5)
 Covenant to Restrict Use of Parcel
 Environmental Restrictions (MEC)
 Former Fort Ord, California

-  Parcel covered by this CRUP
-  Munitions Response Sites
-  Boundary of the Former Fort Ord
-  Roads

APPROVED _____ DATE _____
 DSA Edward.S.Munty@sanjose.ca.gov July 9, 2007



EXHIBIT B

Legal description and record of survey of the parcel restricted by this covenant.

Notes to Exhibit B:

1. The Covenantor intends to transfer the parcel to the Fort Ord Reuse Authority (FORA).
2. FORA intends to transfer the parcel to the Monterey Peninsula Regional Park District.

EXHIBIT B

**Legal Description of
Parcel L6.2
For Monterey Peninsula Regional Park District**

Parcel L6.2:

That portion of the former Fort Ord, in the City of Del Rey Oaks, County of Monterey, State of California described as follows:

A portion of Parcel 1 as per map recorded in Volume 19, Page 1 of Surveys in the Office of the County Recorder of said county, more particularly described as follows:

Beginning at a point that bears South 50°05'20" East, 629.47 feet from a point on the westerly boundary of said Parcel 1, designated and shown as point two (2) on page 5 of 31 thereon; thence leaving said westerly boundary

- 1) **North 39°54'40" East, 892.03 feet to a point on the southwesterly boundary of South Boundary Road as per map recorded in Volume 20, Page 110 of Surveys in the Office of said County; thence southeasterly along said boundary of South Boundary Road**
- 2) **South 50°41'04" East, 336.52 feet to a point on the northwesterly boundary of Parcel 1 as per map recorded in Volume 23, Page 103 of Surveys in the Office of said County; thence leaving said boundary of South Boundary Road and along said northwesterly boundary**
- 1) **South 39°54'40" West, 895.53 feet to a point on said westerly boundary of said Parcel 1 as per said map recorded in said Volume 19, Page 1 of Surveys; thence northwesterly along last said boundary**
- 3) **North 50°05'20" West, 336.50 feet to the POINT OF BEGINNING.**

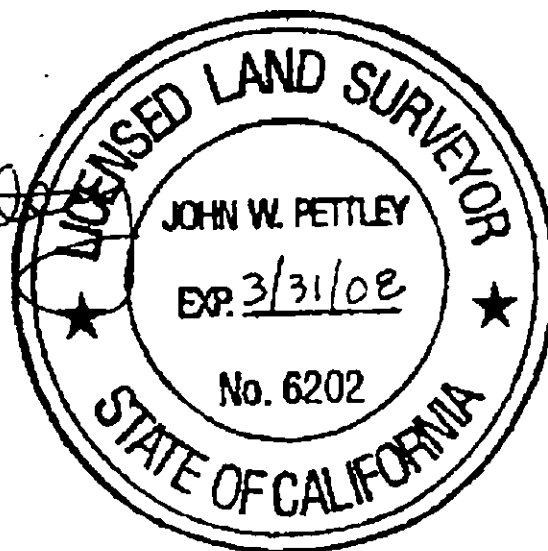
Containing 8.90 acres, more or less.

Bearings cited herein are based on monuments found along the westerly boundary of Parcel 1 as per map recorded in Volume 19, Page 1 of Surveys in the Office of the County Recorder, County of Monterey, California.

Dated: January 9, 2007

Bestor Engineers, Inc.

John W. Pettley
John W. Pettley
LS 6202
Exp: 3/31/08
W.O. 6640.00



THE BEARING OF S 50°05'20" E AS MEASURED BETWEEN THE MONUMENTS FOUND ALONG THE SOUTHWESTERLY BOUNDARY OF PARCEL 1 PER THE MAP FILED IN VOLUME 19, PAGE 1 OF SURVEYS, RECORDS OF MONTEREY COUNTY, CALIFORNIA AND SHOWN HEREON, IS THE BASIS OF BEARINGS FOR THIS SURVEY.

- DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
- POINTS FOUND OR SET ARE SO NOTED. ALL OTHER POINTS ARE FOR REFERENCE ONLY.
- ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT BE SHOWN.
- THIS MAP HAS BEEN PREPARED FROM FIELD DATA COLLECTED IN NOVEMBER, 2006.

- SET 3/4" IRON PIPE RCE 29811
- FOUND 1" IRON PIPE RCE 15310 UNLESS NOTED OTHERWISE
- R1 VOLUME 19, PAGE 1 OF SURVEYS
- R2 VOLUME 20, PAGE 110 OF SURVEYS
- R3 VOLUME 23, PAGE 103 OF SURVEYS
- (R4) RECORD DATA
- (T) TOTAL DISTANCE
- N 01°02'03" E 45.67' = MEASURED DATA

FILED THIS _____ DAY OF _____ 20____
 AT _____ M IN VOLUME _____ OF SURVEY MAPS AT PAGE _____
 RECORDS OF MONTEREY COUNTY, CALIFORNIA, AT THE
 REQUEST OF BESTOR ENGINEERS, INC.

STEPHEN L. VAGNINI
 COUNTY RECORDER
 MONTEREY COUNTY, CALIFORNIA
 BY: _____ DEPUTY
 SERIAL NO.: _____
 FEE: \$ _____

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766
 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS
 DAY OF _____ 2007.

COUNTY SURVEYOR _____ BY: _____ DEPUTY COUNTY SURVEYOR

SOUTH BOUNDARY ROAD

GENERAL JIM MOORE BOULEVARD

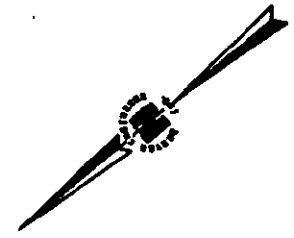
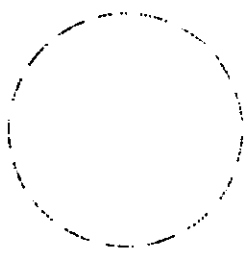
PRELIMINARY

PRELIMINARY

PARCEL 1
 VOLUME 23, PAGE 103
 OF SURVEYS

13.27 AC.

6.90 AC.



648.84' (648.75') (R2) (R3)

60' (R2)

336.52'

S 50°41'04" E 1690.09' (1690.00') (R2) (T)

1041.25' (R3)(T)

704.73'

N 108°04'01"
 R=60.00'
 L=111.07'
 (R2)

S 23°14'55" W 5734.15' (R1)

N 23°14'55" E 842.90' (R2)

S 38°34'40" W 892.03'

S 38°34'40" W 893.53' (R3)

S 50°05'20" E 1151.41' (T)

336.50'

185.44'

S 50°05'20" E 344.09' (R1)

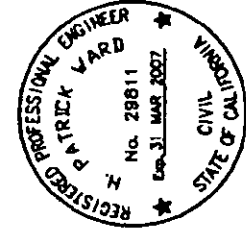
FOUND 4 X 4 WITH BRASS PIN TOP BURIED OFF (R1)

FOUND IRON PIPE WITH BRASS END CITY OF MONTEREY & 3075.40' W 20' FROM LINE (R1)

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF MONTEREY PENINSULA REGIONAL PARK DISTRICT IN FEBRUARY, 2006.

H. PATRICK WARD
 RCE #29811
 STATE OF CALIFORNIA
 EXPIRES 31 MARCH 2007

DATE



RECORD OF SURVEY

SHOWING

FOR _____
 BY _____



BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 9701 JULY LAUREL DRIVE, MONTEREY, CALIFORNIA 93940
 SCALE: 1"=100' DATE: 2 NOVEMBER 2006 NO: 0640.00

SHEET 1 OF 1

REEL 1138 OR 361

DEL REY ESTATES
 VOLUME 5, PAGE 23
 OF CITIES AND TOWNS

EXHIBIT C

City of Del Rey Oaks Ordinance No. 259, amending the Municipal Code to add Chapter 15.48, titled "*Digging and Excavation on the Former Fort Ord*". The ordinance prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit.

EXHIBIT C

1 ORDINANCE NO. 259

2 AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ADD
3 CHAPTER 15.48 RELATING TO EXCAVATION ON THE FORMER FORT ORD

4 -o0o-

5 THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN AS
6 FOLLOWS:
7

8 1. Chapter 15.48 added. Chapter 15.48, entitled "Digging and Excavation
9 on the Former Fort Ord" is hereby added to the Municipal Code to read in its entirety
10 as set forth on the attached six (6) pages, marked Exhibit "A" and incorporated herein
11 by this reference thereto.
12

13 2. Effective Date. This ordinance shall take effect and be in force thirty
14 (30) days from and after its final passage.
15

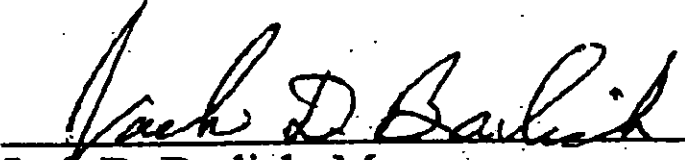
16 3. Posting of Ordinance. Within fifteen (15) days after the passage of this
17 ordinance, the City Clerk shall cause it to be posted in the three (3) public places
18 designated by resolution of the City Council.
19

20 The foregoing ordinance was introduced at a regular meeting of the City
21 Council of the City of Del Rey Oaks duly held on November 18, 2003, and was passed
22 and adopted at an adjourned regular meeting duly held on December 2, 2003, by the
23 following vote:

24	AYES:	COUNCIL MEMBERS:	Russell, Buckley Smith, Edelen,
25			Clark and Barlich
26	NOES:	COUNCIL MEMBERS:	None
27	ABSENT:	COUNCIL MEMBERS:	None


28
WELLINGTON
LAW OFFICES
857 Cass Street
Suite D
Monterey, CA
93940
Telephone:
(831) 373-8733

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Jack D. Barlich, Mayor

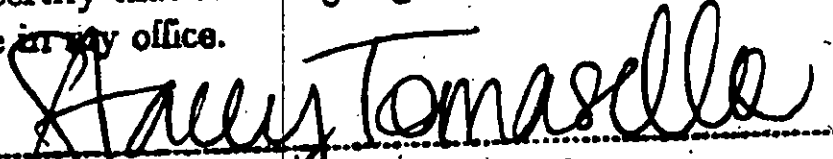
ATTEST:



Ronald J. Langford, City Clerk

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss.
CITY OF DEL REY OAKS }

I, Stacey Tomasello, duly appointed City Clerk
of Del Rey Oaks, do hereby certify that the foregoing is a true and correct copy
of the original thereof on file in my office.



Deputy CITY CLERK

Chapter 15.48

Digging and Excavation on the Former Fort Ord

Sections:

15.48.010	Purpose and Intent
15.48.020	General.
15.48.030	Designation and Applicability.
15.48.040	Excavation and Digging Restrictions.
15.48.050	Permit Requirements.
15.48.060	Permit Procedure.
15.48.070	Term of Permit
15.48.080	Exceptions to Permit Conditions
15.48.090	Performance Bond.
15.48.100	Amendment to Permits.
15.48.110	Appeals.
15.48.120	Notification to Property Owners and Other Land Users
15.48.130	Revision of Chapter

15.48.010 Purpose and Intent. The United States Army ("Army") is in the process of transferring approximately 360 acres of the former Fort Ord military installation ("Fort Ord") to the City. Some parcels of the former Fort Ord were contaminated with ordnance and explosives ("OE"), which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of OE to its standard. Even following the Army's completion of OE response actions, it is possible that some OE materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all OE has been cleared and it requires a land use covenant to be recorded with the Monterey County Recorder on these parcels to provide additional controls and restrictions to protect the public health and safety and an agreement between the City and DTSC to provide additional safety measures, reporting, etc.

15.48.020 General. The City Council hereby finds and determines that those properties formerly included within the Fort Ord military installation which are suspected of containing OE require special standards and procedures for digging and excavation in addition to those contained in the Building Code, to ensure that:

A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;

B. Potential purchasers or developers of sites which may contain OE and those persons whose work at such sites includes disturbing soil, are aware of the potential that OE may be located on these properties and are aware of the requirements for OE precautions prior to any digging, excavation or ground disturbance thereon; and

C. DTSC should be continuously involved in the establishment of

controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions.

15.48.030 Designation and Applicability.

A. The City Council shall by resolution, and with the concurrence of DTSC, designate all real property within the City's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Archives Search Report and Supplement, dated 1997, or are otherwise identified, as the possible location of unexploded ordnance or explosives as an "Ordnance Remediation District" ("District"). All such Districts shall be depicted on a Grading District Map by an "ORD" suffix to indicate the existence of ordnance precaution remediation obligations on such property. The City shall notify DTSC of any change in the permitted land uses in any District within thirty (30) days after it adopts any change.

B. The regulations in this Chapter shall apply in all "ORD" districts and shall be in addition and subject to all provisions of the Municipal Code including Title 17 and the Building Code.

15.48.040 Excavation and Digging Restrictions. It shall be unlawful for any person, including utilities, to engage in any of the following activities on any property located within a District unless that person is acting pursuant to a valid permit issued pursuant to this Chapter: excavation, digging, development or ground disturbance of any type involving the displacement of 10 cubic yards or more of soil.

15.48.050 Permit Requirements. An owner or user of real property located within a District who desires to conduct the activities described in section 15.48.040 shall apply to the City Manager for a permit. The application shall be on a form approved by the City, shall be signed by the permit applicant, and shall contain the following information:

A. A description of any previous OE excavation or removal activity conducted other than by the Army on the property whose soil is proposed to be excavated, moved or graded.

B. A description of the property, whose soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to disturb 10 cubic yards or more of soil.

C. A statement that the person submitting the application acknowledges liability if the person removes any detected unexploded ordnance or otherwise violates this Chapter and/or the Permit. The Army will continue to have the liability to remove any ordnance items found. The person submitting the application is responsible to follow the procedures for notification of DTSC and the Army upon finding an ordnance item set out in section 15.48.060 below.

D. A statement by the person submitting the application that s/he has, within the preceding twelve months, delivered a copy of the Safety Alert required by section 15.48.120 to everyone whose work at the Property described in "B" above includes disturbing soil.

E. Any other information which the City Manager may require as pertinent to the determination of the adequacy of the proposed plan.

F. Payment of the Permit fee, as established by the City Council, at the time of filing the application for the Permit.

15.48.060 Permit Procedure.

The City Manager shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the City Manager, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Any permit issued hereunder shall be subject to the following conditions:

A. All excavation and grading shall be performed solely in accordance with the permit approved by the City and in accordance with the Permit as issued by the City.

B. Prior to movement of any soil on any property located within a District, the Permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert, and explain to each such person the information set forth in that Notice.

C. The Permittee may not move or disturb unless the Permittee is in compliance with the requirements placed on the property by the Agreement, Del Rey Oaks Former Fort Ord Resort Property executed between the City and DTSC, dated ____, 2003 ("DTSC Agreement"). Said requirements shall be attached to and become a part of any permit issued pursuant to this Chapter.

D. The Permittee shall cease soil disturbance activities upon discovery of any suspected unexploded ordnance. The Permittee shall notify the Del Rey Oaks Police Department, the Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The Permittee shall coordinate appropriate response actions with the Army and DTSC.

E. No later than thirty (30) days following the completion of the permitted soil disturbance activity, the Permittee shall prepare and file with the City Manager, the Army and DTSC an After Action Report that shall state whether and where OE was detected and the extent and depth of OE response actions undertaken and completed on the property that is the subject of the permit. (See Exhibit B). The After Action Report shall include site maps to illustrate the information contained in the report. All After Action reports prepared and filed in accordance with this Chapter shall be deemed public records.

F. The Permittee agrees as a condition of issuance of a permit to defend at its sole expense, indemnify and hold harmless from any liability the City, and reimburse the City for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of its obligations under this paragraph.

15.48.070. Term of permit. The permit shall be valid for one year from the date it is issued.

15.48.080 Exceptions to Permit Conditions. Following consultation with and approval by DTSC, the City Council may, upon a finding that the requirements of section 15.48.060.C are no longer necessary, designate by resolution any District as a "Limited Control District." The holder of any permit issued for any Limited Control District shall not be subject to section 15.48.060.C.

15.48.090 Performance Bond.

Upon a finding by the City Manager that a permit should issue for excavation or grading on the proposed site, the City Manager may require that a surety bond, lien or other security guarantee conditioned upon the faithful performance and completion of the permitted excavation activity be filed with the City. Such surety shall be executed in favor of the City and shall be maintained in an amount prescribed by the City Manager sufficient to ensure the completion of the excavation of the site as prescribed in the approved permit.

15.48.100 Amendment to Permits.

Request for amendments to an approved excavation permit may be submitted to the City Manager at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the City in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit.

15.48.110 Appeals.

Any person aggrieved by any determination of the City Manager in exercise of the authority granted herein shall have the right to appeal to the City Council. Any appeal setting forth the contested decision and the reasons for contesting same must be filed within ten (10) working days after the posting of the City Manager's decision at the three places designated by the City Council. The City Council shall render its decision within sixty (60) days following the filing of the notice of appeal. The Council may affirm, reverse or modify the decision of the City Manager. The Council action shall be final upon issuance of its decision.

15.48.120 Notification to Property Owners and Other Land Users.

A. The City will notify the owners of property designated as Ordinance Remediation Districts and those utilities known to be providing service within the City, of the requirements of this Chapter and provide those persons with the Safety Alert – Ordnance and explosives at Former Fort Ord ("Safety Alert"), which is attached hereto as Exhibit "A". The City shall annually notify the owners of said property as shown on the equalized tax rolls of the requirements of this Chapter and provide those persons with a copy of the Notice. Failure of any owner, occupant or user of such land to receive said notification shall not relieve that person from responsibility for compliance with this Chapter.

B. All owners, occupants or users of land subject to this Chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this Chapter. Notification shall be made prior to transfer of the property in question. As used in this Chapter, the words "occupants" and "users" do not include customers, guests or other individuals who will have minimal potential for significantly disturbing the soil.

C. All persons identified in "A" above shall deliver, at least annually, a copy of the Safety Alert to everyone whose work at OE sites includes disturbing soil and shall explain the contents thereof to those persons.

15.48.130 Revision of Chapter. This Chapter shall not be revised without prior written notice to the DTSC and subject to the terms of the DTSC Agreement.

**City Of Del Rey Oaks
OE Construction Support After Action Report Form**

1. Date _____
2. Date Soil Disturbance occurred _____
3. Were OE items or items suspected to be OE items found during the period of excavation?

No _____ If no, please skip to #__ below.

Yes _____ Please continue, and complete Part A of the Attached Ordnance and Explosives Incident Reporting Form and deliver to the Presidio of Monterey Police Department.

4. Describe the OE items and suspected OE items below. If necessary, attach additional sheet.

Description of item found. Include whether the item was live, or whether the item was suspected OE, and proven not to be.	Depth below original round surface at which the item was found.	GPS coordinated of the item

5. Attach a site map with GPS coordinates describing items listed in #4 above.
6. Describe the final disposition of the items found.
7. By my signature below, certify that the above information is true.

_____ (Signed and dated by the UXO technician)

END OF DOCUMENT

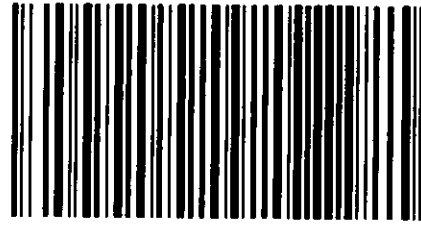
Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

CRMELISSA
5/08/2009
8:00:00

RECORDING REQUESTED BY:

U. S. Army Corps of Engineers
Real Estate Division, ATTN: CESP-K-RE-MC
1325 J Street
Sacramento, CA 95814-2922

DOCUMENT: **2009028277**



Titles: 1/ Pages: 26

Fees.....
Taxes....
Other...
AMT PAID _____

WHEN RECORDED, MAIL TO:

ATTN: Anthony J. Landis, P.E.
Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

(Space Above This Line For Recorder's Use Only)

**COVENANT TO RESTRICT USE OF PROPERTY
ENVIRONMENTAL RESTRICTION**

**CITY OF DEL REY OAKS – MUNITIONS AND EXPLOSIVES OF CONCERN
FORT ORD REUSE AUTHORITY (FORA) EARLY TRANSFER PARCELS**

Re: This Covenant and Agreement (“Covenant”) is for a portion of the former Fort Ord consisting of contiguous Parcels L20.13.1.2 and L20.13.3.1 (the “Property”). The Property is described in the Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (FOSET 5). Portions of the Property lie within “Munitions Response Site 43” (MRS-43). The Property, described below and shown on Exhibit A, is within the jurisdiction of the City of Del Rey Oaks, California.

This Covenant is made by and among The United States of America acting by and through the United States Department of the Army (also referred to herein as the “Covenantor”), the current owner of the herein described real property located in the County of Monterey, State of California, shown on Exhibit A and described in Exhibit B, attached hereto and incorporated herein by this reference (the “Property”), and the State of California acting by and through the Department of Toxic Substances Control (“Department”).

The United States Environmental Protection Agency (U.S. EPA) placed Fort Ord on the National Priorities List (Superfund) in 1990. All of the former Fort Ord facility is subject to the

requirements of the federal Comprehensive Environmental Compensation and Liability Act (“CERCLA”). The entire Property is undergoing the CERCLA remediation process, which will not be completed prior to transfer of the Property. Because the Covenantor intends to transfer this Property to the Fort Ord Reuse Authority (“FORA”) prior to the end of the CERCLA remediation process, and FORA has agreed to receive the Property under those conditions, such transfer must be pursuant to the CERCLA Section 120(h)(3)(C) “early transfer process”. CERCLA Section 120(h)(3)(A)(ii)(I) requires a separate federal deed covenant from the Covenantor warranting that all remedial action necessary to protect human health and the environment, with respect to any substances remaining on the Property, has been taken before the date of the transfer. The required covenant may be deferred when the federal deed or other agreements contain response action assurances, as specified in CERCLA Section 120(h)(3)(C)(ii)(I-IV), that:

1. Ensure the Property is suitable for the use intended by the transferee;
2. Use restrictions are in place to ensure the protection of human health and the environment;
3. Use restrictions will also ensure that transfer will not disrupt remedial activities; and
4. The federal deed or other agreements also contain an assurance from the Army that it will request adequate funds to address schedules for investigation and completion of all actions necessary to support the subsequent issuance of the required CERCLA 120(h)(3)(A)(ii)(I) covenant.

The Covenantor’s statutory authority for transferring this Property is the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, Title XXIX), as amended. As a part of the early transfer, the Covenantor issued FOSET 5 on November 15, 2007.

Pursuant to California Civil Code Section 1471, the Department has determined this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence of hazardous materials, as defined in the California Health and Safety Code Section 25260(d).

The Covenantor and the Department, collectively referred to as the “Parties,” hereby agree that the use of the Property will be restricted as set forth in this Covenant.

ARTICLE I

STATEMENT OF FACTS

1.01 The Property, consisting of Parcels L20.13.1.2 and L20.13.3.1 and totaling approximately 5.026 acres, is more particularly depicted in Exhibit A and described in Exhibit B. The Property is located on the former Fort Ord, California and within the jurisdiction of the City of Del Rey Oaks, California. The name of the Property on the legal description in Exhibit B is “EDC Parcels L20.13.1.2 and L20.13.3.1” and its intended reuse is as a right-of-way for South Boundary Road.

1.02 The Property includes a portion of Munitions Response Site 43 (MRS-43) and has been

evaluated for the presence of Munitions and Explosives of Concern (MEC). Based on a review of existing records and available information, as described in FOSET 5, there is evidence MEC are or may be present on the Property.

1.03 The Army and FORA entered into an Environmental Services Cooperative Agreement (ESCA), effective March 30, 2007, under which the Army will provide funds for FORA to conduct all response actions for the Property and obtain regulatory closure, except for those responsibilities the Army has retained.

1.04 The remedial action will be conducted pursuant to the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA, and the Department, finalized on April 18, 2007. After all remedial actions are completed, the U.S. EPA, with consultation with the Department, will issue a Certificate of Completion.

1.05 The City adopted Ordinance No. 259, entitled "Digging and Excavation on the Former Fort Ord" (hereinafter "Excavation Ordinance"), amending the Municipal Code to add Chapter 15.48. The Excavation Ordinance addresses the potential MEC risk by prohibiting excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit. A copy of the Excavation Ordinance is attached to this Covenant as Exhibit C.

1.06 In accordance with the MRS Security Program, dated April 2005, the Army offers MEC recognition and safety training to any persons conducting intrusive activities on the former Fort Ord. This training includes identification of MEC that might be found, the safety and notification procedures to follow if suspected MEC is found, and the distribution and explanation of "Safety Alert" brochures. MEC recognition and safety training is required for access to restricted MRSs.

1.07 The Fort Ord Reuse Plan for these Parcels does not include potential sensitive land uses, including residential, hospital, school or day care. Such uses are restricted as set forth in this Covenant.

ARTICLE II

DEFINITIONS

2.01 AOC. "AOC" means the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA and the Department.

2.02 City. "City" means the City of Del Rey Oaks.

2.03 County. "County" means the County of Monterey.

2.04 Covenantor. "Covenantor" means the United States of America acting through the Department of the Army.

2.05 Department. "Department" means the California Department of Toxic Substances

Control and includes its successor agencies, if any.

2.06 FORA. "FORA" means the Fort Ord Reuse Authority and includes its successor entities, if any.

2.07 FOSET 5. "FOSET 5" means Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume).

2.08 Jurisdictions. "Jurisdictions" means the County of Monterey, the City of Del Rey Oaks, the City of Marina, the City of Monterey, the City of Seaside, California State University Monterey Bay, University of California Santa Cruz, and Monterey Peninsula College.

2.09 MEC. "MEC" means Munitions and Explosives of Concern, which are military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C., Section 101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C., Section 2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C., Section 2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, MEC does not include small arms ammunition (i.e. ammunition without projectiles containing explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).

2.10 Owner. "Owner" means the Covenantor's successors in interest, and their successors in interest, including heirs and assigns, during their ownership of all or any portion of the Property.

2.11 Occupant. "Occupant" means Owners and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property after the Covenantor has conveyed the Property.

2.12 U.S. EPA. "U.S. EPA" means the United States Environmental Protection Agency.

ARTICLE III

GENERAL PROVISIONS

3.01 Restrictions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Restriction: (a) runs with the land pursuant to Health and Safety Code Sections 25222.1, and 25355.5(a)(1)(c), and Civil Code Section 1471; (b) inures to the benefit of the Department and passes with each and every portion of Property; (c) is for the benefit of, and is enforceable by, the Department; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.02 Binding upon Owners/Occupants. Pursuant to Health and Safety Code Sections 25222.1 and 25355.5(a)(1)(C) and Civil Code Section 1471, this Covenant binds all Owners and

Occupants of the Property, and their heirs, successors, and assignees, and their agents, employees, and lessees. Pursuant to Civil Code Section 1471, all successive Owners and Occupants of the Property are expressly bound hereby for the benefit of the Department.

3.03 Accompaniment to Deeds and Leases. This Covenant shall accompany all deeds and leases for any portion of the Property.

3.04 Conveyance of Property. The immediate past Owner shall notify the Department of the conveyance of the Property and the name and address of the new Owner within one year of such conveyance. This requirement will be deemed satisfied if the annual reporting agreed to for the Property in the Memorandum of Agreement (MOA) described in Paragraph 5.01 has been completed for the year the conveyance occurred. The Department shall not have, by reason of this Covenant, authority to approve, disapprove, or otherwise affect any proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

3.05 Costs of Administering this Covenant. The Department has incurred and will in the future incur costs associated with the administration of this Covenant. Pursuant to California Code of Regulations, title 22, section 67391.1(h), the Department's costs associated with the administration of this Covenant must be paid. The Department has entered into a Memorandum of Agreement (MOA) dated February 27, 2008 with FORA and the Jurisdictions to pay the Department's costs associated with Covenants at the former Fort Ord. The MOA provides that the Department's costs associated with administering this and other Covenants will be paid by FORA until FORA ceases to exist, and then by the County thereafter. Cost recovery may also be pursued by the Department under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law. Pursuant to the MOA, the Department will invoice FORA and the County for the Department's costs on a quarterly basis.

ARTICLE IV

RESTRICTIONS

4.01 Prohibited Uses Prior to Certification of Completion of Remedial Action under the AOC. The Property shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC. This Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.

4.02 Prohibited Uses. Continuing until this Covenant is terminated pursuant to Paragraph 6.02 herein, the Property shall not be used for any of the following purposes:

- (a) A residence, including any condominium, mobile home or factory built housing, constructed or installed for residential habitation.
- (b) A hospital (other than a veterinary hospital);
- (c) A public or private school for persons under the age of 21, except for post-secondary schools; and
- (d) A day care center for children.

4.03 Prohibited Activities/Soil Management Requirements. Prior to or after certification of completion of remedial action under the AOC, activities (including soil disturbance) in violation of the Excavation Ordinance (Exhibit C), as modified, are prohibited.

4.04 Written Notice of Presence of MEC. Prior to the sale, lease, or sublease of the Property, or any portion thereof; or the execution of a license or easement on the Property, the owner, lessor, or sub-lessor shall give the buyer, lessee, or sub-lessee written notice that there is the potential for the presence of MEC in the soil of the Property.

4.05 Access. The Department, Covenantor, and their contractors and agents shall have reasonable right-of-entry and access to the Property for inspection, monitoring, testing, sampling and other activities consistent with the purposes of this Covenant as deemed necessary by the Department in order to protect the public health and safety or the environment and oversee any required activities.

ARTICLE V

IMPLEMENTATION AND ENFORCEMENT

5.01 Implementation. Owner shall submit an annual report detailing compliance with Article IV of this Covenant, including an annual inspection, and check of county and city records. The submission of an annual report containing this information, as outlined in the MOA by FORA and the Jurisdictions, shall satisfy this requirement.

5.02 Enforcement. Failure of the Owner or Occupant to comply with any of the Restrictions specifically applicable to it shall be grounds for the Department, by reason of this Covenant, to require that the Owner or Occupant modify or remove any improvements ("Improvements" herein shall include, but are not limited to, all buildings, roads, driveways, and paved parking areas, water wells, and surface impoundments) constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant shall be grounds for the Department to file civil or criminal actions against the Owner or Occupant as provided by law.

ARTICLE VI

VARIANCE, TERMINATION AND TERM

6.01 Variance. The Covenantor, any Owner or, with the Owner's written consent, any Occupant of the Property, may apply to the Department for a written variance from the provisions of this Covenant. Such application shall be made in accordance with Health and Safety Code Section 25233. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment before any such variance is effective.

6.02 Termination. The Covenantor, any Owner and/or, with the Owner's written consent, any Occupant of the Property, or any portion thereof, may apply to the Department for a termination of the Restrictions or other terms of this Covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with Health and Safety Code Section 25234. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment before any such termination is effective.

6.03 Term. Unless ended in accordance with the termination paragraph above, by law, or by the Department in the exercise of its discretion, this Covenant shall continue in perpetuity.

ARTICLE VII

MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication of the Property, or any portion thereof, to the general public or anyone else for any purpose whatsoever.

7.02 State of California References. All references to the State of California and the Department include successor agencies/departments or other successor entity(ies) and delegated agencies.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey within ten (10) days of the Covenantor's receipt of a fully executed original and prior to transfer of the Property from the Department of the Army to another Owner.

7.04 Notices. Whenever any person gives or serves any Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served, or (2) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Covenantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008

To Department: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

To U.S. EPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

To FORA: Executive Officer
Fort Ord Reuse Authority
100 12th Street
Marina, CA 93933-6006

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any provision of this Covenant is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

7.06 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

7.07 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

7.08 Statutory References. All statutory references include successor provisions.

7.09 Representative Authority. The undersigned representative of each party to this Covenant certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

{Signatures follow}

IN WITNESS WHEREOF, the GRANTOR has caused this Deed to be executed in its name by the Deputy Assistant Secretary of the Army for Installations and Housing (I&H), this the 19th day of MARCH 2009.

UNITED STATES OF AMERICA

By: [Signature]
JOSEPH F. CALCARA
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA(I&E)

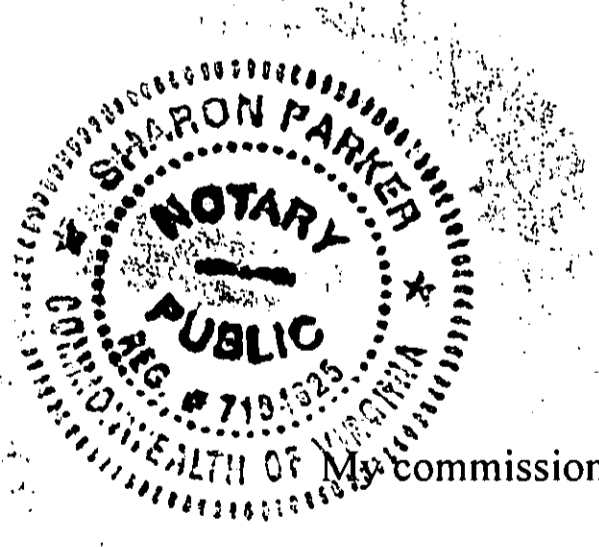
NOTARIAL CERTIFICATE

COMMONWEALTH OF VIRGINIA)
) SS:
COUNTY OF ARLINGTON)

I, Sharon Parker, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that this the 19 day of March, 2009, Joseph F. Calcara, Deputy Assistant Secretary of the Army (I&H), known to me or proven through satisfactory evidence of identity to be the person whose name is subscribed to the foregoing document, appeared in person and acknowledged before me that the signature on the document was voluntarily affixed by him for the purposes therein stated and that he had due authority to sign the document in the capacity therein stated.

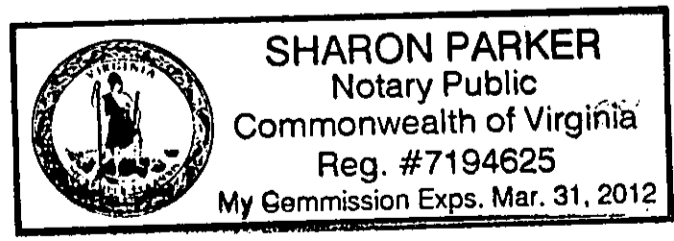
[Signature]
Notary Public

Notary Registration No. 7194625



My commission expires the 31 day of March, 2012

CRUP-FOSET 5 (ESCA and OUCIP Parcels): MEC
City of Del Rey Oaks Group Parcels L20, 13.1.2 and L20.13.3.1



NOTARY SEAL
GOVERNMENT CODE SECTION 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Kathleen C. Ancon

Commission Number 1628005

Date of Commission Expires 12/9/09

Place of Execution Sacramento Date 4/27/09

Signed Alleca Smith

IN WITNESS WHEREOF, the DEPARTMENT OF TOXIC SUBSTANCES CONTROL,
STATE OF CALIFORNIA has caused these presents to be executed on this 21st day of
April, 2009.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Anthony J. Landis
Anthony J Landis

Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Sacramento Office

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
)ss
COUNTY OF SACRAMENTO)

On April 21, 2009 before me Kathleen C. Duncan, Notary Public
Date Name and Title of Officer
personally appeared Anthony J. Landis
Name of Signer

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

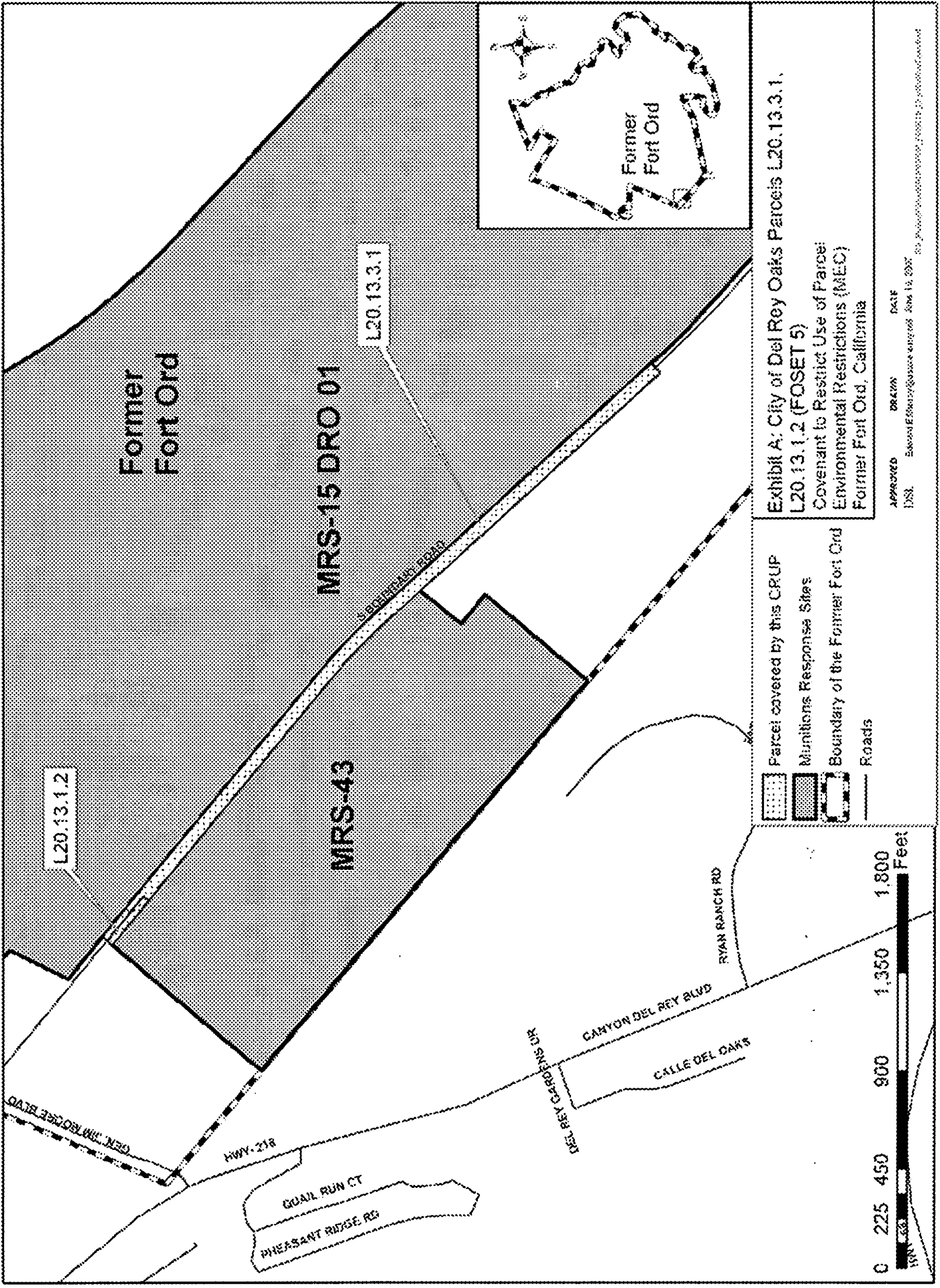
Kathleen C. Duncan
Signature of Notary Public



EXHIBIT A

Plates showing the locations of parcels to be restricted by this covenant and the locations of Munitions Response Sites.

EXHIBIT A



Former
Fort Ord

MRS-15 DRO 01

MRS-43

L20.13.3.1

L20.13.1.2

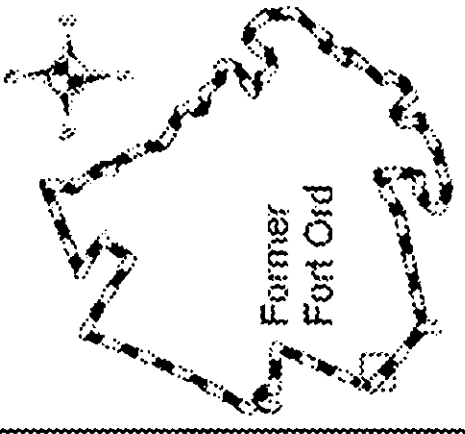


Exhibit A: City of Del Rey Oaks Parcels L20.13.3.1,
L20.13.1.2 (FOSET 5)
Covenant to Restrict Use of Parcel:
Environmental Restrictions (MERC)
Former Fort Ord, California

- Parcel covered by this CRUP
- Munitions Response Sites
- Boundary of the Former Fort Ord
- Roads



APPROVED: [Signature] DATE: [Blank]
DRAFT: [Signature] DATE: [Blank]

EXHIBIT B

Legal descriptions and records of survey of the parcels restricted by this covenant.

Notes to Exhibit B:

1. The Covenantor intends to transfer the parcels to the Fort Ord Reuse Authority (FORA).
2. FORA intends to transfer the parcels to the City of Del Rey Oaks.

EXHIBIT B

EDC Parcels L20.13.1.2 and L20.13.3.1
FOSET 5
Fort Ord Military Reservation
City of Del Rey Oaks
Monterey County, California

Legal Description of Parcels L20.13.1.2 and L20.13.3.1

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, and a portion of Parcel 18 as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, the City of Marina, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point in the boundary of Parcel 18 as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110 from which the northerly end of a course in the northerly boundary of said Parcel 18 bears North $50^{\circ} 41' 04''$ West for a distance of 760.80 feet; thence from said Point of Beginning along the boundary of said Parcel 18

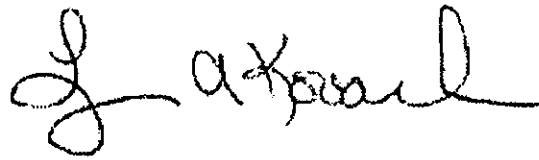
1. South $50^{\circ} 41' 04''$ East for a distance of 1585.90 feet to the beginning of a tangent curve; thence continuing along said boundary line of said Parcel 18
2. Along a curve to the right through an angle of $08^{\circ} 24' 16''$, having a radius of 2430.00 feet, for a length of 356.43 feet and whose long chord bears South $46^{\circ} 28' 56''$ East for a distance of 356.11 feet to a point of intersection with a non-tangential line; thence continuing along said boundary line of said Parcel 18
3. South $42^{\circ} 16' 49''$ East for a distance of 1710.55 feet to the beginning of a tangent curve; thence leaving the northerly boundary line of said Parcel 18
4. South $47^{\circ} 45' 45''$ West for a distance of 60.00 feet to a point on the southerly boundary line of said Parcel 18; thence continuing along said boundary line of said Parcel 18
5. North $42^{\circ} 16' 49''$ West for a distance of 1710.55 feet to the beginning of a tangent curve; thence continuing along said boundary line of said Parcel 18
6. Along a curve to the left through an angle of $08^{\circ} 24' 15''$, having a radius of 2370.00 feet, for a length of 347.63 feet and whose long chord bears North $46^{\circ} 28' 57''$ West for a distance of 347.32 feet to a point of intersection with a tangent line; thence continuing along said boundary line of said Parcel 18

EDC Parcels L20.13.1.2 and L20.13.3.1
FOSET 5
Fort Ord Military Reservation
City of Del Rey Oaks
Monterey County, California

7. North 50° 41' 04" West for a distance of 1243.87 feet to a point on said boundary line of said Parcel 18; thence leaving said boundary line of said Parcel 18
8. North 39° 52' 41" East a distance of 60.00 feet to the POINT OF BEGINNING.

Containing an area of 5.026 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L. S. 5321
My license expires December 31, 2007

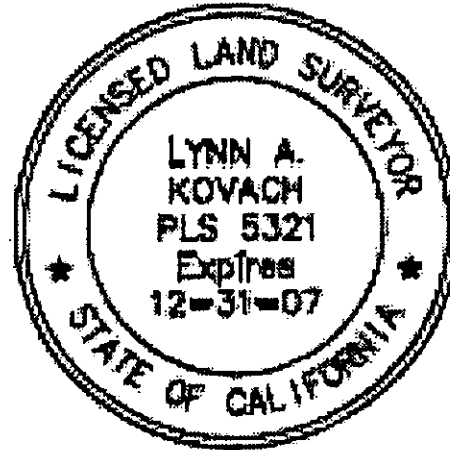


EXHIBIT
of
PARCEL 1 being L20.13.1.2 & L20.13.3.1
City of Del Rey Oaks Jurisdiction
Fort Ord
FOSET 5 EDC
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California

Note: Course Numbers Refer to the
Legal Description.

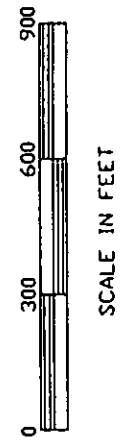
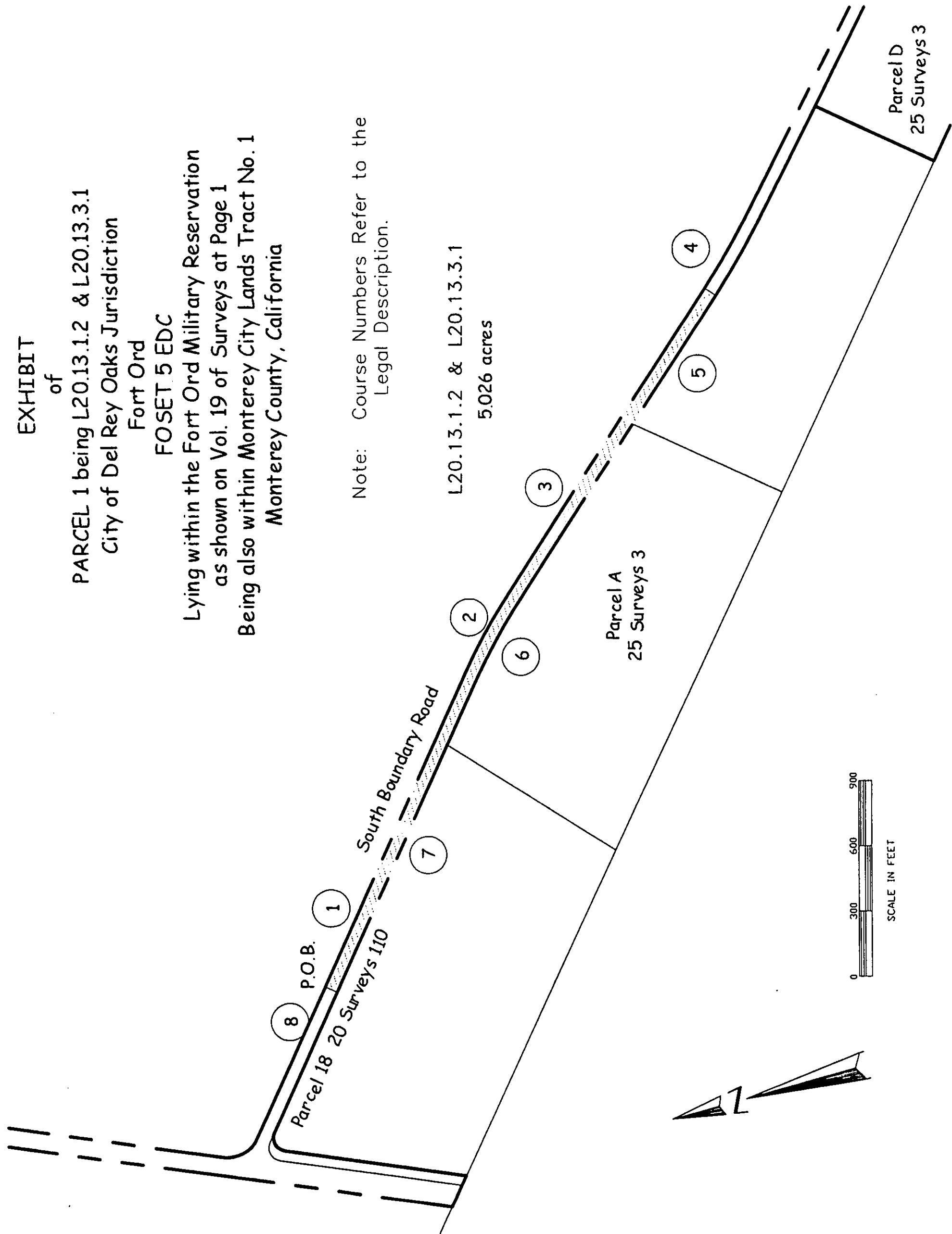


EXHIBIT C

City of Del Rey Oaks Ordinance No. 259, amending the Municipal Code to add Chapter 15.48, titled "*Digging and Excavation on the Former Fort Ord*". The ordinance prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit.

EXHIBIT C

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ORDINANCE NO. 259

AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ADD CHAPTER 15.48 RELATING TO EXCAVATION ON THE FORMER FORT ORD

-o0o-

THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN AS FOLLOWS:

1. Chapter 15.48 added. Chapter 15.48, entitled "Digging and Excavation on the Former Fort Ord" is hereby added to the Municipal Code to read in its entirety as set forth on the attached six (6) pages, marked Exhibit "A" and incorporated herein by this reference thereto.

2. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

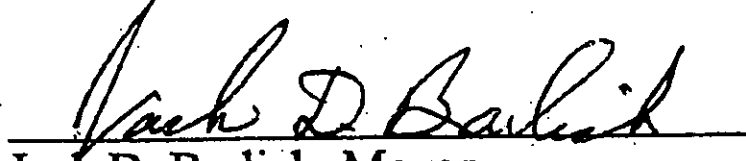
3. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Del Rey Oaks duly held on November 18, 2003, and was passed and adopted at an adjourned regular meeting duly held on December 2, 2003, by the following vote:


AYES:	COUNCIL MEMBERS:	Russell, Buckley Smith, Edelen, Clark and Barlich
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

WELLINGTON LAW OFFICES
857 Carr Street
Suite D
Monterey, CA
93940
Telephone:
(831) 373-8733

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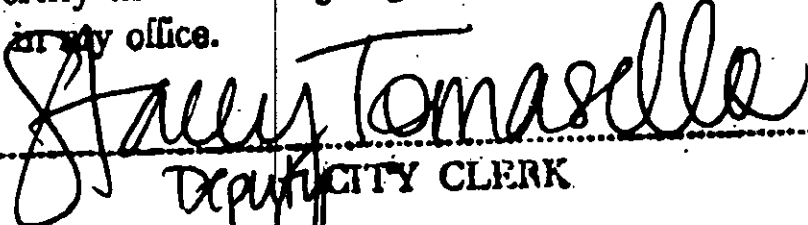

Jack D. Barlich, Mayor

ATTEST:


Ronald J. Langford, City Clerk

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss.
CITY OF DEL REY OAKS }

I, Stacy Tomasetto, duly appointed City Clerk
of Del Rey Oaks, do hereby certify that the foregoing is a true and correct copy
of the original thereof on file in my office.


Deputy CITY CLERK

Chapter 15.48

Digging and Excavation on the Former Fort Ord

Sections:

15.48.010	Purpose and Intent
15.48.020	General.
15.48.030	Designation and Applicability.
15.48.040	Excavation and Digging Restrictions.
15.48.050	Permit Requirements.
15.48.060	Permit Procedure.
15.48.070	Term of Permit
15.48.080	Exceptions to Permit Conditions
15.48.090	Performance Bond.
15.48.100	Amendment to Permits.
15.48.110	Appeals.
15.48.120	Notification to Property Owners and Other Land Users
15.48.130	Revision of Chapter

15.48.010 Purpose and Intent. The United States Army ("Army") is in the process of transferring approximately 360 acres of the former Fort Ord military installation ("Fort Ord") to the City. Some parcels of the former Fort Ord were contaminated with ordnance and explosives ("OE"), which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of OE to its standard. Even following the Army's completion of OE response actions, it is possible that some OE materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC") has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all OE has been cleared and it requires a land use covenant to be recorded with the Monterey County Recorder on these parcels to provide additional controls and restrictions to protect the public health and safety and an agreement between the City and DTSC to provide additional safety measures, reporting, etc.

15.48.020 General. The City Council hereby finds and determines that those properties formerly included within the Fort Ord military installation which are suspected of containing OE require special standards and procedures for digging and excavation in addition to those contained in the Building Code, to ensure that:

A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;

B. Potential purchasers or developers of sites which may contain OE and those persons whose work at such sites includes disturbing soil, are aware of the potential that OE may be located on these properties and are aware of the requirements for OE precautions prior to any digging, excavation or ground disturbance thereon; and

C. DTSC should be continuously involved in the establishment of

controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions.

15.48.030 Designation and Applicability.

A. The City Council shall by resolution, and with the concurrence of DTSC, designate all real property within the City's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Archives Search Report and Supplement, dated 1997, or are otherwise identified, as the possible location of unexploded ordnance or explosives as an "Ordnance Remediation District" ("District"). All such Districts shall be depicted on a Grading District Map by an "ORD" suffix to indicate the existence of ordnance precaution remediation obligations on such property. The City shall notify DTSC of any change in the permitted land uses in any District within thirty (30) days after it adopts any change.

B. The regulations in this Chapter shall apply in all "ORD" districts and shall be in addition and subject to all provisions of the Municipal Code including Title 17 and the Building Code.

15.48.040 Excavation and Digging Restrictions. It shall be unlawful for any person, including utilities, to engage in any of the following activities on any property located within a District unless that person is acting pursuant to a valid permit issued pursuant to this Chapter: excavation, digging, development or ground disturbance of any type involving the displacement of 10 cubic yards or more of soil.

15.48.050 Permit Requirements. An owner or user of real property located within a District who desires to conduct the activities described in section 15.48.040 shall apply to the City Manager for a permit. The application shall be on a form approved by the City, shall be signed by the permit applicant, and shall contain the following information:

A. A description of any previous OE excavation or removal activity conducted other than by the Army on the property whose soil is proposed to be excavated, moved or graded.

B. A description of the property, whose soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to disturb 10 cubic yards or more of soil.

C. A statement that the person submitting the application acknowledges liability if the person removes any detected unexploded ordnance or otherwise violates this Chapter and/or the Permit. The Army will continue to have the liability to remove any ordnance items found. The person submitting the application is responsible to follow the procedures for notification of DTSC and the Army upon finding an ordnance item set out in section 15.48.060 below.

D. A statement by the person submitting the application that s/he has, within the preceding twelve months, delivered a copy of the Safety Alert required by section 15.48.120 to everyone whose work at the Property described in "B" above includes disturbing soil.

E. Any other information which the City Manager may require as pertinent to the determination of the adequacy of the proposed plan.

F. Payment of the Permit fee, as established by the City Council, at the time of filing the application for the Permit.

15.48.060 Permit Procedure.

The City Manager shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the City Manager, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Any permit issued hereunder shall be subject to the following conditions:

A. All excavation and grading shall be performed solely in accordance with the permit approved by the City and in accordance with the Permit as issued by the City.

B. Prior to movement of any soil on any property located within a District, the Permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert, and explain to each such person the information set forth in that Notice.

C. The Permittee may not move or disturb unless the Permittee is in compliance with the requirements placed on the property by the Agreement, Del Rey Oaks Former Fort Ord Resort Property executed between the City and DTSC, dated ____, 2003 ("DTSC Agreement"). Said requirements shall be attached to and become a part of any permit issued pursuant to this Chapter.

D. The Permittee shall cease soil disturbance activities upon discovery of any suspected unexploded ordnance. The Permittee shall notify the Del Rey Oaks Police Department, the Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The Permittee shall coordinate appropriate response actions with the Army and DTSC.

E. No later than thirty (30) days following the completion of the permitted soil disturbance activity, the Permittee shall prepare and file with the City Manager, the Army and DTSC an After Action Report that shall state whether and where OE was detected and the extent and depth of OE response actions undertaken and completed on the property that is the subject of the permit. (See Exhibit B). The After Action Report shall include site maps to illustrate the information contained in the report. All After Action reports prepared and filed in accordance with this Chapter shall be deemed public records.

F. The Permittee agrees as a condition of issuance of a permit to defend at its sole expense, indemnify and hold harmless from any liability the City, and reimburse the City for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of its obligations under this paragraph.

15.48.070. Term of permit. The permit shall be valid for one year from the date it is issued.

15.48.080 Exceptions to Permit Conditions. Following consultation with and approval by DTSC, the City Council may, upon a finding that the requirements of section 15.48.060.C are no longer necessary, designate by resolution any District as a "Limited Control District." The holder of any permit issued for any Limited Control District shall not be subject to section 15.48.060.C.

15.48.090 Performance Bond.

Upon a finding by the City Manager that a permit should issue for excavation or grading on the proposed site, the City Manager may require that a surety bond, lien or other security guarantee conditioned upon the faithful performance and completion of the permitted excavation activity be filed with the City. Such surety shall be executed in favor of the City and shall be maintained in an amount prescribed by the City Manager sufficient to ensure the completion of the excavation of the site as prescribed in the approved permit.

15.48.100 Amendment to Permits.

Request for amendments to an approved excavation permit may be submitted to the City Manager at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the City in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit.

15.48.110 Appeals.

Any person aggrieved by any determination of the City Manager in exercise of the authority granted herein shall have the right to appeal to the City Council. Any appeal setting forth the contested decision and the reasons for contesting same must be filed within ten (10) working days after the posting of the City Manager's decision at the three places designated by the City Council. The City Council shall render its decision within sixty (60) days following the filing of the notice of appeal. The Council may affirm, reverse or modify the decision of the City Manager. The Council action shall be final upon issuance of its decision.

15.48.120 Notification to Property Owners and Other Land Users.

A. The City will notify the owners of property designated as Ordinance Remediation Districts and those utilities known to be providing service within the City, of the requirements of this Chapter and provide those persons with the Safety Alert – Ordnance and explosives at Former Fort Ord ("Safety Alert"), which is attached hereto as Exhibit "A". The City shall annually notify the owners of said property as shown on the equalized tax rolls of the requirements of this Chapter and provide those persons with a copy of the Notice. Failure of any owner, occupant or user of such land to receive said notification shall not relieve that person from responsibility for compliance with this Chapter.

B. All owners, occupants or users of land subject to this Chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this Chapter. Notification shall be made prior to transfer of the property in question. As used in this Chapter, the words "occupants" and "users" do not include customers, guests or other individuals who will have minimal potential for significantly disturbing the soil.

C. All persons identified in "A" above shall deliver, at least annually, a copy of the Safety Alert to everyone whose work at OE sites includes disturbing soil and shall explain the contents thereof to those persons.

15.48.130 Revision of Chapter. This Chapter shall not be revised without prior written notice to the DTSC and subject to the terms of the DTSC Agreement.

Exhibit B
City Of Del Rey Oaks
OE Construction Support After Action Report Form

1. Date _____
2. Date Soil Disturbance occurred _____
3. Were OE items or items suspected to be OE items found during the period of excavation?

No _____ If no, please skip to #__ below.

Yes _____ Please continue, and complete Part A of the Attached Ordnance and Explosives Incident Reporting Form and deliver to the Presidio of Monterey Police Department.

4. Describe the OE items and suspected OE items below. If necessary, attach additional sheet.

Description of item found. Include whether the item was live, or whether the item was suspected OE, and proven not to be.	Depth below original round surface at which the item was found.	GPS coordinated of the item

5. Attach a site map with GPS coordinates describing items listed in #4 above.
6. Describe the final disposition of the items found.
7. By my signature below, certify that the above information is true.

_____ (Signed and dated by the UXO technician)

END OF DOCUMENT

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

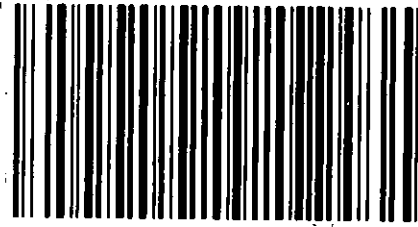
CRMELISSA
5/08/2009
8:00:00

RECORDING REQUESTED BY:

U. S. Army Corps of Engineers
Real Estate Division, ATTN: CESP-K-RE-MC
1325 J Street
Sacramento, CA 95814-2922

DOCUMENT: **2009028273**

Titles: 1/ Pages: 55



Fees.....
Taxes...
Other...
AMT PAID

WHEN RECORDED, MAIL TO:

ATTN: Anthony J. Landis, P.E.
Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

(Space Above This Line For Recorder's Use Only)

**COVENANT TO RESTRICT USE OF PROPERTY
ENVIRONMENTAL RESTRICTION**

**MONTEREY PENINSULA COLLEGE – MUNITIONS AND EXPLOSIVES OF
CONCERN
FORT ORD REUSE AUTHORITY (FORA) EARLY TRANSFER PARCELS**

Re: This Covenant and Agreement (“Covenant”) is for a portion of the former Fort Ord consisting of non-contiguous Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2 (the “Property”). The Property is described in the Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (FOSET 5). Portions of the Property lie within one or more “Munitions Response Sites” (MRSs). The Property, described below and shown on Exhibit A, is within the jurisdictions of the County of Monterey, California (Parcels E19a.5, E21b.3, E39, E40, E41, E42, F1.7.2, and L23.2) and the City of Seaside, California (Parcel E38).

This Covenant is made by and among The United States of America acting by and through the United States Department of the Army (also referred to herein as the “Covenantor”), the current owner of the herein described real property located in the County of Monterey, State of California, shown on Exhibit A and described in Exhibit B, attached hereto and incorporated herein by this reference (the “Property”), and the State of California acting by and through the Department of Toxic Substances Control (“Department”).

CRUP – FOSET 5 (ESCA and OUCTP Parcels): MEC
Monterey Peninsula College Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, F1.7.2, and L23.2

The United States Environmental Protection Agency (U.S. EPA) placed Fort Ord on the National Priorities List (Superfund) in 1990. All of the former Fort Ord facility is subject to the requirements of the federal Comprehensive Environmental Compensation and Liability Act ("CERCLA"). The entire Property is undergoing the CERCLA remediation process, which will not be completed prior to transfer of the Property. Because the Covenantor intends to transfer this Property to the Fort Ord Reuse Authority ("FORA") prior to the end of the CERCLA remediation process, and FORA has agreed to receive the Property under those conditions, such transfer must be pursuant to the CERCLA Section 120(h)(3)(C) "early transfer process". CERCLA Section 120(h)(3)(A)(ii)(I) requires a separate federal deed covenant from the Covenantor warranting that all remedial action necessary to protect human health and the environment, with respect to any substances remaining on the Property, has been taken before the date of the transfer. The required covenant may be deferred when the federal deed or other agreements contain response action assurances, as specified in CERCLA Section 120(h)(3)(C)(ii)(I-IV), that:

1. Ensure the Property is suitable for the use intended by the transferee;
2. Use restrictions are in place to ensure the protection of human health and the environment;
3. Use restrictions will also ensure that transfer will not disrupt remedial activities; and
4. The federal deed or other agreements also contain an assurance from the Army that it will request adequate funds to address schedules for investigation and completion of all actions necessary to support the subsequent issuance of the required CERCLA 120(h)(3)(A)(ii)(I) covenant.

The Covenantor's statutory authority for transferring this Property is the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, Title XXIX), as amended. As a part of the early transfer, the Covenantor issued FOSET 5 on November 15, 2007.

Pursuant to California Civil Code Section 1471, the Department has determined this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence of hazardous materials, as defined in the California Health and Safety Code Section 25260(d).

The Covenantor and the Department, collectively referred to as the "Parties," hereby agree that the use of the Property will be restricted as set forth in this Covenant.

ARTICLE I

STATEMENT OF FACTS

1.01 The Property, consisting of nine (9) non-contiguous parcels and totaling approximately 546.529 acres, is more particularly depicted in Exhibit A and described in Exhibit B. The Property is located on the former Fort Ord, California and within the jurisdictions of the County of Monterey, California (Parcels E19a.5, E21b.3, E39, E40, E41, E42, F1.7.2, and L23.2) and the City of Seaside, California (Parcel E38). The Property is summarized in the table below.

Parcel Number	Acres	Name on Legal Description in Exhibit B	Intended Reuse
E19a.5	226.464	EDC Parcel E19a.5	Monterey Peninsula College Emergency Vehicles Operation Center
E21b.3	31.627	EDC Parcel E21b.3	Small Arms Range
E38	17.734	Parcel C, EDC Parcel 38	Habitat Reserve
E39	208.926	Parcel 1, EDC Parcels E39, E40, E41 & E42	Habitat Reserve
E40			Small Arms Range Extension
E41			Habitat Reserve
E42			Habitat Reserve
F1.7.2	51.206	PBC Parcel F1.7.2	Law Enforcement Tactical Training
L23.2	10.572	EDC Parcel L23.2	Habitat Reserve

1.02 The Property includes all or portions of several Munitions Response Sites (MRSs) that have been evaluated for the presence of Munitions and Explosives of Concern (MEC). Based on a review of existing records and available information, as described in FOSET 5, there is evidence MEC are or may be present on the Property.

1.03 The Army and FORA entered into an Environmental Services Cooperative Agreement (ESCA), effective March 30, 2007, under which the Army will provide funds for FORA to conduct all response actions for the Property and obtain regulatory closure, except for those responsibilities the Army has retained.

1.04 The remedial action will be conducted pursuant to the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA, and the Department, finalized on April 18, 2007. After all remedial actions are completed, the U.S. EPA, with consultation with the Department, will issue a Certificate of Completion.

1.05 The County adopted Ordinance No. 5012, entitled "Digging and Excavation on the Former Fort Ord" amending the County Code to add Chapter 16.10, which addresses the potential MEC risk by prohibiting excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit. A copy of County Code Chapter 16.10 is attached to this Covenant as Exhibit C.

1.06 The City adopted Ordinance No. 924, entitled "Digging and Excavation on the Former Fort Ord" amending the Municipal Code to add Chapter 15.34, which addresses the potential MEC risk by prohibiting excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit. A copy of Municipal Code Chapter 15.34 is attached to this Covenant as Exhibit D.

1.07 The Parties recommend reasonable and prudent precautions be taken when conducting intrusive operations, including providing the Army's MEC recognition and safety training, or equivalent, to any persons conducting such activities. In accordance with the Army's Fort Ord Munitions Response Site Security Program, dated April 2005, the Army offers MEC recognition

and safety training to any persons conducting intrusive activities on the former Fort Ord. This training includes identification of MEC that might be found, the safety and notification procedures to follow if suspected MEC is found, and the distribution and explanation of "Safety Alert" brochures.

1.08 The Fort Ord Reuse Plan land use concept for Parcels E19a.5, E21b.3, E38, E39, E40, E41, E42, and F1.7.2 does not include potential sensitive land uses, including residential, hospital, school or day care. Such uses are restricted as set forth in this Covenant.

1.09 The Fort Ord Reuse Plan land use concept for Parcel L23.2 includes a school/university. A public or private school for persons under the age of 21, except for post-secondary schools, is restricted as set forth in this Covenant.

1.10 Pursuant to FOSET 5, all buildings on Parcels E19a.5, E21b.3, E40, and F1.7.2, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property on which a residential dwelling was built prior to 1978 is notified that there is a risk of exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The FOSET provides that the federal deed include residential occupancy restrictions on these buildings until the Owner has performed, at its sole expense, the abatement required by all applicable federal, state and local laws pertaining to lead based paint and lead based paint hazards.

ARTICLE II

DEFINITIONS

2.01 AOC. "AOC" means the Administrative Order on Consent (AOC) for Cleanup of Portions of the Former Fort Ord between FORA, the U.S. EPA and the Department.

2.02 City. "City" means the City of Seaside.

2.03 County. "County" means the County of Monterey.

2.04 Covenantor. "Covenantor" means the United States of America acting through the Department of the Army.

2.05 Department. "Department" means the California Department of Toxic Substances Control and includes its successor agencies, if any.

2.06 FORA. "FORA" means the Fort Ord Reuse Authority and includes its successor entities, if any.

2.07 FOSET 5. "FOSET 5" means Finding of Suitability for Early Transfer, Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume).

2.08 Jurisdictions. “Jurisdictions” means the County of Monterey, the City of Del Rey Oaks, the City of Marina, the City of Monterey, the City of Seaside, California State University Monterey Bay, University of California Santa Cruz, and Monterey Peninsula College.

2.09 MEC. “MEC” means Munitions and Explosives of Concern, which are military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C., Section 101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C., Section 2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C., Section 2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord, MEC does not include small arms ammunition (i.e. ammunition without projectiles containing explosives, other than tracers, that is .50 caliber or smaller, or for shotguns).

2.10 MPC. “MPC” means Monterey Peninsula College.

2.11 Owner. “Owner” means the Covenantor’s successors in interest, and their successors in interest, including heirs and assigns, during their ownership of all or any portion of the Property.

2.12 Occupant. “Occupant” means Owners and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property after the Covenantor has conveyed the Property.

2.13 U.S. EPA. “U.S. EPA” means the United States Environmental Protection Agency.

ARTICLE III

GENERAL PROVISIONS

3.01 Restrictions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as “Restrictions”), subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Restriction: (a) runs with the land pursuant to Health and Safety Code Sections 25222.1, and 25355.5(a)(1)(c), and Civil Code Section 1471; (b) inures to the benefit of the Department and passes with each and every portion of Property; (c) is for the benefit of, and is enforceable by, the Department; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.02 Binding upon Owners/Occupants. Pursuant to Health and Safety Code Sections 25222.1 and 25355.5(a)(1)(C) and Civil Code Section 1471, this Covenant binds all Owners and Occupants of the Property, and their heirs, successors, and assignees, and their agents, employees, and lessees. Pursuant to Civil Code Section 1471, all successive Owners and Occupants of the Property are expressly bound hereby for the benefit of the Department.

3.03 Accompaniment to Deeds and Leases. This Covenant shall accompany all deeds and leases for any portion of the Property.

3.04 Conveyance of Property. The immediate past Owner shall notify the Department of the conveyance of the Property and the name and address of the new Owner within one year of such conveyance. This requirement will be deemed satisfied if the annual reporting agreed to for the Property in the Memorandum of Agreement (MOA) described in Paragraph 5.01 has been completed for the year the conveyance occurred. The Department shall not have, by reason of this Covenant, authority to approve, disapprove, or otherwise affect any proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

3.05 Costs of Administering this Covenant. The Department has incurred and will in the future incur costs associated with the administration of this Covenant. Pursuant to California Code of Regulations, title 22, section 67391.1(h), the Department's costs associated with the administration of this Covenant must be paid. The Department has entered into a Memorandum of Agreement (MOA) dated February 27, 2008 with FORA and the Jurisdictions to pay the Department's costs associated with Covenants at the former Fort Ord. The MOA provides that the Department's costs associated with administering this and other Covenants will be paid by FORA until FORA ceases to exist, and then by the County thereafter. Cost recovery may also be pursued by the Department under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law. Pursuant to the MOA, the Department will invoice FORA and the County for the Department's costs on a quarterly basis.

ARTICLE IV

RESTRICTIONS

4.01 Prohibited Uses Prior to Certification of Completion of Remedial Action under the AOC.

- (a) Except as provided below, Parcels E19a.5, E21b.3, and L23.2 shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC. This Restriction is not intended to limit use of existing public access roadways within the Property, including the limited use(s) associated with special events; provided that the use of roadways may be limited or restricted, as necessary, to provide the required minimum separation distance employed during intrusive MEC response actions, and in connection with prescribed burns that may be necessary for the purpose of MEC removal in adjacent areas.
- (b) Parcels E38, E39, E40, E41, and E42 shall not be used for any purposes other than activities associated with the investigation and remediation of MEC and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC.
 - (1) Unauthorized personnel shall not be allowed access to the Property.
 - (2) Personnel authorized to access the Property shall:
 - i. Be provided MEC recognition training and a briefing on the potential explosive hazards present;

- ii. Be either UXO qualified personnel or escorted by such personnel or by EOD personnel; and
 - iii. Coordinate with FORA's designated qualified Ordnance and Explosives Safety Specialist during activities on the Property.
- (c) Parcel F1.7.2 shall not be used for any purposes other than activities associated with the investigation and remediation of MEC, a facility for law enforcement tactical training (Military Operations on Urbanized Terrain (MOUT) training area), and installation of utilities and roadways until the U.S. EPA, in consultation with the Department, has certified the completion of remedial action in accordance with Section 58 of the AOC.
- (1) Unauthorized personnel shall not be allowed access to the Property.
 - (2) Personnel authorized to access the Property shall:
 - i. Be provided MEC recognition training and a briefing on the potential explosive hazards present;
 - ii. Be either UXO qualified personnel or escorted by such personnel or by EOD personnel; and
 - iii. Coordinate with FORA's designated qualified Ordnance and Explosives Safety Specialist during activities on the Property.

4.02 Prohibited Uses. Continuing until this Covenant is terminated pursuant to Paragraph 6.02 herein, the Property shall not be used for any of the following purposes:

- (a) A residence, including any condominium, mobile home or factory built housing, constructed or installed for residential habitation.
- (b) A hospital (other than a veterinary hospital);
- (c) A public or private school for persons under the age of 21, except for post-secondary schools; and
- (d) A day care center for children.

4.03 Prohibited Activities/Soil Management Requirements. Prior to or after certification of completion of remedial action under the AOC, activities (including soil disturbance) in violation of County Code Chapter 16.10 (Exhibit C) or Municipal Code Chapter 15.34 (Exhibit D), as modified, are prohibited.

4.04 Written Notice of Presence of MEC. Prior to the sale, lease, or sublease of the Property, or any portion thereof; or the execution of a license or easement on the Property, the owner, lessor, or sub-lessor shall give the buyer, lessee, or sub-lessee written notice that there is the potential for the presence of MEC in the soil of the Property.

4.05 Access. The Department, Covenantor, and their contractors and agents shall have reasonable right-of-entry and access to the Property for inspection, monitoring, testing, sampling and other activities consistent with the purposes of this Covenant as deemed necessary by the Department in order to protect the public health and safety or the environment and oversee any required activities.

ARTICLE V

IMPLEMENTATION AND ENFORCEMENT

5.01 Implementation. Owner shall submit an annual report detailing compliance with Article IV of this Covenant, including an annual inspection, and check of county and city records. The submission of an annual report containing this information, as outlined in the MOA by FORA and the Jurisdictions, shall satisfy this requirement.

5.02 Enforcement. Failure of the Owner or Occupant to comply with any of the Restrictions specifically applicable to it shall be grounds for the Department, by reason of this Covenant, to require that the Owner or Occupant modify or remove any improvements ("Improvements" herein shall include, but are not limited to, all buildings, roads, driveways, and paved parking areas, water wells, and surface impoundments) constructed or placed upon any portion of the Property in violation of this Covenant. Violation of this Covenant shall be grounds for the Department to file civil or criminal actions against the Owner or Occupant as provided by law.

ARTICLE VI

VARIANCE, TERMINATION AND TERM

6.01 Variance. The Covenantor, any Owner or, with the Owner's written consent, any Occupant of the Property, may apply to the Department for a written variance from the provisions of this Covenant. Such application shall be made in accordance with Health and Safety Code Section 25233. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment before any such variance is effective.

6.02 Termination. The Covenantor, any Owner and/or, with the Owner's written consent, any Occupant of the Property, or any portion thereof, may apply to the Department for a termination of the Restrictions or other terms of this Covenant as they apply to all or any portion of the Property. Such application shall be made in accordance with Health and Safety Code Section 25234. The Department shall allow the U.S. EPA and the Covenantor an opportunity to comment before any such termination is effective.

6.03 Term. Unless ended in accordance with the termination paragraph above, by law, or by the Department in the exercise of its discretion, this Covenant shall continue in perpetuity.

ARTICLE VII

MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication of the Property, or any portion thereof, to the general public or anyone else for any purpose whatsoever.

7.02 State of California References. All references to the State of California and the

Department include successor agencies/departments or other successor entity(ies) and delegated agencies.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey within ten (10) days of the Covenantor's receipt of a fully executed original and prior to transfer of the Property from the Department of the Army to another Owner.

7.04 Notices. Whenever any person gives or serves any Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served, or (2) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested:

To Covenantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008

To Department: Supervising Hazardous Substances Engineer II
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
Sacramento Office
8800 Cal Center Drive
Sacramento, CA 95826-3200

To U.S. EPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

To FORA: Executive Officer
Fort Ord Reuse Authority
100 12th Street
Marina, CA 93933-6006

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any provision of this Covenant is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

7.06 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

7.07 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

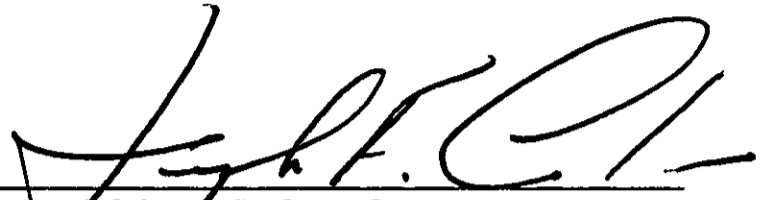
7.08 Statutory References. All statutory references include successor provisions.

7.09 Representative Authority. The undersigned representative of each party to this Covenant certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

{Signatures follow}

IN WITNESS WHEREOF, the GRANTOR has caused this Deed to be executed in its name by the Deputy Assistant Secretary of the Army for Installations and Housing (I&H), this the 19th day of MARCH 2009.

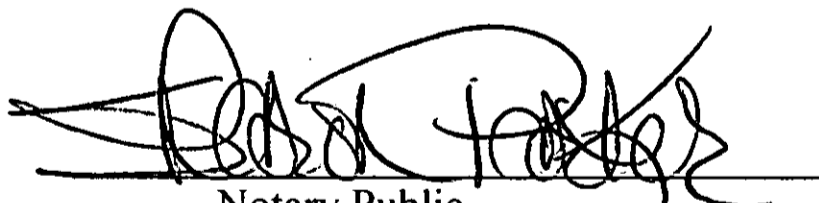
UNITED STATES OF AMERICA

By: 
JOSEPH F. CALCARA
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA(I&E)

NOTARIAL CERTIFICATE

COMMONWEALTH OF VIRGINIA)
) SS:
COUNTY OF ARLINGTON)

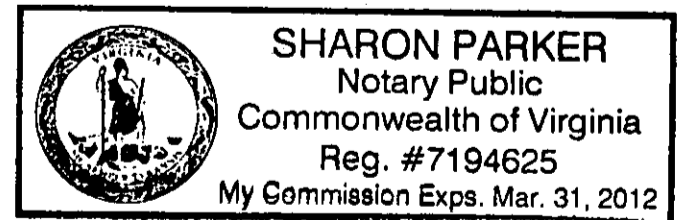
I, Sharon Parker, a Notary Public in and for the Commonwealth of Virginia, do hereby certify that this the 19 day of March, 2009, Joseph F. Calcara, Deputy Assistant Secretary of the Army (I&H), known to me or proven through satisfactory evidence of identity to be the person whose name is subscribed to the foregoing document, appeared in person and acknowledged before me that the signature on the document was voluntarily affixed by him for the purposes therein stated and that he had due authority to sign the document in the capacity therein stated.


Notary Public

Notary Registration No. 7194625



My commission expires the 31 day of March, 2012.



CRUP-FOSET 5 (ESCA and OUCIP Parcels): MEC
Monterey Peninsula College Parcels E19a.5, E21b.3, E38, E39, E40, E41,
E42, F1.7.2, and L23.2

NOTARY SEAL
GOVERNMENT CODE SECTION 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Kathleen C. Duncan

Commission Number ~~000~~ 1628225

Date of Commission Expires 12/9/09

Place of Execution Sacramento Date 4/27/09

Signed Debra Smith

EXHIBIT A

Plates showing the locations of the parcels to be restricted by this covenant and the locations of Munitions Response Sites.

EXHIBIT A

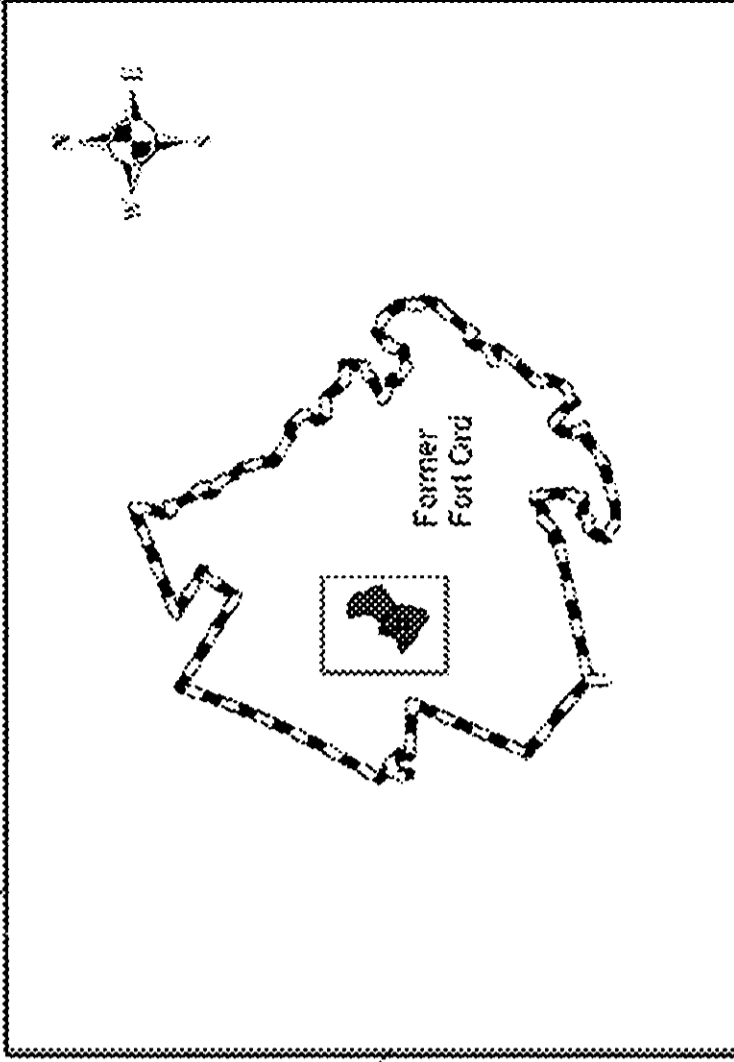
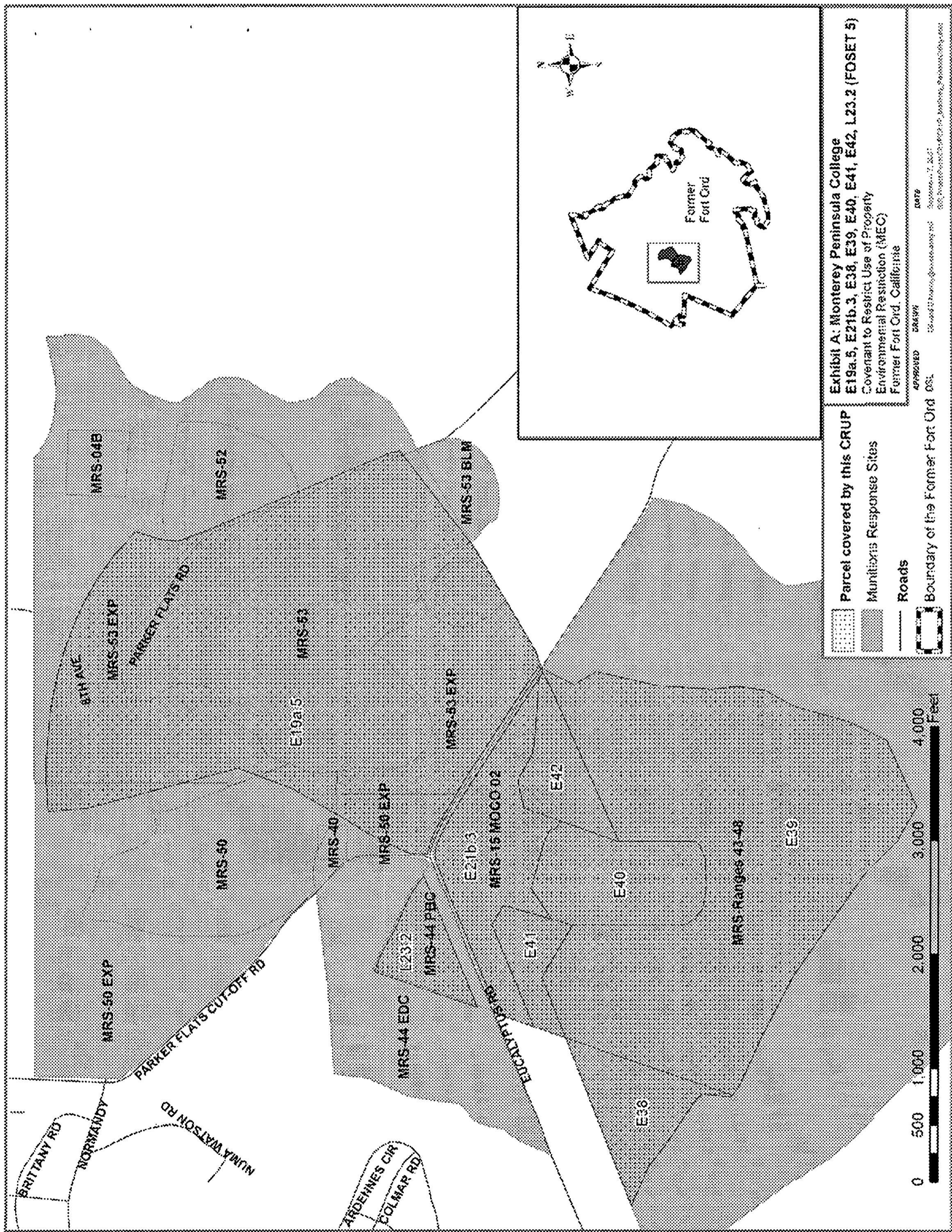
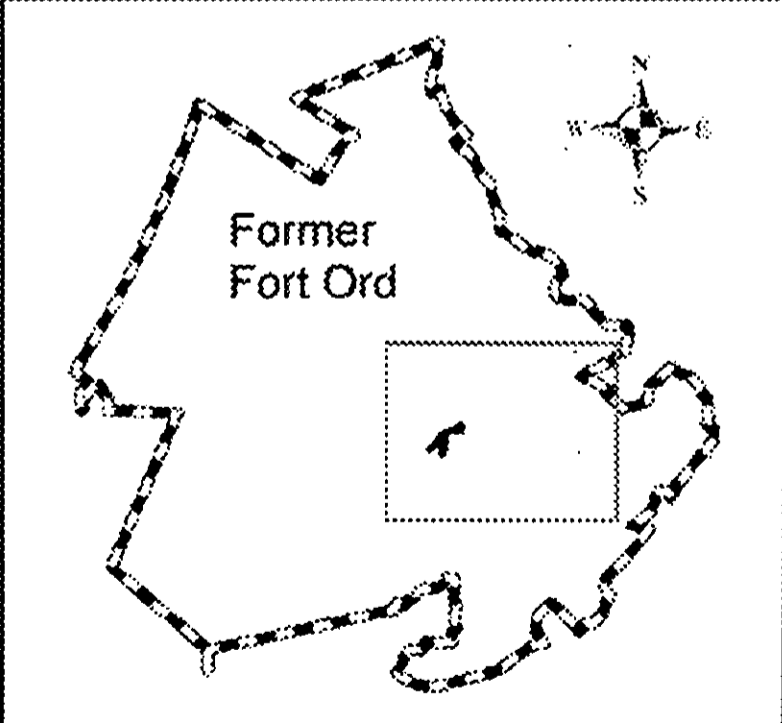
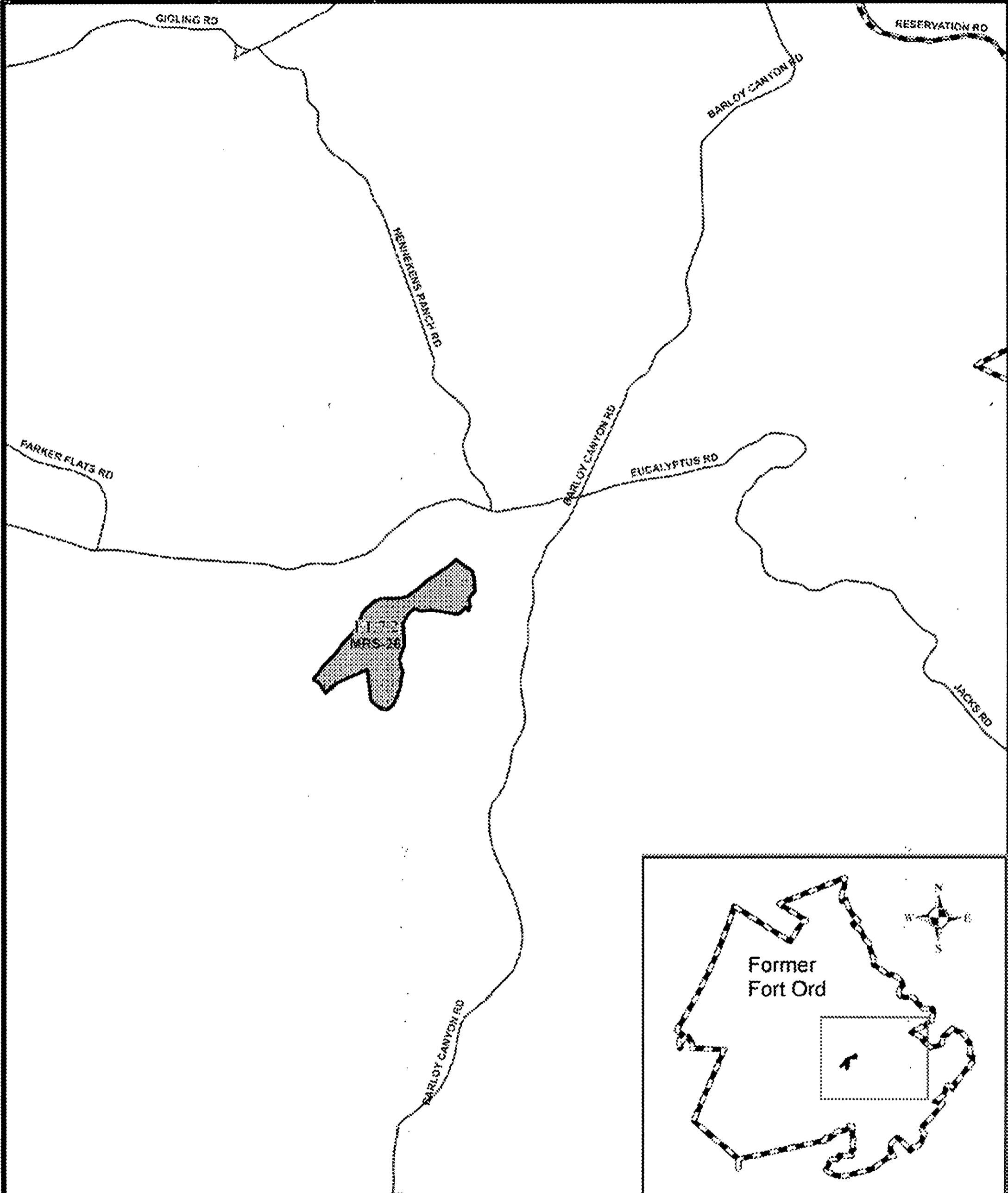


Exhibit A: Monterey Peninsula College
E19a.5, E21b.3, E38, E39, E40, E41, E42, L23.2 (FOSET 5)
 Covenant to Restrict Use of Property
 Environmental Restriction (MEC)
 Former Fort Ord, California

APPROVED: *[Signature]* DATE: *[Date]*
 DRAWN: *[Signature]* DATE: *[Date]*

- Parcel covered by this CRUP
- Munitions Response Sites
- Roads
- Boundary of the Former Fort Ord









-  Parcel covered by this CRUP
-  Munitions Response Sites
-  Roads
-  Boundary of the Former Fort Ord

Exhibit A: Monterey Peninsula College Parcel F1.7.2 (FOSET 5)
 Covenant to Restrict Use of Property - Environmental Restriction (MEC)
 Former Fort Ord, California

APPROVED	DRAWN	DATE	Feet				
CSL	Edward J. (Tony) @csul.edu	September 10, 2007	0	4,1000,200	16,400	24,800	32,800

S BOUNDARY ROAD

EXHIBIT B

Legal descriptions and records of survey of the parcels restricted by this covenant.

Notes to Exhibit B:

1. The Covenantor intends to transfer the parcels to the Fort Ord Reuse Authority (FORA).
2. FORA intends to transfer the parcels to Monterey Peninsula College.

EXHIBIT B

EDC Parcel E19a.5
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 15, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110, which bears North 71° 12' 11" East, 18.27 feet from a brass disk marked "BLM AP61D" at an angle point in said "Monterey County III", thence from said Point of Beginning, along the southerly boundary of said "Monterey County III"

1. North 71° 12' 11" East for a distance of 111.11 feet to a brass disk marked "BLM AP60D" at an angle point in said "Monterey County III"; thence continuing along the southerly boundary of said "Monterey County III"
2. North 59° 39' 37" East for a distance of 1,040.44 feet; thence leaving the southerly boundary of said "Monterey County III"
3. North 52° 52' 17" East for a distance of 1,103.36 feet to a 5/8" rebar with cap stamped LS 5321; thence
4. North 12° 53' 13" West for a distance of 90.03 feet to a 5/8" rebar with cap stamped LS 5321; thence
5. North 23° 03' 02" West for a distance of 1,755.77 feet to a 5/8" rebar with cap stamped LS 5321; thence
6. North 20° 08' 36" West for a distance of 268.73 feet to a 5/8" rebar with cap stamped LS 5321; thence
7. North 06° 42' 03" East for a distance of 153.53 feet to a 5/8" rebar with cap stamped LS 5321; thence
8. North 17° 38' 14" East for a distance of 226.03 to a 5/8" rebar with cap stamped LS 5321 feet; thence
9. North 48° 03' 46" West for a distance of 283.49 feet; thence

EDC Parcel E19a.5
FOSET 5
Fort Ord Military Reservation
Monterey County, California

10. North 55° 11' 28" West for a distance of 278.91 feet to a 5/8" rebar with cap stamped LS 5321; thence
11. North 62° 41' 36" West for a distance of 227.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
12. North 65° 01' 11" West for a distance of 250.60 feet; thence
13. North 71° 11' 51" West for a distance of 335.15 feet to a 5/8" rebar with cap stamped LS 5321; thence
14. North 79° 30' 16" West for a distance of 483.47 feet to a 5/8" rebar with cap stamped LS 5321; thence
15. North 84° 57' 11" West for a distance of 320.10 feet; thence
16. South 89° 14' 18" West for a distance of 321.74 feet to a 5/8" rebar with cap stamped LS 5321; thence
17. South 85° 32' 01" West for a distance of 169.80 feet; thence
18. South 04° 34' 26" East for a distance of 338.58 feet; thence
19. South 14° 47' 14" East for a distance of 1,369.35 feet; thence
20. South 20° 28' 20" West for a distance of 520.37 feet; thence
21. South 30° 46' 05" West for a distance of 753.57 feet; thence
22. South 25° 53' 24" West for a distance of 427.12 feet; thence
23. South 01° 39' 30" West for a distance of 156.63 feet to a nail and washer stamped LS 5321 on the northerly line of Eucalyptus Road, being Parcel 14, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along the northerly line of said Parcel 14
24. Along a non-tangent curve to the right, the center of which bears South 00° 33' 41" East, 280.00 feet, through a central angle of 17° 14' 41", having a radius of 280.00 feet, for a length of 84.27 feet, and whose long chord bears South 81° 56' 20" East for a distance of 83.96 feet to the beginning of a tangent compound curve; thence

EDC Parcel E19a.5
FOSET 5
Fort Ord Military Reservation
Monterey County, California

25. Along a curve to the right, through a central angle of $12^{\circ} 08' 00''$, having a radius of 830.00 feet, for a length of 175.77 feet, and whose long chord bears South $67^{\circ} 15' 00''$ East for a distance of 175.44 feet to the beginning of a compound tangent curve; thence
26. Along a curve to the right, through a central angle of $04^{\circ} 00' 00''$, having a radius of 10,030.00 feet, for a length of 700.23 feet, and whose long chord bears South $59^{\circ} 11' 00''$ East for a distance of 700.08 feet to a point of intersection with a tangent line; thence
27. South $57^{\circ} 11' 00''$ East for a distance of 948.60 feet to the beginning of a tangent curve; thence
28. Along a curve to the right, through a central angle of $00^{\circ} 18' 36''$, having a radius of 5,030.00 feet, for a length of 27.21 feet, and whose long chord bears South $57^{\circ} 01' 42''$ East for a distance of 27.22 feet to the common northerly corner of Parcels 14 and 15, as they are shown on that certain map recorded in Volume 20 of Surveys at Page 110, being also the beginning of a compound tangent curve; thence along the northerly boundary of said Parcel 15
29. Along a curve to the right, through a central angle of $00^{\circ} 14' 47''$, having a radius of 5,030.00 feet, for a length of 21.63 feet, and whose long chord bears South $56^{\circ} 45' 01''$ East for a distance of 21.62 feet to the POINT OF BEGINNING.

Containing an area of 226.464 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT OF EDC Parcel E19a.5,
Lying Within "MONTEREY COUNTY III"
as shown on Vol. 23 of Surveys at Page 105
MONTEREY COUNTY,
CALIFORNIA

SEASIDE
IV-A
23
SURVEYS
99

City of Seaside
Monterey County

Parcel D
EDC PARCELS
E18.1.2, E19a.1,
E19a.2, E19a.3,
& E19a.4

MONTEREY
COUNTY III
23
SURVEYS
105



Parcel B
EDC Parcel
E19a.5
226.464 Acres

Parcel A
EDC PARCEL
E21b.3

Parcel C
EDC PARCEL L20.18
Eucalyptus Road
Parcel 14
20 Surveys 110

Vol. 1
Surveys
Pg. 1

POB
Parcel 15
20 Surveys 110

PREPARED BY:

POLARIS CONSULTING

P. O. BOX 1378

CARMEL VALLEY, CA 93924

SCALE: 1" = 600' VIEW: E19.a5 DATE: 10-26-2007

FILE NAME: FORA FOSET 5 MPC2.DWG 26114



SCALE IN FEET

EDC Parcel E21.b3
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North 18° 59' 35" East (shown on said map as North 18° 59' 46" East), 298.42 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, along said common boundary

1. North 18° 59' 35" East for a distance of 325.58 feet to a point on the southerly boundary line of Eucalyptus Road, being Parcel 14, as it is shown on that certain map recorded in Volume 20 of Surveys at Page 110; thence along said southerly boundary line
2. North 67° 40' 00" East for a distance of 1,051.60 feet (shown on said map as 1028.50 feet) to the beginning of a tangent curve; thence
3. Along a curve to the right, through a central angle of 00° 58' 00", having a radius of 9,970.00 feet, for an arc length of 168.21 feet, and whose long chord bears North 68° 09' 00" East for a distance of 168.21 feet to a point of intersection with a tangent line; thence
4. North 68° 38' 00" East for a distance of 211.78 feet to the beginning of a tangent curve; thence
5. Along a curve to the right, through a central angle of 38° 03' 00", having a radius of 220.00 feet, for an arc length of 146.10 feet, and whose long chord bears North 87° 39' 30" East for a distance of 143.43 feet to the beginning of a tangent curve; thence
6. Along a compound curve to the right through a central angle of 12° 08' 00", having a radius of 770.00 feet, for an arc length of 163.06 feet, and whose long chord bears South 67° 15' 00" East for a distance of 162.76 feet to the beginning of a tangent curve; thence
7. Along a compound curve to the right, through a central angle of 04° 00' 00", having a radius of 9,970.00 feet, for an arc length of 696.04 feet, and whose long chord bears South 59° 11' 00" East for a distance of 695.90 feet to a point of intersection with a tangent line; thence

EDC Parcel E21.b3
FOSET 5
Fort Ord Military Reservation
Monterey County, California

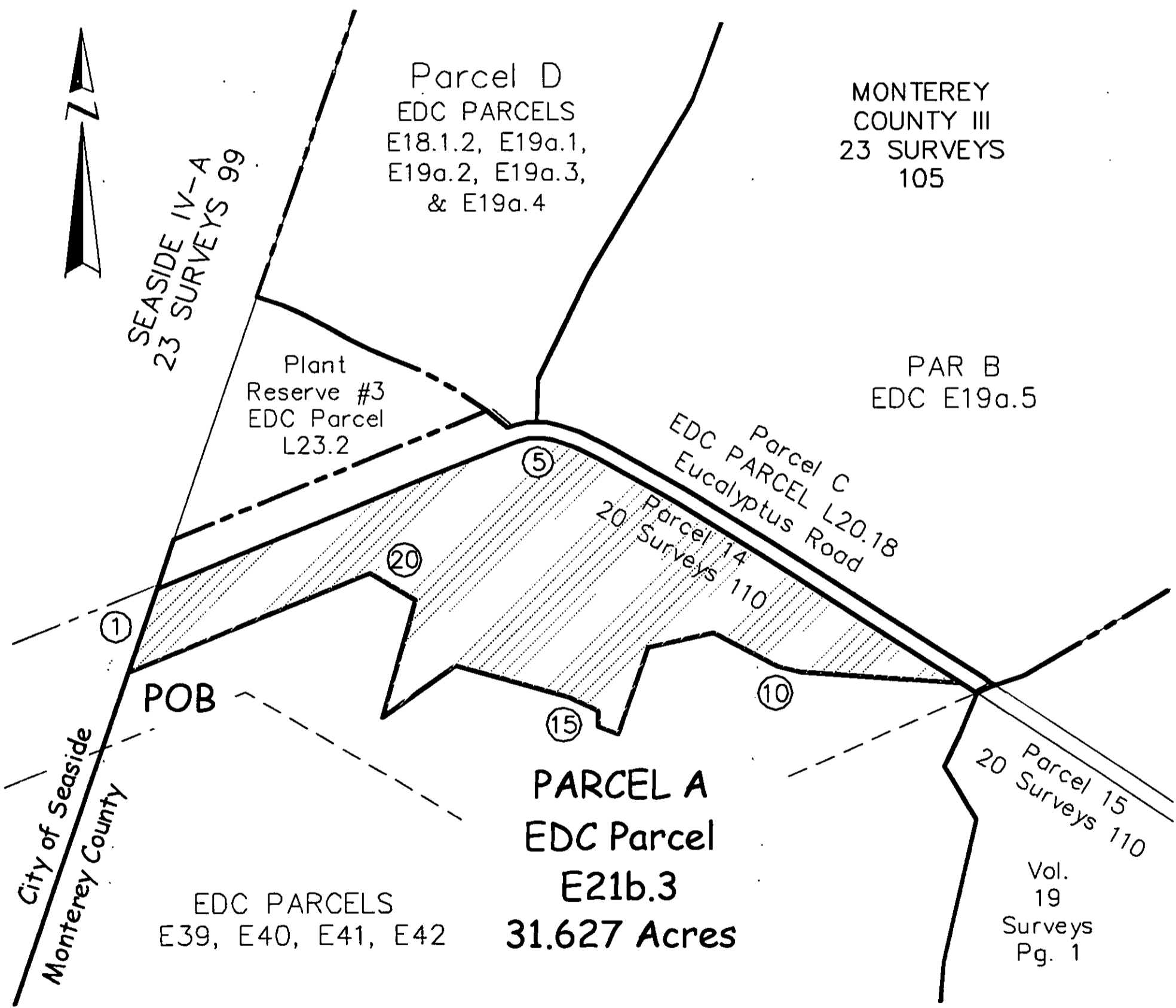
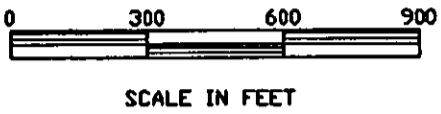
8. South 57° 11' 00" East for a distance of 889.89 feet to the northerly boundary of EDC Parcels E39, E40, E41, & E42; thence leaving said southerly boundary line and following along said northerly boundary line
9. North 85° 51' 38" West for a distance of 595.99 feet; thence
10. North 76° 37' 26" West for a distance of 86.38 feet; thence
11. North 61° 54' 12" West for a distance of 267.56 feet; thence
12. South 77° 05' 31" West for a distance of 246.21 feet; thence
13. South 19° 14' 23" West for a distance of 336.79 feet; thence
14. North 68° 47' 10" West for a distance of 77.24 feet; thence
15. North 01° 56' 56" West for a distance of 59.05 feet; thence
16. North 65° 07' 58" West for a distance of 118.98 feet; thence
17. North 74° 05' 58" West for a distance of 430.52 feet; thence
18. South 54° 47' 09" West for a distance of 332.90 feet; thence
19. North 15° 42' 12" East for a distance of 450.85 feet; thence
20. North 59° 15' 04" West for a distance of 195.50 feet; thence
21. South 67° 46' 14" West for a distance of 963.07 feet to the POINT OF BEGINNING.

Containing an area of 31.627 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

**EXHIBIT OF EDC Parcel E21b.3,
Lying Within "MONTEREY COUNTY III"
as shown on Vol. 23 of Surveys at Page 105
MONTEREY COUNTY,
CALIFORNIA**



PREPARED BY:
POLARIS CONSULTING
P. O. BOX 1378
CARMEL VALLEY, CA 93924

SCALE: 1" = 600' VIEW: E21b.3 DATE: 10-26-2007
FILE NAME: FORA FOSET 5 MPC2.DWG 26114

Parcel C
EDC Parcel E38
FOSET 5
City of Seaside
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE within a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at the most southerly corner common to Parcel 1, "Seaside IV-A" as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99 and "Monterey County III", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, thence from said Point of Beginning along an extension southerly of the common boundary of said "Seaside IV-A" and "Monterey County III"

1. South 18° 59' 46" West a distance of 1549.04 feet; thence leaving said extended boundary
2. North 52° 57' 06" West for a distance of 20.33 feet; thence
3. North 05° 40' 08" East for a distance of 253.17 feet; thence
4. North 44° 56' 58" West for a distance of 103.26 feet; thence
5. North 56° 33' 32" West for a distance of 459.02 feet; thence
6. North 52° 21' 41" West for a distance of 226.05 feet; thence
7. North 66° 14' 49" West for a distance of 383.36 feet to a point on the southeasterly boundary of said "Seaside IV-A"; thence along said boundary
8. North 68° 33' 01" East for a distance of 1591.54 feet to the POINT OF BEGINNING.

Containing an area of 17.734 acres, more or less.

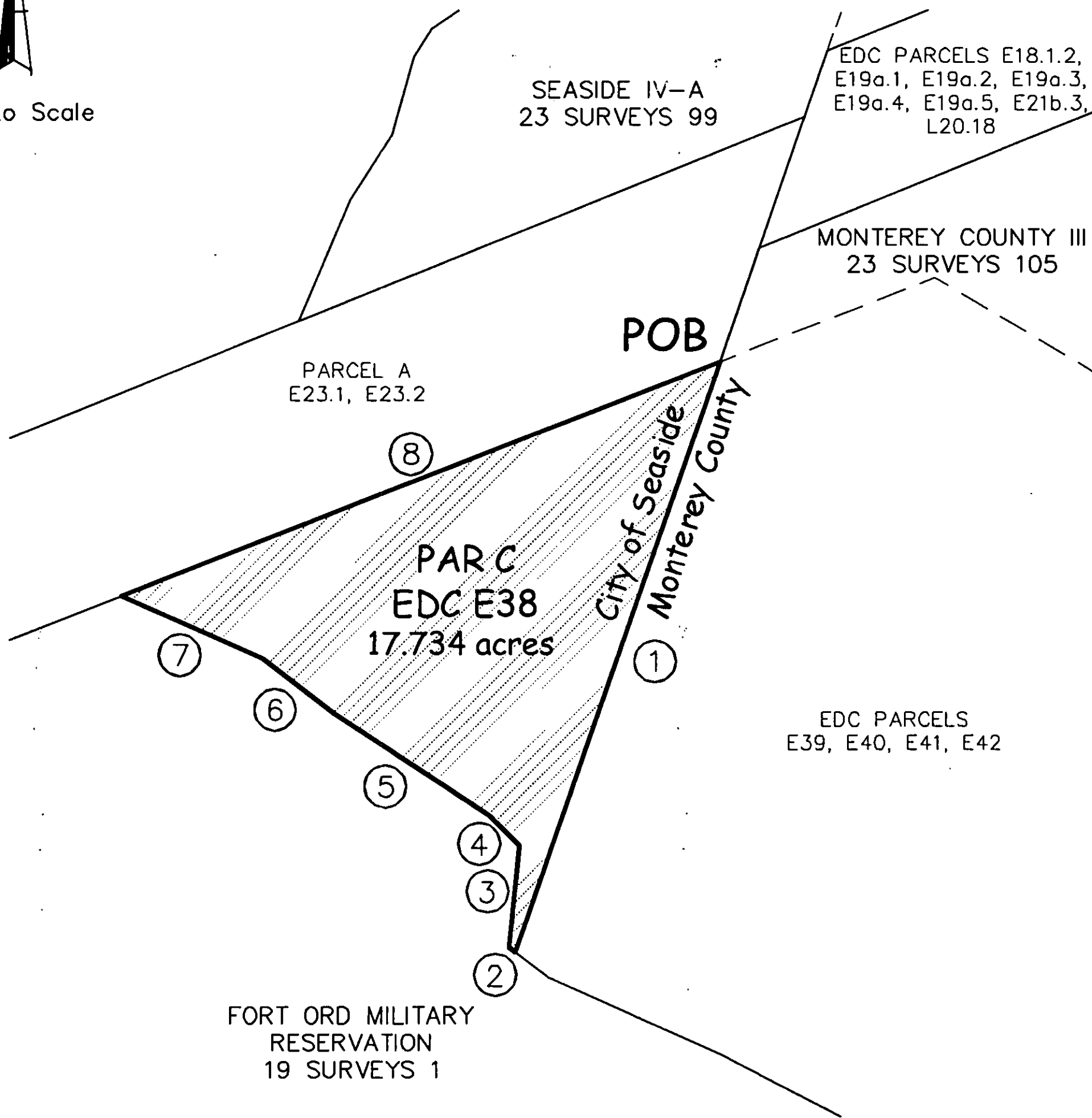
This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT
of
Parcel C
EDC Parcel E38
Fort Ord FOSET 5
City of Seaside Jurisdiction
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Not to Scale



Note: Course Numbers Refer to the
Legal Description.

Parcel 1
EDC Parcels E39, E40, E41 & E42
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of "Monterey County III (Parker Flats)," as it is shown on that certain map recorded in Volume 23 of Surveys at Page 105, being also a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point on the common boundary of said "Monterey County III" and Parcel 1, "Seaside IV-A", as it is shown on that certain map recorded in Volume 23 of Surveys at Page 99, which bears North 18° 59' 46" East, 298.43 feet from the common southerly corner of said "Monterey County III" and Parcel 1, "Seaside IV-A", thence from said Point of Beginning, leaving said common boundary

1. North 67° 46' 14" East for a distance of 963.05 feet; thence
2. South 59° 15' 04" East for a distance of 195.50 feet; thence
3. South 15° 42' 12" West for a distance of 450.85 feet; thence
4. North 54° 47' 09" East for a distance of 332.90 feet; thence
5. South 74° 05' 58" East for a distance of 430.52 feet; thence
6. South 65° 07' 58" East for a distance of 118.98 feet; thence
7. South 01° 56' 56" East for a distance of 59.05 feet; thence
8. South 68° 47' 10" East for a distance of 77.24 feet; thence
9. North 19° 14' 23" East for a distance of 336.79 feet; thence
10. North 77° 05' 31" East for a distance of 246.21 feet; thence
11. South 61° 54' 12" East for a distance of 267.56 feet; thence
12. South 76° 37' 26" East for a distance of 86.38 feet; thence
13. South 85° 51' 38" East for a distance of 595.51 feet; thence

Parcel 1
EDC Parcels E39, E40, E41 & E42
FOSET 5
Fort Ord Military Reservation
Monterey County, California

14. South 57° 12' 02" West for a distance of 53.54 feet; thence
15. North 61° 55' 39" West for a distance of 34.00 feet; thence
16. South 53° 58' 21" East for a distance of 15.32 feet to a point on the boundary of said "Monterey County III" from which an angle point in said boundary bears North 66° 03' 27" East 19.66 feet; thence leaving said boundary
17. South 29° 37' 25" West for a distance of 190.95 feet; thence
18. South 24° 52' 08" West for a distance of 132.40 feet; thence
19. South 30° 53' 24" East for a distance of 225.90 feet; thence
20. South 13° 06' 23" West for a distance of 543.13 feet; thence
21. South 04° 07' 20" West for a distance of 483.32 feet; thence
22. South 06° 31' 33" East for a distance of 230.52 feet; thence
23. South 08° 45' 20" West for a distance of 241.64 feet; thence
24. South 29° 03' 59" West for a distance of 280.62 feet; thence
25. South 15° 38' 15" West for a distance of 515.65 feet; thence
26. South 26° 54' 57" West for a distance of 367.63 feet; thence
27. South 65° 46' 16" West for a distance of 641.08 feet; thence
28. North 60° 00' 53" West for a distance of 350.01 feet; thence
29. North 44° 43' 48" West for a distance of 368.70 feet; thence
30. North 55° 02' 55" West for a distance of 1130.89 feet; thence
31. North 62° 22' 55" West for a distance of 600.00 feet; thence
32. North 65° 56' 29" West for a distance of 467.91 feet; thence

Parcel 1
EDC Parcels E39, E40, E41 & E42
FOSET 5
Fort Ord Military Reservation
Monterey County, California

33. North 52° 57' 06" West a distance of 102.50 feet to a point on the City of Seaside Corporate Boundary line; thence along said boundary line

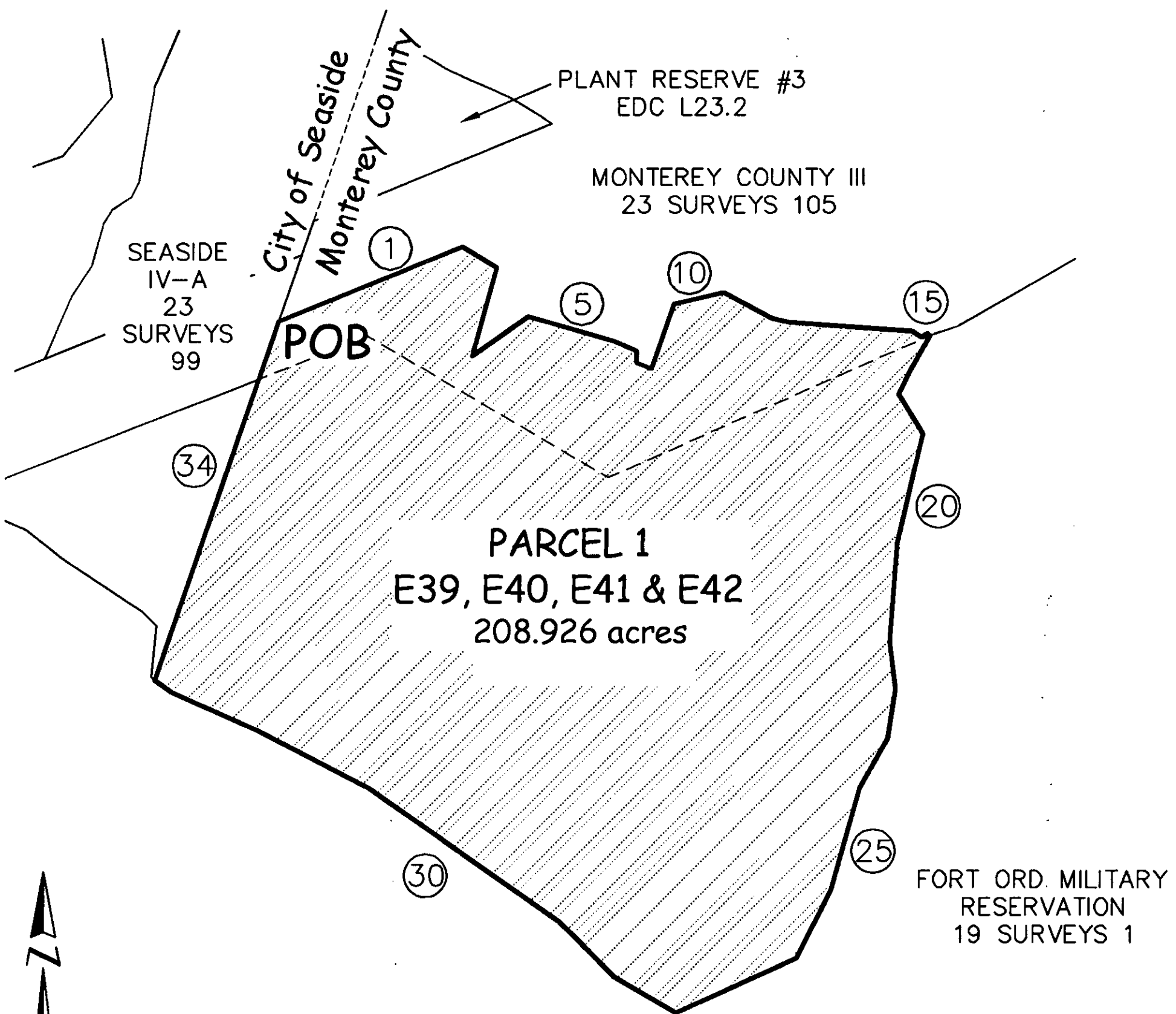
34. North 18° 59' 46" East for a distance of 1847.47 feet to the POINT OF BEGINNING

Containing an area of 208.926 acres, more or less.

This legal description was prepared by

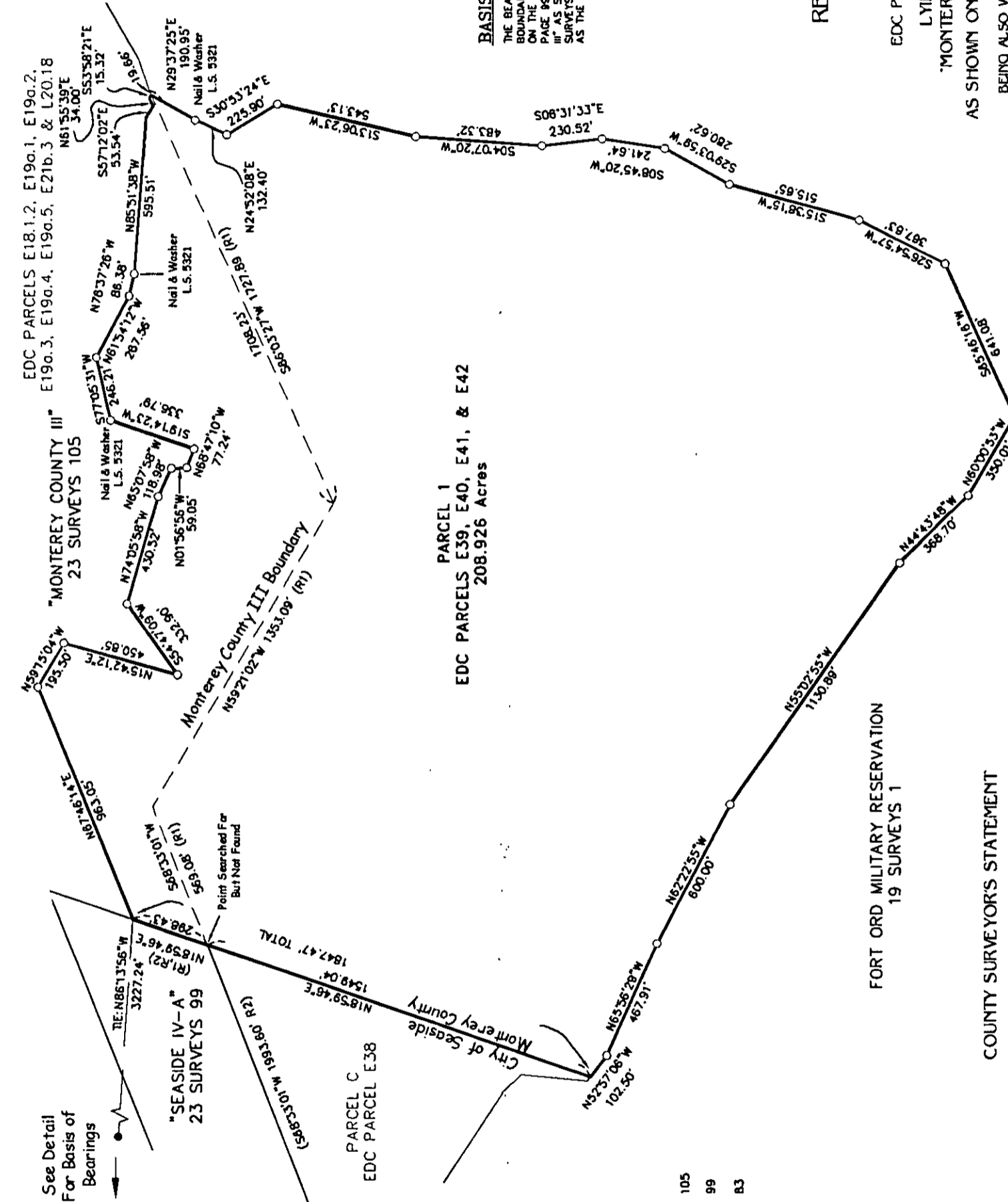
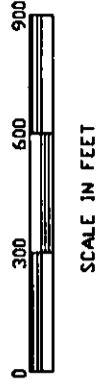
Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

EXHIBIT
of
Parcel 1
EDC Parcels E39, E40, E41, & E42
Fort Ord FOSET 5
Being a Portion of
"Monterey County III (Parker Flats)" as shown on Vol. 23 of Surveys at Page 105 and
Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Not to Scale

Note: Course Numbers Refer to the
Legal Description.



BASIS OF BEARINGS

THE BEARING OF S14°23'43"E ALONG THE WESTERLY BOUNDARY LINE OF PARCEL 1, "SEASIDE IV-A" AS SHOWN ON THE MAP RECORDED IN VOLUME 23 OF SURVEYS AT PAGE 99 AND THE EASTERLY BOUNDARY LINE OF "SEASIDE III" AS SHOWN ON THE MAP RECORDED IN VOLUME 23 OF SURVEYS AT PAGE 83, AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

NOTE

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

RECORD OF SURVEY

OF PARCEL 1

EDC PARCELS E39, E40, E41, & E42

LYING WITHIN A PORTION OF

"MONTEREY COUNTY III (PARKER FLATS)"

AS SHOWN ON VOL. 23 OF SURVEYS AT PAGE 105,

BEING ALSO WITHIN FORT ORD MILITARY RESERVATION

AS SHOWN ON VOL. 19 OF SURVEYS AT PAGE 1,

BEING ALSO WITHIN MONTEREY COUNTY LANDS TRACT NO. 1

MONTEREY COUNTY, CALIFORNIA

PREPARED FOR: FORT ORD REUSE AUTHORITY

SURVEYED BY: POLARIS CONSULTING

P. O. BOX 1378

CARMEL VALLEY, CA 93924

831-659-9564

SCALE: 1" = 300' VIEW: RGS PAR 1 DATE: APRIL 6, 2007

FILE NAME: FORA F05ET 5 E39D.W6 SHEET ONE OF ONE

PARCEL 1
EDC PARCELS E39, E40, E41, & E42
208.926 Acres

"MONTEREY COUNTY III"
23 SURVEYS 105

"SEASIDE IV-A"
23 SURVEYS 99

FORT ORD MILITARY RESERVATION
19 SURVEYS 1

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8786 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS DAY OF _____ 2007.

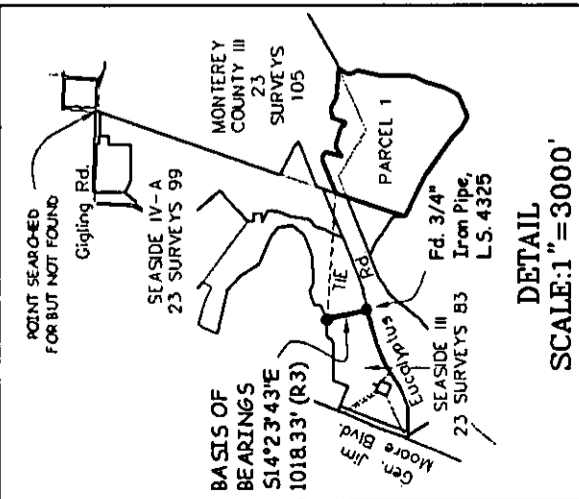
BY: JERRY COMBS
DEPUTY COUNTY SURVEYOR

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____ 2007
AT _____ IN VOLUME _____ OF
SURVEYS AT PAGE _____ AT THE REQUEST OF
LYNN A. KOVACH

BY: _____ DEPUTY
COUNTY RECORDER

SERIAL NO. _____ FEE: \$ _____



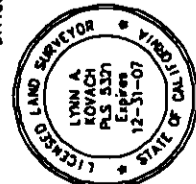
LEGEND

- SET 5/8" IRON ROD TAGGED L.S. 5321 UNLESS NOTED OTHERWISE
- FOUND 1" IRON PIPE TAGGED R.C.E. 15310 UNLESS NOTED OTHERWISE
- R1 RECORD DATA PER VOL. 23 - SURVEYS - PG. 105
- R2 RECORD DATA PER VOL. 23 - SURVEYS - PG. 99
- R3 RECORD DATA PER VOL. 23 - SURVEYS - PG. 83

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF FORA, IN SEPTEMBER, 2006.

DATED: _____
LYNN A. KOVACH
L.S. 5321
MY REGISTRATION EXPIRES
DECEMBER 31, 2007



PBC Parcel F1.7.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at a point from which Monument No. 1, a granite monument marked "NB4A", on the Perimeter Boundary of the former Fort Ord Military Reservation, as it is shown on that certain map recorded in Vol. 19 of Surveys at Page 1, bears North $81^{\circ} 45' 31''$ West a distance of 17,968.22 feet; thence from said Point of Beginning

1. North $40^{\circ} 13' 06''$ East for a distance of 287.87 feet; thence
2. North $43^{\circ} 01' 43''$ East for a distance of 227.34 feet; thence
3. North $37^{\circ} 15' 12''$ East for a distance of 267.60 feet; thence
4. North $41^{\circ} 10' 12''$ East for a distance of 332.51 feet; thence
5. North $23^{\circ} 20' 24''$ East for a distance of 275.58 feet to the beginning of a tangent curve; thence
6. Along a curve to the right, through a central angle of $64^{\circ} 24' 10''$, having a radius of 419.00 feet, for an arc length of 470.97 feet, and whose long chord bears North $55^{\circ} 32' 29''$ East for a distance of 446.57 feet to a point of intersection with a tangent line; thence
7. North $87^{\circ} 44' 34''$ East for a distance of 14.60 feet; thence
8. North $89^{\circ} 46' 29''$ East for a distance of 180.02 feet to the beginning of a tangent curve; thence
9. Along a curve to the left, through a central angle of $37^{\circ} 50' 30''$, having a radius of 461.00 feet, for an arc length of 304.47 feet, and whose long chord bears North $70^{\circ} 51' 14''$ East for a distance of 298.97 feet to a point of intersection with a tangent line; thence
10. North $51^{\circ} 55' 59''$ East for a distance of 7.01 feet; thence
11. North $50^{\circ} 32' 05''$ East for a distance of 326.64 feet; thence
12. North $54^{\circ} 38' 14''$ East for a distance of 396.86 feet; thence
13. North $50^{\circ} 59' 24''$ East for a distance of 196.40 feet; thence

PBC Parcel F1.7.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

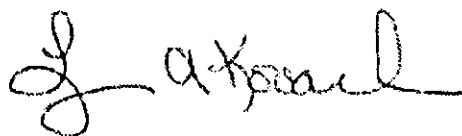
14. South 51° 23' 11" East for a distance of 331.15 feet; thence
15. South 06° 55' 36" East for a distance of 339.39 feet; thence
16. South 40° 05' 20" West for a distance of 166.04 feet; thence
17. South 15° 48' 13" East for a distance of 55.07 feet; thence
18. South 07° 42' 13" East for a distance of 81.71 feet; thence
19. South 26° 30' 43" West for a distance of 71.55 feet; thence
20. North 29° 46' 55" West for a distance of 64.55 feet; thence
21. South 46° 01' 07" West for a distance of 154.19 feet; thence
22. South 72° 19' 25" West for a distance of 52.51 feet; thence
23. North 79° 01' 05" West for a distance of 409.46 feet; thence
24. South 83° 05' 59" West for a distance of 208.51 feet; thence
25. North 43° 19' 16" West for a distance of 19.17 feet to the beginning of a tangent curve;
thence
26. Along a curve to the left, through a central angle of 104° 56' 60", having a radius of 100.00 feet, for an arc length of 183.17 feet, and whose long chord bears South 84° 12' 14" West for a distance of 158.62 feet to a point of intersection with a tangent line; thence
27. South 31° 43' 44" West for a distance of 224.42 feet; thence
28. South 02° 31' 11" East for a distance of 385.38 feet; thence
29. South 19° 01' 30" West for a distance of 248.61 feet; thence
30. South 14° 39' 17" East for a distance of 229.41 feet; thence
31. South 23° 50' 00" West for a distance of 37.21 feet; thence
32. South 08° 29' 01" West for a distance of 230.50 feet; thence
33. South 18° 40' 02" West for a distance of 156.18 feet; thence

PBC Parcel F1.7.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

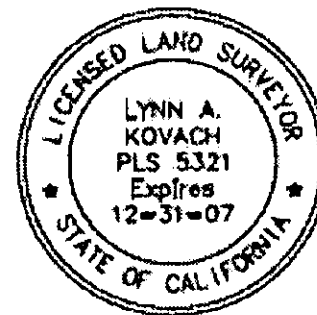
34. South 24° 51' 08" West for a distance of 152.10 feet to the beginning of a tangent curve; thence
35. Along a curve to the right, through a central angle of 120° 15' 38", having a radius of 153.00 feet, for an arc length of 321.14 feet, and whose long chord bears South 84° 58' 57" West for a distance of 265.35 feet to a point of intersection with a tangent line; thence
36. North 34° 53' 14" West for a distance of 22.16 feet; thence
37. North 47° 09' 19" West for a distance of 130.89 feet; thence
38. North 06° 16' 21" West for a distance of 522.12 feet; thence
39. South 66° 30' 03" West for a distance of 544.15 feet; thence
40. South 46° 52' 48" West for a distance of 256.14 feet; thence
41. North 37° 32' 29" West for a distance of 201.82 feet; thence
42. North 52° 34' 51" West a distance of 123.44 feet to the POINT OF BEGINNING.

Containing an area of 51.206 acres, more or less.

This legal description was prepared by



Lynn A. Kovach L.S. 5321
My license expires December 31, 2007



EXHIBIT

of

PBC Parcel F1.7.2

Fort Ord FOSET 5

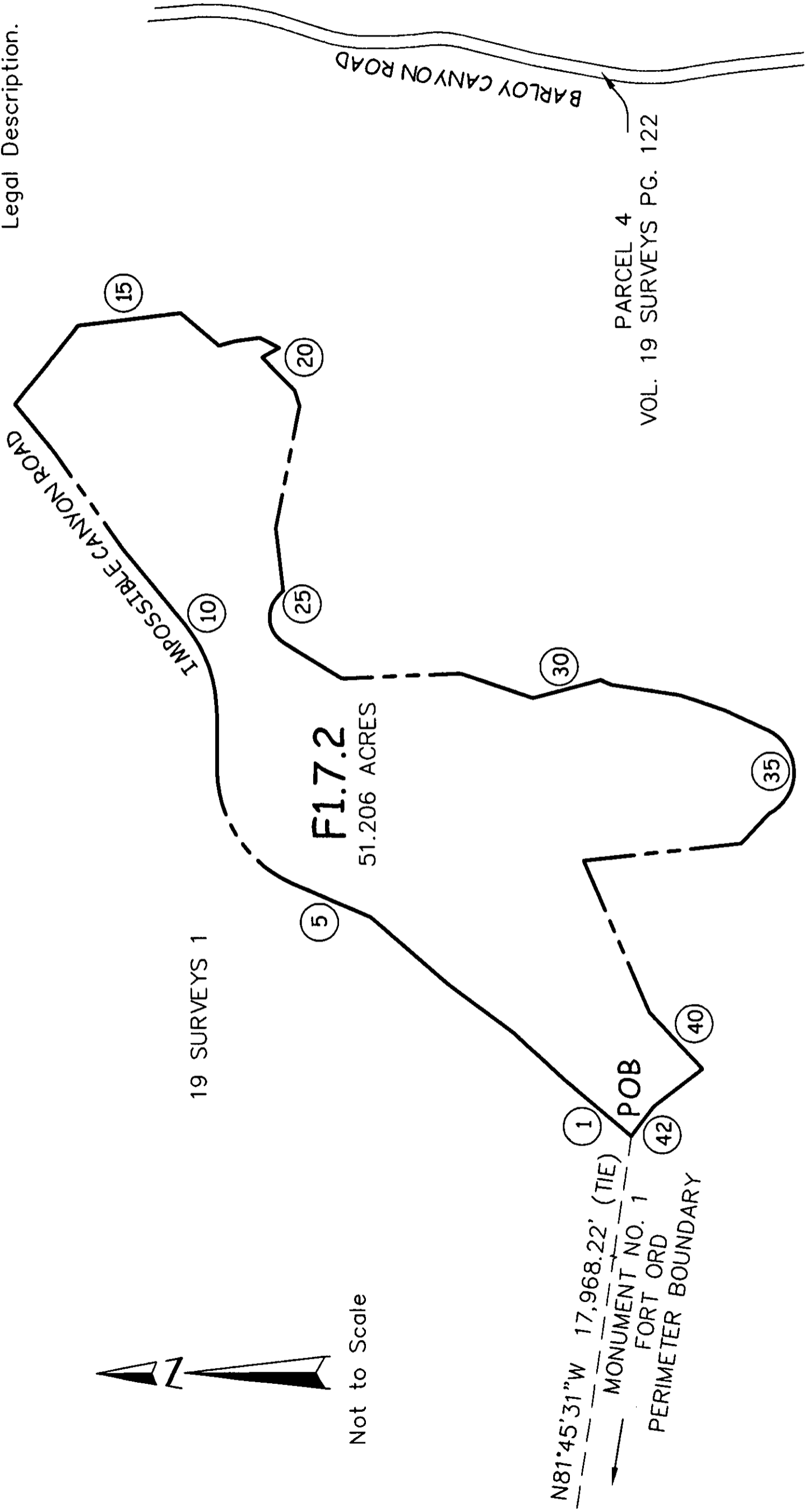
Lying within the Fort Ord Military Reservation

as shown on Vol. 19 of Surveys at Page 1

Being also within Monterey City Lands Tract No. 1

Monterey County, California

Note: Course Numbers Refer to the
Legal Description.



Not to Scale

N81°45'31"W 17,968.22' (TIE)
MONUMENT NO. 1
FORT ORD
PERIMETER BOUNDARY

19 SURVEYS 1

F1.7.2
51.206 ACRES

IMPOSSIBLE CANYON ROAD

BARLOY CANYON ROAD

PARCEL 4
VOL. 19 SURVEYS PG. 122

BASIS OF BEARINGS

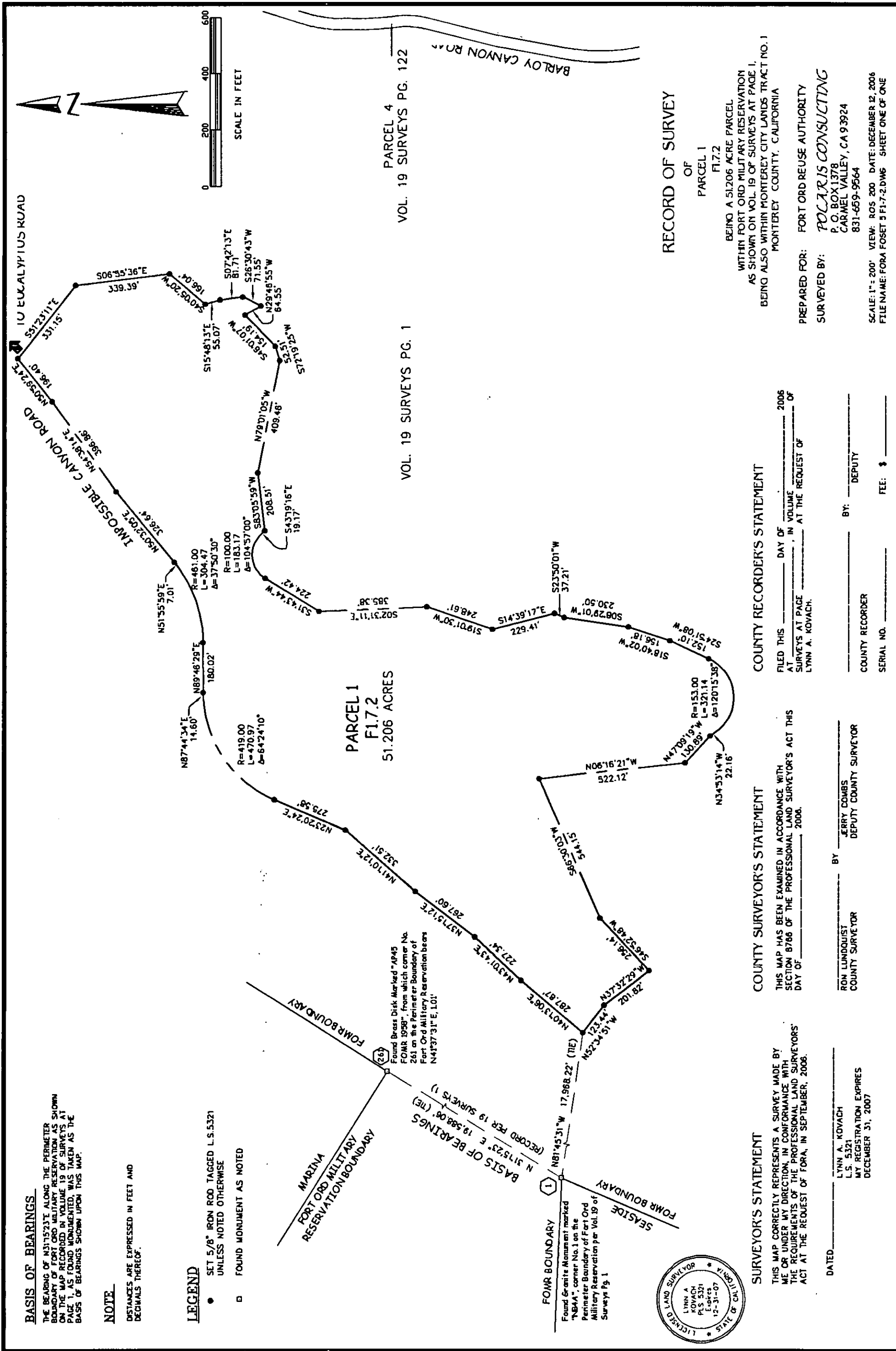
THE BEARING OF N31°15'23"E ALONG THE PERIMETER BOUNDARY OF FORT ORD MILITARY RESERVATION AS SHOWN ON THE MAP RECORDED IN VOLUME 19 OF SURVEYS AT PAGE 1, AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

NOTE

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

LEGEND

- SET 5/8" IRON ROD TAGGED L.S. 5321 UNLESS NOTED OTHERWISE
- FOUND MONUMENT AS NOTED



SURVEYOR'S STATEMENT
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF FORA, IN SEPTEMBER, 2008.

DATED _____ BY LYNN A. KOVACH
 L.S. 5321
 MY REGISTRATION EXPIRES
 DECEMBER 31, 2007

COUNTY SURVEYOR'S STATEMENT
 THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT THIS DAY OF _____ 2008.

BY RON LUNDQUIST
 COUNTY SURVEYOR
 DEPUTY COUNTY SURVEYOR
JERRY COMBS
 DEPUTY COUNTY SURVEYOR

COUNTY RECORDER'S STATEMENT
 FILED THIS _____ DAY OF _____ 2008
 AT _____ IN VOLUME _____ OF
 SURVEYS AT PAGE _____ AT THE REQUEST OF
 LYNN A. KOVACH.

COUNTY RECORDER _____ BY _____ DEPUTY
 SERIAL NO. _____ FEE: \$ _____

RECORD OF SURVEY
 OF
 PARCEL 1
 F1.7.2

BEING A 51206 ACRE PARCEL
 WITHIN FORT ORD MILITARY RESERVATION
 AS SHOWN ON VOL. 19 OF SURVEYS AT PAGE 1,
 BEING ALSO WITHIN MONTEREY CITY LANDS TRACT NO. 1
 MONTEREY COUNTY, CALIFORNIA

PREPARED FOR: FORT ORD REUSE AUTHORITY
 SURVEYED BY: **POLARIS CONSULTING**
 P. O. BOX 1378
 CARMEL VALLEY, CA 93924
 831-659-9564

SCALE: 1" = 200' VIEW: ROS 200 DATE: DECEMBER 12, 2006
 FILE NAME: FORA_F05ET_5_F1-7-2.DWG SHEET ONE OF ONE

VOL. 19 SURVEYS PG. 1
 VOL. 19 SURVEYS PG. 122
 PARCEL 4

EDC Parcel L23.2
FOSET 5
Fort Ord Military Reservation
Monterey County, California

Legal Description

SITUATE in a portion of the former Fort Ord Military Reservation as it is shown on that certain map recorded in Volume 19 of Surveys at Page 1, Official Records of Monterey County, being within Monterey City Lands Tract No. 1, County of Monterey, State of California; being more particularly described as follows:

BEGINNING at an angle point on the westerly boundary of "Monterey County III" as shown on that certain map recorded in Volume 23 of Surveys at Page 105, from which the most southerly corner common to said "Monterey County III" and "Seaside IV-A" as it is shown on Volume 23 of Surveys at Page 99 bears South 18° 59' 46" West a distance of 817.41 feet; thence from said Point of Beginning leaving said westerly boundary

1. North 18° 59' 46" East for a distance of 949.84 feet to the beginning of a non-tangential curve, point also being an angle point on said westerly boundary of "Monterey County III"; thence following said westerly boundary
2. Along a curve to the right, the center of which bears South 15° 06' 21" West for a distance of 970.00 feet, through a central angle of 16° 42' 29", having a radius of 970.00 feet, for an arc length of 262.86 feet and whose long chord bears South 66° 32' 24" East for a distance of 281.86 feet to the beginning of a tangent reverse curve; thence
3. Along a curve to the left, the center of which bears North 31° 48' 50" East for a distance of 1430.00 feet, through a central angle of 10° 50' 30", having a radius of 1430.00 feet, for an arc length of 270.59 feet and whose long chord bears South 63° 36' 25" East for a distance of 270.19 feet to the beginning of a tangent reverse curve; thence
4. Along a curve to the right, the center of which bears South 20° 58' 20" West for a distance of 1370.00 feet through a central angle of 16° 36' 37", having a radius of 1370.00 feet, for an arc length of 397.17 feet, and whose long chord bears South 60° 43' 22" East for a distance of 395.78 feet to a point of intersection with a non-tangential line; thence
5. South 67° 45' 41" West a distance of 1247.79 feet to the POINT OF BEGINNING.

Containing an area of 10.572 acres, more or less.

This legal description was prepared by

Lynn A. Kovach L.S. 5321
My license expires December 31, 2007

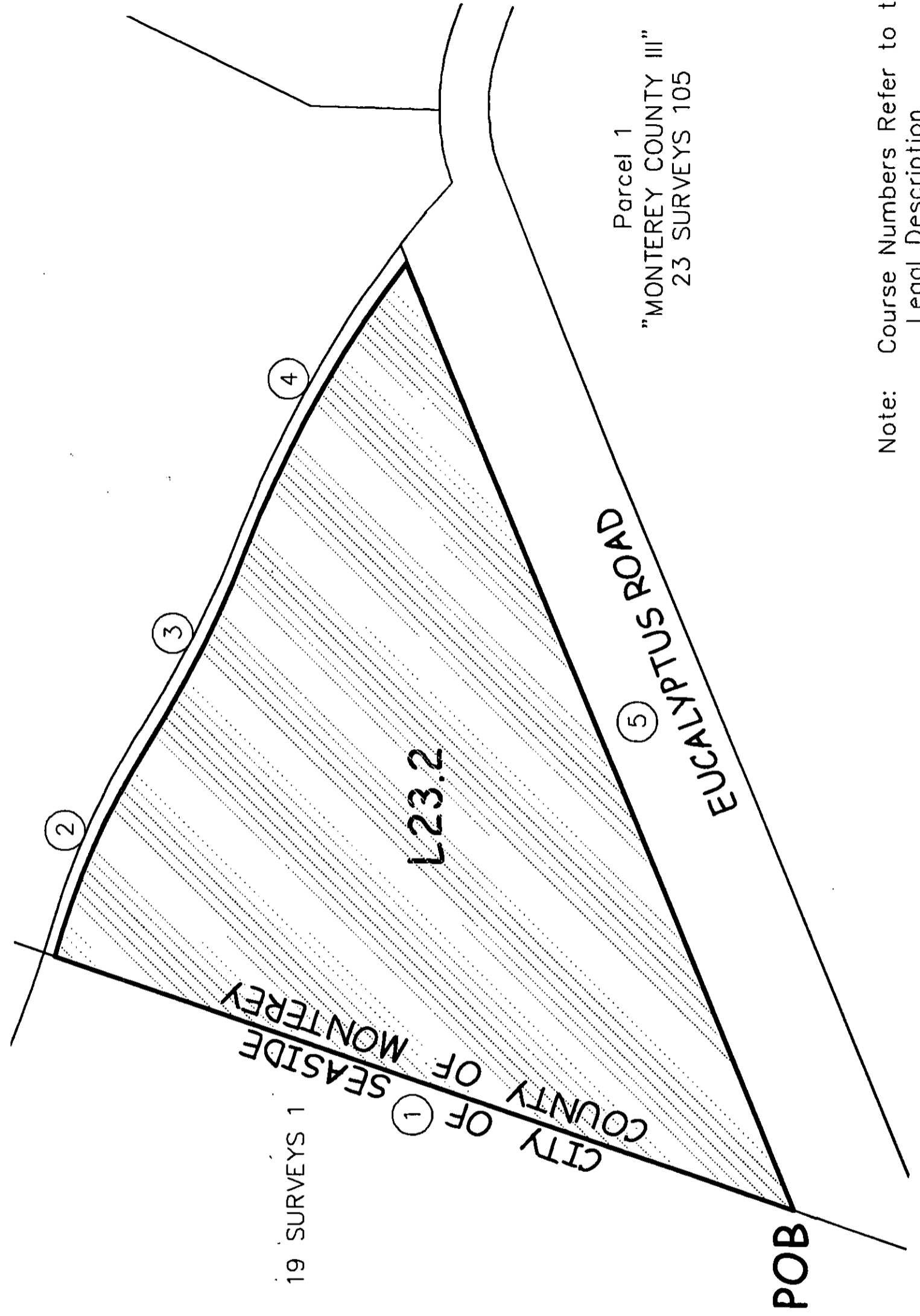
EXHIBIT
of

EDC Parcel L23.2
Fort Ord FOSET 5

Lying within the Fort Ord Military Reservation
as shown on Vol. 19 of Surveys at Page 1
Being also within Monterey City Lands Tract No. 1
Monterey County, California



Not To Scale



Note: Course Numbers Refer to the
Legal Description.

EXHIBIT C

County Code Chapter 16.10, titled "*Digging and Excavation on the Former Fort Ord*". Chapter 16.10 prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit.

EXHIBIT C

Monterey County Code Chapter 16.10

Chapter 16.10 DIGGING AND EXCAVATION ON THE FORMER FORT ORD

- 16.10.010 Purpose and intent.
- 16.10.020 General.
- 16.10.030 Applicability.
- 16.10.040 Excavation and digging restrictions.
- 16.10.050 Permit requirements.
- 16.10.060 Permit procedure.
- 16.10.070 Term of permit.
- 16.10.080 Exceptions to permit conditions.
- 16.10.090 Performance bond.
- 16.10.100 Amendment to permits.
- 16.10.110 Appeals.
- 16.10.120 Notification to property owners and other land users.
- 16.10.130 Revision of Chapter.

16.10.010 Purpose and intent.

The United States Army (Army) is in the process of transferring various parcels of the former Fort Ord military installation (Fort Ord) to the County or to other entities within the County's land use jurisdiction. Some parcels of the former Fort Ord were contaminated with unexploded ordnance and explosives (UXO), which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of UXO to its standard. Even following the Army's completion of UXO response activities, it is possible that some UXO materials may remain on those parcels. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all UXO has been cleared and it will require a land use covenant to be recorded with the Monterey County Recorder on those parcels to provide additional controls and restrictions to protect the public health and safety. The County will also enter into an Agreement with DTSC to provide additional safety measures and reporting. (Ord. 5012 § 1 (part), 2005)

16.10.020 General.

The Board of Supervisors finds and determines that those properties formerly included within the Fort Ord military installation that are suspected of containing UXO require special standards and procedures for digging and excavation in addition to those contained in the Building Code, to ensure that:

- A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;
- B. Potential purchasers or developers of sites which may contain UXO and those persons whose work at such sites includes disturbing soil, are aware of the potential that UXO may be located on these properties and are aware of the requirements for UXO precautions prior to any digging, excavation or ground disturbance thereon; and
- C. DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions. (Ord. 5012 § 1 (part), 2005)

16.10.030 Applicability.

A. The Board of Supervisors, with the concurrence of DTSC, hereby designates all real property within the County's land use jurisdiction which was formerly part of Fort Ord and which have been identified in the Archives Search Report and supplement, dated 1997, or otherwise identified, as the possible location of unexploded ordnance or explosives as an Ordnance Remediation District (hereafter "district"). All such districts are defined as those areas of the unincorporated portions of the former Fort Ord, excepting therefrom the "Track 0" parcels as identified in the *Finding of Suitability to Transfer, Track 0 Parcels*,

Monterey County Code Chapter 16.10

Former Fort Ord, California document, dated May 2003. The County shall notify DTSC of any change in the permitted land uses in any district within thirty (30) days after it adopts any change.

B. The regulations in this Chapter shall apply in all districts and shall be in addition and subject to all provisions of the County Code, including Titles 16, 18 and 21. (Ord. 5012 § 1 (part), 2005)

16.10.040 Excavation and digging restrictions.

It shall be unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid excavation permit (hereafter "permit") issued pursuant to this Chapter: excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil. (Ord. 5012 § 1 (part), 2005)

16.10.050 Permit requirements.

An owner or user of real property located within a district who desires to conduct the activities described in Section 16.10.040 shall apply to the Building Official for a permit. The application shall be on a form approved by the County, may be combined with an application for grading pursuant to County Code Chapter 16.08, shall be signed by the permit applicant and all owners of each parcel of property on which excavation will be done, and shall contain the following information:

- A. Six copies of a description of any previous UXO excavation or removal activity conducted on the property whose soil is proposed to be excavated, moved or graded;
- B. Six copies of a description of the property where soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to do either of the following: (1) disturb ten (10) cubic yards or more of soil; or (2) disturb soil in a manner inconsistent with restrictions placed on the property by the Army or as noted on the district map;
- C. Six copies of a statement that the person submitting the application acknowledges liability for removing all detected unexploded ordnance and explosives in accordance with this Chapter and the permit;
- D. Six copies of a statement by the person submitting the application that they have, within the preceding twelve (12) months, delivered a copy of the notice to everyone whose work at the property described in Subsection 16.10.050(B) includes disturbing soil;
- E. The expected completion date of the activities authorized by the permit;
- F. Any other information which the Building Official may require as pertinent to the determination of the adequacy of the proposed plan;
- G. Payment of the permit fee, as established by the Board of Supervisors, at the time of filing the application for the permit. (Ord. 5012 § 1 (part), 2005)

16.10.060 Permit procedure.

The Building Official shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such application, the Building Official, in his/her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Except as otherwise indicated in Section 16.10.080, any permit issued hereunder shall be subject to the following conditions:

- A. All excavation and grading shall be performed solely in accordance with the permit approved and issued by the County.
- B. Prior to movement of any soil on any property located within a district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert—Ordnance and Explosives at former Fort Ord, as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey, or its successor document, and explain to each such person the information set forth in that notice.

Monterey County Code Chapter 16.10

C. The permittee may not move or disturb soil unless the permittee is in compliance with the requirements placed on the property by an Agreement executed between the County, Redevelopment Agency, FORA and DTSC. Said Agreement shall, at a minimum, include OE construction support ("Construction Support") and shall be attached to and become a part of any permit issued pursuant to this Chapter.

D. The permittee shall cease soil disturbance activities upon a discovery of any suspected unexploded ordnance. The permittee shall notify the Monterey County Sheriff, Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC.

E. No later than thirty (30) days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the Building Official, the Army and DTSC an After Action Report that shall state whether and where UXO was detected and the extent and depth of UXO response actions undertaken and completed on the property that is the subject of the permit. The After Action Report shall be in the form provided in Exhibit "A" and shall include site maps to illustrate the information contained in the report. All After Action Reports prepared and filed in accordance with this Chapter shall be deemed public records.

F. In consideration for the issuance of a permit and project approval, permittee shall defend at its sole expense any action or proceeding brought against the County and its Agents, Officers, and employees because of the approval of said permit. In further consideration for the issuance of a permit and project approval, the permittee shall indemnify and hold harmless from any liability the County and its agents, officers and employees and reimburse the County for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding and any and all related litigation costs, court costs, and attorneys' fees which the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this Subsection.

G. The Building Official shall mail a notice of permit approval to the Army, DTSC, and all owners of property within three hundred (300) feet of the real property that is the subject of the permit application. (Ord. 5012 § 1 (part), 2005)

16.10.070 Term of permit.

Every permit issued by the Building Official under the provisions of this Chapter shall expire if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of such permit, or if the work authorized by such permit is commenced and then suspended or abandoned for a period of thirty (30) days, unless such suspension is approved by the Building Official. Before such work can be recommenced, a new permit shall first be obtained, and the fee therefor shall be as established from time to time by the Board of Supervisors for a new permit for such work, provided no changes have been made or will be made in the original plans and specification for such work. (Ord. 5012 § 1 (part), 2005)

16.10.080 Exceptions to permit conditions.

Following consultation with and approval by DTSC, the Board of Supervisors may, upon a finding that the requirements of Section 16.10.060(C) are no longer necessary, designate by ordinance or resolution any district as a Limited Control District and/or no longer subject to the provisions of this Chapter. The holder of any permit issued for any Limited Control District shall not be subject to Section 16.10.060(C). (Ord. 5012 § 1 (part), 2005)

16.10.090 Performance bond.

Upon a finding by the Building Official that a permit should be issued for excavation or grading on the proposed site, a surety bond, in the form prescribed by the Monterey County Code Section 16.08.290, conditioned upon the faithful performance and completion of the permitted excavation activity, shall be filed with the County. Such surety shall be executed in favor of the County and shall be maintained in an

Monterey County Code Chapter 16.10

amount prescribed by the Building Official sufficient to ensure the completion of the ordnance remediation and excavation of the site as prescribed in the approved permit. (Ord. 5012 § 1 (part), 2005)

16.10.100 Amendment to permits.

Request for amendments to an approved excavation permit may be submitted to the Building Official at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the County in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit. (Ord. 5012 § 1 (part), 2005)

16.10.110 Appeals.

Any person aggrieved by any determination of the Building Official in exercise of the authority granted in this Chapter shall have the right to appeal pursuant to Monterey County Code Sections 16.08.460 through 16.08.510, inclusive. (Ord. 5012 § 1 (part), 2005)

16.10.120 Notification to property owners and other land users.

A. The County shall notify the owners of property designated as Ordnance Remediation Districts, and those utilities known to be providing service within the County, of the requirements of this Chapter and provide those persons with the Safety Alert—Ordnance and Explosives at Former Fort Ord, as identified in Section 16.10.060(B), above. The County shall annually notify the owners of said property as shown on the equalized tax rolls of the requirements of this Chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive said notification shall not relieve them from responsibility for compliance with this Chapter.

B. All owners, occupants or users of land subject to this Chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this Chapter. Notification shall be made prior to transfer of the property in question.

C. All persons identified in Subsection 16.10.120(A) above shall deliver, at least annually, a copy of the notice to everyone whose work at UXO sites includes disturbing soil and shall explain the contents thereof to those persons. (Ord. 5012 § 1 (part), 2005)

16.10.130 Revision of Chapter.

This Chapter shall not be revised without prior written notice to the DTSC. (Ord. 5012 § 1 (part), 2005)

EXHIBIT D

Municipal Code Chapter 15.34, titled "*Digging and Excavation on the Former Fort Ord*". Chapter 15.34 prohibits excavation, digging, development or ground disturbance of any type that involves the displacement of ten (10) cubic yards or more of soil on the former Fort Ord without a permit.

EXHIBIT D

City of Seaside Municipal Code

Title 15 BUILDINGS AND CONSTRUCTION

Chapter 15.34 DIGGING AND EXCAVATION ON THE FORMER FORT ORD

- 15.34.010 Citation and authority.
- 15.34.020 Purpose and intent.
- 15.34.030 General.
- 15.34.040 Designation and applicability.
- 15.34.050 Excavation and digging restrictions.
- 15.34.060 Permit requirements.
- 15.34.070 Permit procedure.
- 15.34.080 Term of permit.
- 15.34.090 Exceptions.
- 15.34.100 Performance bond.
- 15.34.110 Amendments to permits.
- 15.34.120 Appeals.
- 15.34.130 Notification to property owners and other land users.
- 15.34.140 Revision of chapter.

15.34.010 Citation and authority.

The ordinance codified in this title is adopted to establish a regulatory framework for subsequent agreements between the city of Seaside ("city"), the redevelopment agency of the city of Seaside ("City RDA"), the Fort Ord Reuse Authority ("FORA") and the California environmental protection agency, department of toxic substances control ("DTSC") related to digging and excavation on approximately one thousand five hundred eighty-one acres of the former Fort Ord military installation ("Fort Ord") that are known or suspected to be contaminated with ordnance and explosives ("OE") (Exhibit "A"). This chapter may be cited as the "Ordnance Remediation District Regulations of the City." (Ord. 924 (part), 2004).

15.34.020 Purpose and intent.

The United States Army ("Army") is in the process of transferring portions of the former Fort Ord to the city. Some parcels of the former Fort Ord were contaminated with OE, which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of OE to its standard. Even following the Army's completion of OE response activities, it is possible that some OE materials may remain on those parcels. The DTSC has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all OE has been cleared and it will require a land use covenant to be recorded with the Monterey county recorder on these parcels to provide additional controls and restrictions to protect the public health and safety. The city will also enter into an agreement with DTSC to provide additional safety measures, reporting, etc. (Ord. 924 (part), 2004).

15.34.030 General.

The city council finds and determines that those properties formerly included within the Fort Ord military installation which are suspected of containing OE require special standards and procedures for digging and excavation in addition to those contained in the Building and Construction Code, to ensure that:

City of Seaside Municipal Code

- A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;
- B. Potential purchasers or developers of sites which may contain OE and those persons whose work at such sites includes disturbing soil, are aware of the potential that OE may be located on these properties and are aware of the requirements for OE precautions prior to any digging, excavation or ground disturbance thereon; and
- C. DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions. (Ord. 924 (part), 2004).

15.34.040 Designation and applicability.

The city council, with the concurrence of DTSC, designates all real property within the city's land use jurisdiction which was formerly part of Fort Ord and which has been identified in the archives search report and supplement, dated 1997, or otherwise identified, as the possible location of unexploded ordnance or explosives as an "ordnance remediation district" ("District"). Such district is depicted on the map included as Exhibit "A" to this chapter and includes all areas on the map that are within map legend designations "OE sites in Seaside" and "first tee boundary," except those OE areas located within map legend designation "parcels retained by DOD."

- A. Such district shall be depicted on the city zoning map by an "ORD" suffix to indicate the existence of ordnance precaution remediation obligations on such property. The city shall notify DTSC of any change in the permitted land uses in the district within thirty days after it adopts any change.
- B. The regulations in this chapter shall apply throughout the district and shall be in addition and subject to all provisions of the Municipal Code including Title 17 -- Zoning and Title 15 -- Building and Construction, Chapter 15.32 -- Standards to Control Excavation, Grading, Clearing and Erosion. (Ord. 924 (part), 2004).

15.34.050 Excavation and digging restrictions.

It is unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid permit issued pursuant to this chapter: excavation, digging, development or ground disturbance of any type involving the displacement of ten cubic yards or more of soil. (Ord. 924 (part), 2004).

15.34.060 Permit requirements.

An owner or user of real property located within the district who desires to conduct the activities described in Section 15.34.050 of this chapter shall apply to the director of community development for a permit. The application shall be on a form approved by the city, may be combined with an application for grading pursuant to Chapter 15.32 of this code, shall be signed by the permit applicant, and shall contain the following information:

- A. A description of any previous OE excavation or removal activity conducted other than by the Army on the property whose soil is proposed to be excavated, moved or graded;
- B. A description of the property, whose soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the

City of Seaside Municipal Code

- size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to disturb ten cubic yards or more of soil;
- C. A statement that the person submitting the application acknowledges liability if the person removes any detected unexploded ordnance or otherwise violates this chapter and/or the permit. The Army will continue to have the liability to remove any ordnance items found. The person submitting the application is responsible to follow the procedures for notification of DTSC and the Army upon finding an ordnance item set out in Section 15.34.070 of this chapter;
 - D. A statement by the person submitting the application that he or she has, within the preceding twelve months, delivered a copy of the safety alert required by Section 15.34.130 of this chapter to everyone whose work at the property described in subsection B of this section includes disturbing soil;
 - E. Any other information which the director of community development may require as pertinent to the determination of the adequacy of the proposed plan;
 - F. Payment of the permit fee, as established by the city council, at the time of filing the application for the permit. (Ord. 924 (part), 2004).

15.34.070 Permit procedure.

The director of community development shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such permit, the director of community development, in his or her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Any permit issued hereunder shall be subject to the following conditions:

- A. All excavation and grading shall be performed solely in accordance with the permit approved by the city and in accordance with the permit as issued by the city;
- B. Prior to movement of any soil on any property located within the district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert -- Ordnance and Explosives at former Fort Ord which is referenced hereto as Exhibit "C," and explain to each such person the information set forth in that notice;
- C. The permittee may not move or disturb any soil unless the permittee is in compliance with the requirements placed on the property by an agreement executed between the city, the city RDA, FORA and DTSC. The agreement shall, as a minimum, include OE construction support ("construction support") and shall be attached to and become a part of any permit issued pursuant to this chapter;
- D. The permittee shall cease soil disturbance activities upon discovery of any suspected unexploded ordnance. The permittee shall notify the Seaside police department, the Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC;
- E. No later than thirty days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the director of community development, the Army and DTSC an after action report that shall state whether and where OE was

City of Seaside Municipal Code

detected and the extent and depth of OE response actions undertaken and completed on the property that is the subject of the permit. The after action report shall be in the form provided as referenced in Exhibit "B" and shall include site maps to illustrate the information contained in the report. All after action reports prepared and filed in accordance with this chapter shall be deemed public records;

- F. The permittee agrees that as a condition of issuance of a permit to defend at its sole expense, indemnify and hold harmless from any liability the city, and reimburse the city for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding. The city may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this subsection. (Ord. 924 (part), 2004).

15.34.080 Term of permit.

The permit shall be valid for one year from the date it is issued. (Ord. 924 (part), 2004).

15.34.090 Exceptions.

Following consultation with and approval by DTSC, the city council may, upon a finding that the requirements of Section 15.34.070(C) are no longer necessary, designate by resolution any portion of the district as a "limited control district" and/or no longer subject to the provisions of this chapter. The holder of any permit issued for any limited control district shall not be subject to Section 15.34.070(C). (Ord. 924 (part), 2004).

15.34.100 Performance bond.

Upon a finding by the director of community development that a permit should issue for excavation or grading on the proposed site, the director of community development may require that a surety bond, lien or other security guarantee conditioned upon the faithful performance and completion of the permitted excavation activity be filed with the city. Such surety shall be executed in favor of the city and shall be maintained in an amount prescribed by the director of community development sufficient to ensure the completion of the excavation of the site as prescribed in the approved permit. (Ord. 924 (part), 2004).

15.34.110 Amendments to permits.

Request for amendments to an approved excavation permit may be submitted to the director of community development at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the city in writing. Amendments to an approved permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit. (Ord. 924 (part), 2004).

15.34.120 Appeals.

Any person aggrieved by any determination of the director of community development in exercise of the authority granted in this chapter shall have the right to appeal to the city council.

City of Seaside Municipal Code

Any appeal setting forth the contested decision and the reasons for contesting same must be filed within ten working days after the posting of the director of community development's decision at the places designated by Section 1.08.020 of this code. The city council shall render its decision within sixty days following the filing of the notice of appeal. The council may affirm, reverse or modify the decision of the director of community development. The council action shall be final upon issuance of its decision. (Ord. 924 (part), 2004).

15.34.130 Notification to property owners and other land users.

- A. The city shall notify the owners of property designated as ordnance remediation districts and those utilities known to be providing service within the city, of the requirements of this chapter and provide those persons with the Safety Alert -- Ordnance and Explosives at Former Fort Ord, which is referenced hereto as Exhibit "C." The city shall annually notify the owners of the property as shown on the equalized tax rolls of the requirements of this chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive the notification shall not relieve that person from responsibility for compliance with this chapter.
- B. All owners, occupants or users of land subject to this chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this chapter. Notification shall be made prior to transfer of the property in question.
- C. All persons identified in subsection A of this section shall deliver, at least annually, a copy of the safety alert to everyone whose work at OE sites includes disturbing soil and shall explain the contents thereof to those persons. (Ord. 924 (part), 2004).

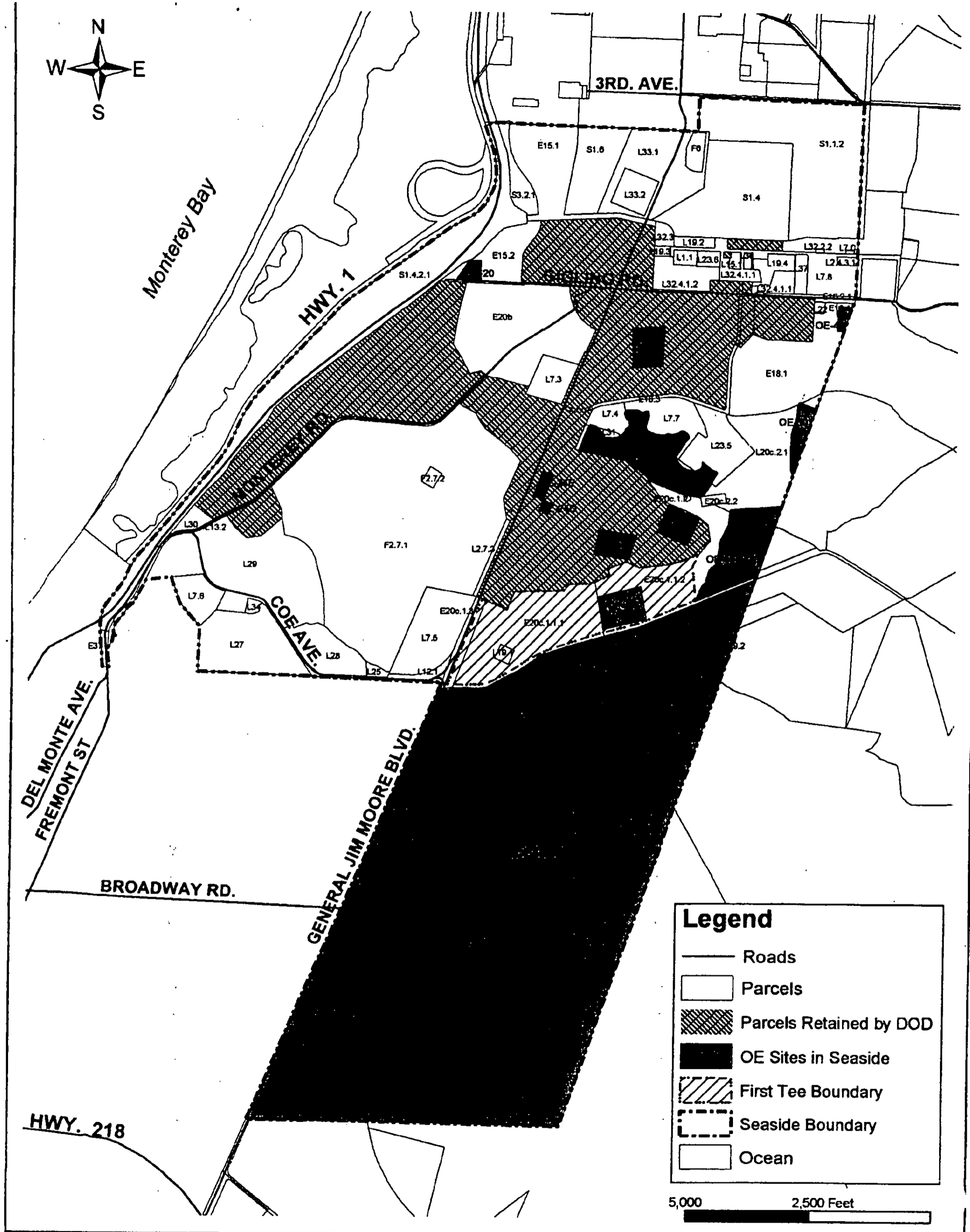
15.34.140 Revision of chapter.

This chapter shall not be revised without prior written notice to the DTSC. (Ord. 924 (part), 2004).

Exhibit A

Ordnance Remediation ("ORD") District Map

The Ordnance Remediation District includes all areas on the following map that are designated "OE Sites in Seaside" and "First Tee Boundary", except those OE areas located within areas designated "Parcels Retained by DOD"



Legend

- Roads
- Parcels
- ▨ Parcels Retained by DOD
- OE Sites in Seaside
- ▤ First Tee Boundary
- ⋯ Seaside Boundary
- Ocean

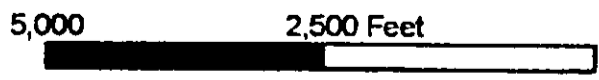


Exhibit B

City of Seaside
OE Construction Support After Action Report Form

1. Date _____.
2. Date Soil Disturbance occurred _____.
3. Were OE items or items suspected to be OE items found during the period of excavation?

No _____ If no, please skip to No. 7 below.

Yes _____ Please continue, and complete Part A of the attached Ordnance and Explosives Incident Reporting Form and deliver to the Presidio of Monterey Police Department.

4. Describe the OE items and suspected OE items below. If necessary, attach additional sheet.

Description of item found. Include whether the item was live, or whether the item was suspected OE, and proven not to be.	Depth below original round surface at which the item was found.	GPS coordinated of the item

5. Attach a site map with GPS coordinates describing items listed in #4 above.
6. Describe the final disposition of the items found.
7. By my signature below, I certify that the above information is true.

(Signed and dated by the UXO technician)

Exhibit C

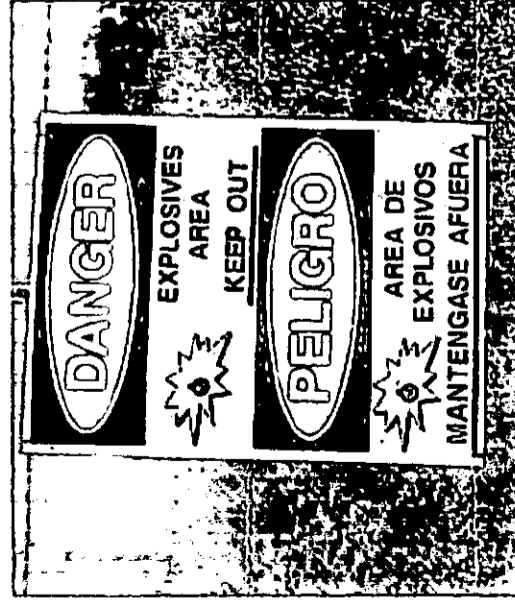
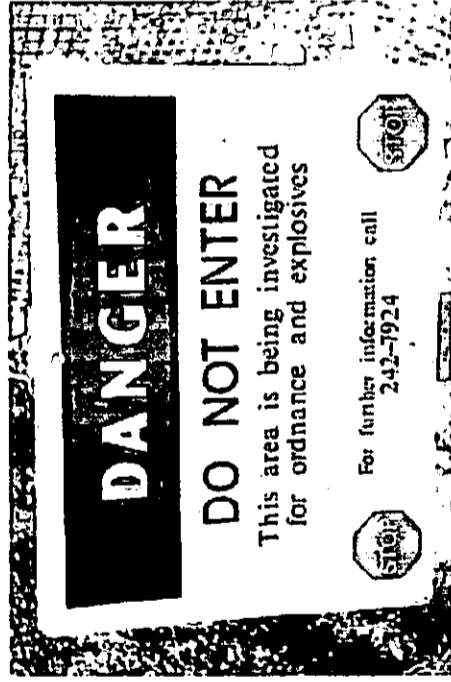
Safety Alert – Ordnance and Explosives at Former Fort Ord

DANGER

Areas where unexploded ordnance may be present are posted with DANGER signs. Do not enter areas where you see signs like the ones below. Off-road vehicular traffic is prohibited on the former Fort Ord.

PELIGRO

Las zonas donde podría estar presente material de artillería que aún no ha explotado están marcadas con letreros de PELIGRO. No entre en zonas donde vea letreros como los que se muestran abajo. El tráfico automotor fuera de la vía principal está prohibido en el antiguo Fort Ord.



If you have questions regarding the ordnance and explosives cleanup at the former Fort Ord, please contact:

Si tiene preguntas relacionadas con los armamentos y la erradicación de explosivos en el antiguo Fort Ord, por favor póngase en contacto con:

Directorate of Environmental and Natural Resources
Management at the Presidio of Monterey (831) 242-7924

SAFETY ALERT

Ordnance and Explosives at former Fort Ord
If you discover any object that resembles those shown inside this brochure

DO NOT TOUCH IT!
Instead, **MARK THE LOCATION**, and
CALL THE FEDERAL POLICE

at (831) 242-7851 or 242-7852 to report what you've found.

ALERTA DE SEGURIDAD

Material de artillería y explosivos en el antiguo Fort Ord

Si descubre cualquier objeto que se asemeje a los que se muestran en este folleto

¡NO LO TOQUE!
En su lugar, **MARQUE LA UBICACIÓN**, y
LLAME A LA POLICÍA FEDERAL

al (831) 242-7851 ó 242-7852 para reportar lo que encontró.



HISTORY

As an active U.S. Army post, Fort Ord's mission was to train soldiers to protect the interests of the United States. An important part of the mission was infantry and artillery training. As a result of this training, unexploded ordnance remains on portions of the now-closed Fort Ord.

After reviewing the records of past training activities, the Army identified areas where ordnance may still remain and began conducting investigations and removing ordnance from those areas. Cleanup of all identified areas will not be completed for many years.

If you find an object (or even a piece of one) that resembles those shown in the photograph —

Don't Touch It

Mark the Location

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at (831) 242 7851 or 242 7852

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¡NO LO TOQUE!

MARQUE LA UBICACIÓN

LLAME A LA POLICÍA FEDERAL

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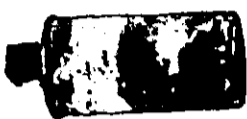
75mm Projectile



40mm Projectile



MK2 Hand Grenade



M18 Smoke Grenade



M67 Hand Grenade



37mm Projectile



M127 Slap Flare



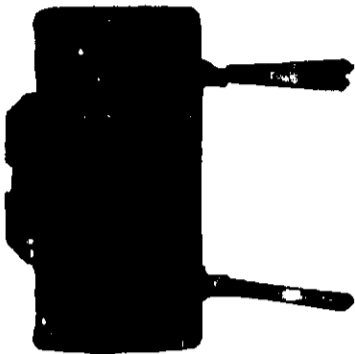
Rifle Smoke Grenade



M1 Firing Device



Electric Firing Device



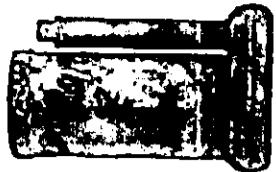
Claymore Mine



Mine Fuse



Firing Device



Bounding Anti-Personnel Mine



3.5" Rocket



60mm Mortar



3" Anti-Tank Rifle Grenade



25mm Sub Cal for 81mm Mortar



81mm Mortar



2.36" Rocket

APPENDIX G

Safety Alert – Ordnance and Explosives at former Fort Ord Pamphlet

DANGER

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If you have questions regarding the ordnance and explosives cleanup at the former Fort Ord, please contact:

Si tiene preguntas relacionadas con los armamentos y la erradicación de explosivos en el antiguo Fort Ord, por favor póngase en contacto

**Fort Ord Base Realignment and Closure Field Office
831-393-1284**

SAFETY ALERT

Ordnance and Explosives at former Fort Ord

If you discover any object that resembles those shown inside this brochure

DO NOT TOUCH IT!

Instead, **MARK THE LOCATION,**
and **CALL THE POLICE - 911**

to report what you've found.

ALERTA DE SEGURIDAD

Material de artillería y explosivos en el antiguo Fort Ord

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En su lugar, **MARQUE LA UBICACIÓN,**
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**Don't Touch It
Mark the Location
Call 911**

Si descubre cualquier objeto que se asemeje a los que se muestran en este photographía —

**¡NO LO TOQUE!
MARQUE LA UBICACIÓN
LLAME AL 911**



75mm Projectile



40mm Projectile



MK2 Hand Grenade



M18 Smoke Grenade



M67 Hand Grenade



37mm Projectile



M127 Slap Flare



Rifle Smoke Grenade



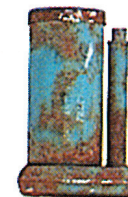
M1 Firing Device



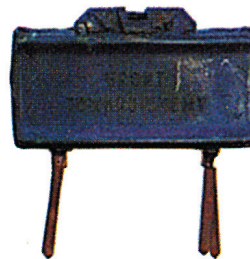
Electric Firing Device



Grenade Fuse



Bounding Anti-Personnel Mine



Claymore Mine



Firing Device



3.5" Rocket



60mm Mortar



3" Anti-Tank Rifle Grenade



22mm Sub Cal for 81mm Mortar



81mm Mortar



2.36" Rocket

APPENDIX H

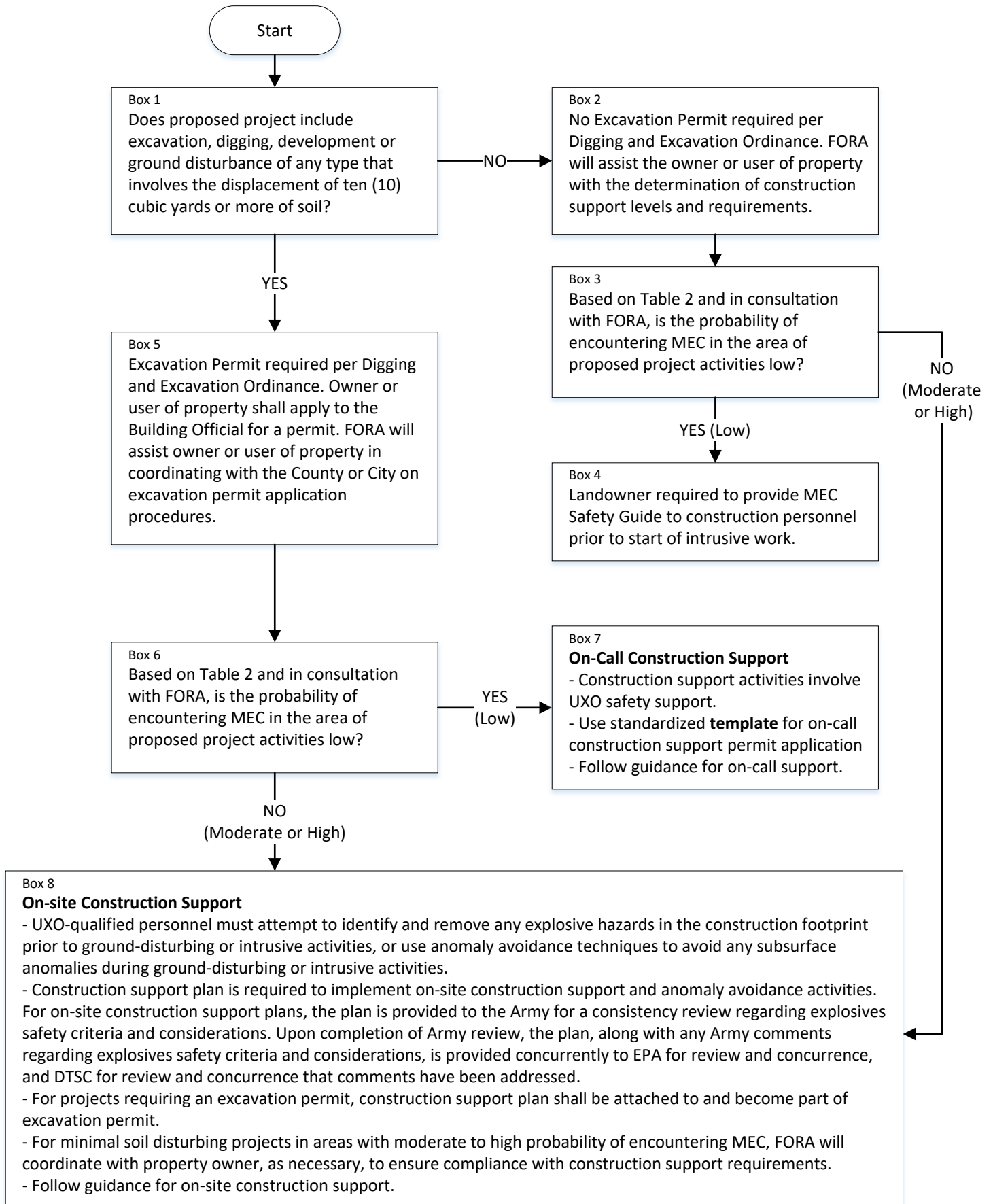
Decision Trees

Construction Support Implementation Requirements

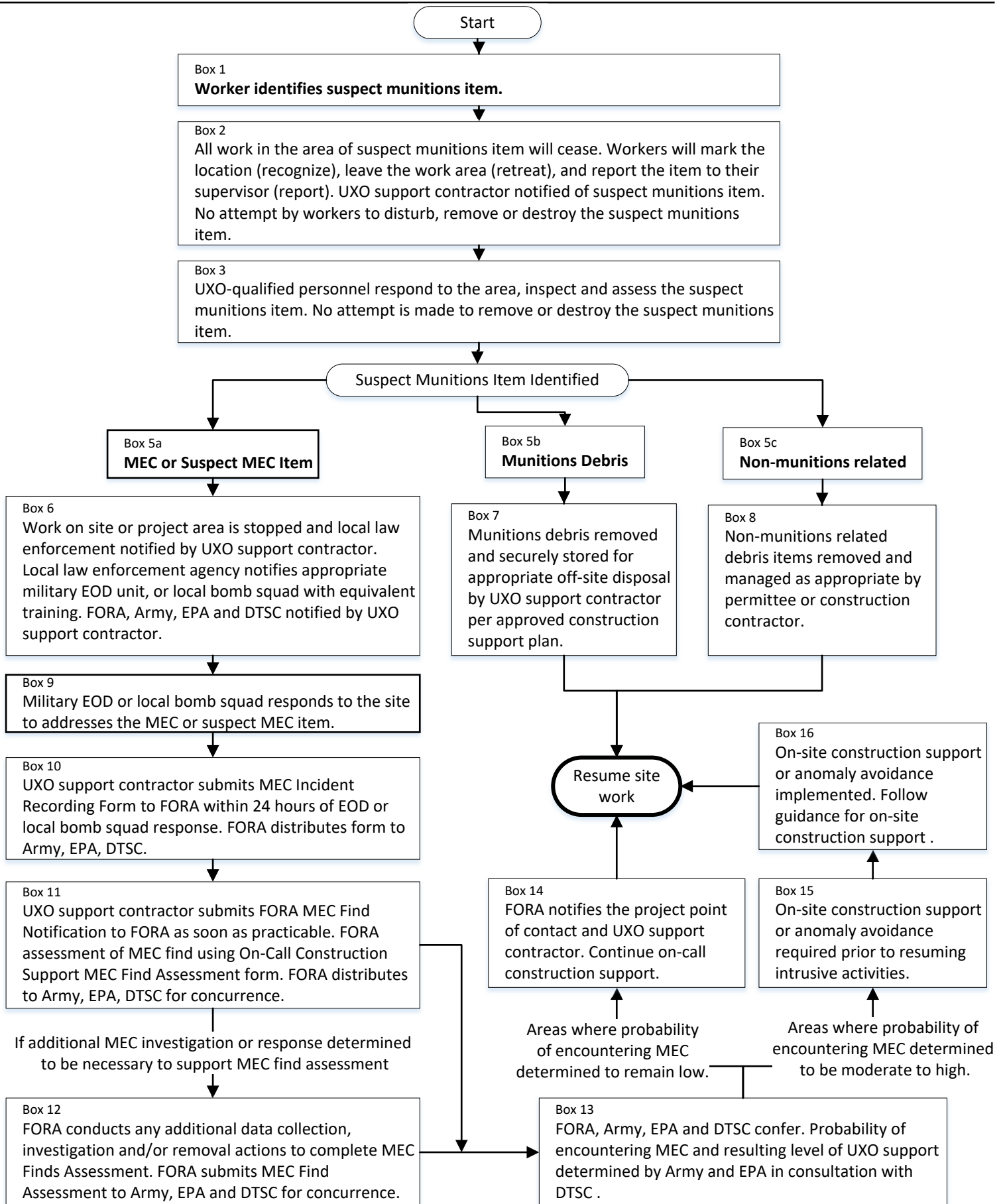
On-site Construction Support Process

Response to Suspect Munitions during On-Call Construction Support

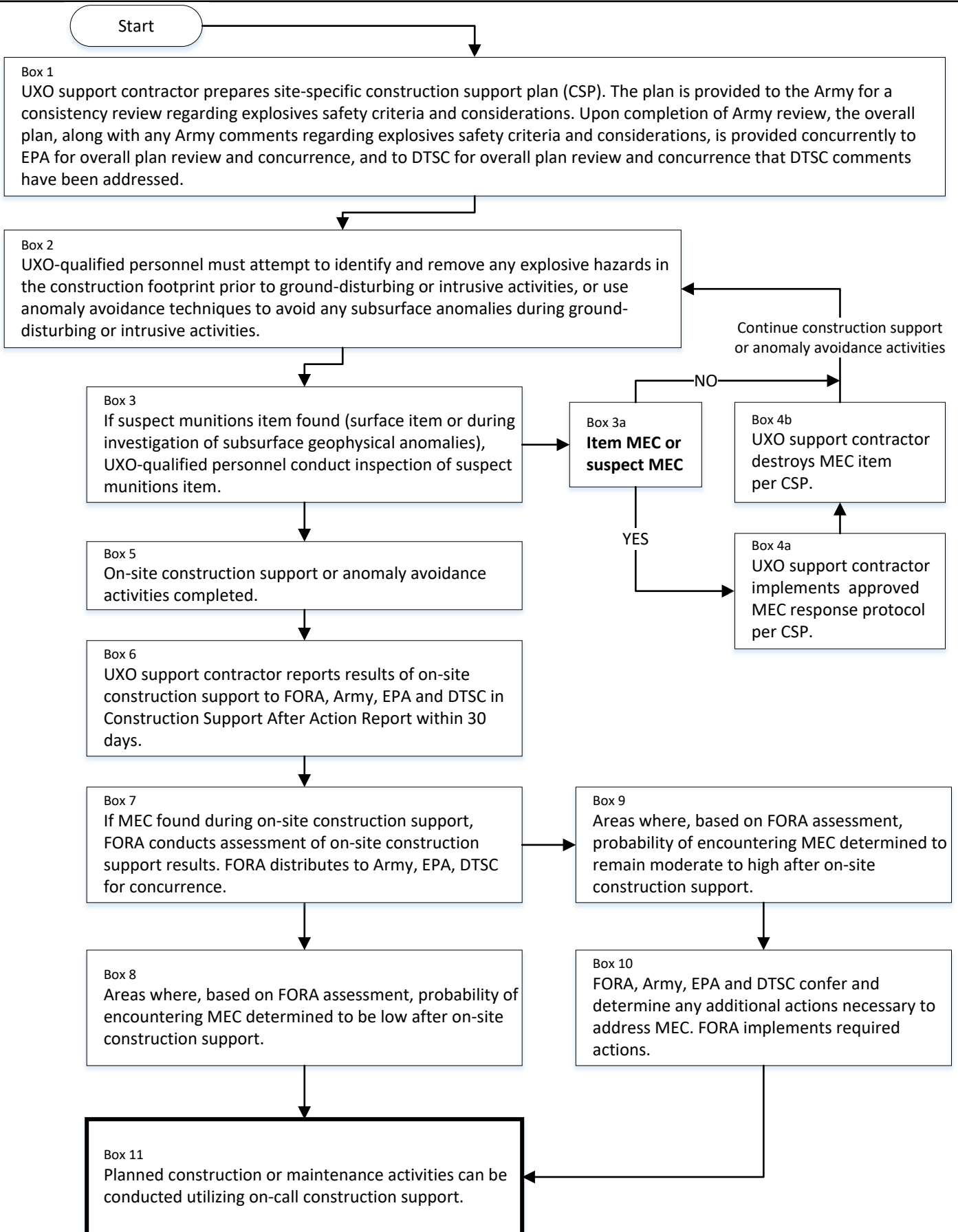
Decision Tree: Construction Support Implementation Requirements



Decision Tree: Response to Suspect Munitions during On-Call Construction Support



Decision Tree: On-site Construction Support Process



APPENDIX I

Templates and Forms

On-call Construction Support Plan Template

MEC Find Notification to FORA Form

FORA MEC Finds Assessment Form

Construction Support After Action Report Form

Army's Fort Ord MEC Incident Recording Form

On-Call Construction Support Plan

[Project Name]

[Plan Date]

Prepared for:

[Property Owner / Excavation Permit Holder Names & Addresses]

Prepared by:

[UXO Support Contractor Name & Address]

Instructions: This template has been developed to facilitate the development of Construction Support Plans to implement on-call construction support to fulfill the requirement for UXO construction support on certain areas of the Former Fort Ord, Monterey County, California. Construction support is required on those properties formerly within the Fort Ord military installation that are suspected of containing UXO.

This template is specifically designed for projects at sites where the probability of encountering MEC is low and on-call construction support is appropriate. The template is intended to be completed by UXO support contractors to guide the development of UXO Construction Support Plans. However, the template is only a guide. The appropriate level of construction support and procedures to implement support are both project- and site-specific. It is anticipated that project-specific requirements and procedures may vary from those identified in this template.

The template includes instruction boxes to provide guidance in developing each section of the plan; black text as suggested basic text and blue text to be replaced with project-specific information.

On-call construction support plans must be provided to the Army, EPA and DTSC for review and comment. Upon resolution of comments, the final construction support plan must be provided to the Army, EPA and DTSC for concurrence that comments have been resolved. The on-call construction support plan will be final upon resolution of Army, EPA, and DTSC comments.

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1. INTRODUCTION

Instructions: In this section, provide general project identification information along with confirmation that the current probability of encountering MEC on the site is low and on-call construction support is appropriate. Suggested text documents the purpose of the plan, regulatory authorities, plan submission and finalization, and general disclaimer on the use of this template.

This On-Call Construction Support Plan (CSP) has been prepared to support the [project name]. The [project name] is being conducted by the [property owner name/permittee name] on [enter Former Fort Ord Munitions Response Area (MRA) name]. The [MRA name] is shown in Figure 1 [Project Location Map]. The [project name] is located in [local jurisdiction name(s)] jurisdictional boundaries and subject to excavation permit requirements as identified in [enter local jurisdiction(s) municipal digging and excavation on Former Fort Ord Ordinance code] (i.e., the digging and excavation ordinance). The purpose of this plan is to identify the construction support requirements and activities for ground-disturbing and intrusive activities conducted within the [MRA name] MRA boundaries during the [project name] in accordance with the digging and excavation ordinance.

The project site occupies land that is formerly part of the former Fort Ord Army Installation and was historically used for military training. Because of the former military use at the project site, munitions response actions were completed to remove detected Munitions and Explosives of Concern (MEC). Even with completion of munitions response actions, there is potential for MEC to be encountered.

The probability of encountering MEC on the project site is considered low; therefore, on-call construction support is appropriate for this construction project (Section 2). Under certain circumstances, anomaly avoidance techniques will be implemented by Unexplode Ordnance (UXO)-qualified personnel to avoid subsurface anomalies during specific ground-disturbing or intrusive activities (e.g., [specific activities were anomaly avoidance techniques can be implemented]), if appropriate (Section 3.2). The basis for the low probability of encountering MEC was determined through review of the of [reference source of low probability determination (Remedial Investigation / Feasibility Study [RI/FS]), Land Use Control Implementation Plan and Operation and Maintenance Plan [LUCIP/OMP], etc.), including determinations made by the County or City in consultation with DTSC and any FORA assessments or determinations].

The federal, state and local government agencies (i.e., U.S. Department of the Army [Army], U.S. Environmental Protection Agency [EPA], and California Department of Toxic Substances Control [DTSC]) and other interested parties involved with this CSP for the [project name] are summarized below:

- Army – Ensures FORA [or FORA’s Successor in Interest name] compliance with the ESCA
- EPA – Provides regulatory review of this CSP
- DTSC – Provides regulatory review of this CSP

- Property Owner – Ensures [permittee name] is in compliance with the [local jurisdiction name(s)] digging and excavation ordinance requirements; and provides the UXO support contractor to support preparation and submittal of this CSP, and associated reporting, to regulatory agencies and the Army for comment and/or concurrence
- FORA [or FORA’s Successor in Interest name] (as party to the ESCA and Administrative Order on Consent [AOC]) – Conducts MEC find assessment for the probability of encountering MEC in the event confirmed MEC or suspect MEC find is encountered during activities related to this CSP and any additional requirements to ensure that the probability of encountering MEC is low prior to construction activities resuming following a confirmed MEC or suspect MEC find
- [local jurisdiction name(s)] – Enforces the digging and excavation ordinance
- [permittee name] – Complies with the [local jurisdiction name(s)] digging and excavation ordinance
- [construction contractor] – Complies with this CSP on behalf of [permittee name] in support of the [project name]

This plan is limited to on-call construction support [and anomaly avoidance, if applicable] during [project name] ground-disturbing and intrusive activities to be conducted in the [insert general area; i.e., north, south, central, etc.] of the [MRA name] (Figure 2). In addition, this plan describes the munitions recognition and safety training program to be provided to construction workers conducting ground-disturbing and intrusive activities, the procedures for conducting construction support, and the procedures for initiating a response if a suspect munitions is encountered. The construction support requirements that will be implemented for the [project name] include:

- Munitions recognition and safety training – to ensure that workers involved in ground-disturbing or intrusive activities are educated about the possibility of encountering munitions and to ensure that workers involved in ground-disturbing or intrusive activities know to stop the activity if a suspect munitions is encountered and report the suspect munitions to the appropriate personnel.
- On-call construction support and anomaly avoidance – to ensure ground-disturbing or intrusive activities are coordinated with UXO-qualified personnel, ensure that encountered suspect munitions items are evaluated as confirmed or suspect MEC, munitions debris (MD) or non-munitions debris (e.g., metal scrap), and that suspect munitions items are reported and managed appropriately. No attempt will be made by workers to disturb, remove, or destroy a suspect munitions item. UXO-qualified personnel may visually assess the suspect munition item to determine whether it poses or may pose an explosive hazard. Under certain circumstances, anomaly avoidance techniques will be implemented by UXO-qualified personnel to avoid subsurface anomalies during specific ground-disturbing or intrusive activities (e.g., [specific activities were anomaly avoidance techniques can be implemented]), if appropriate.

This CSP will be present at the project site with the [project name] construction contractor responsible personnel during ground-disturbing or intrusive activities on former FORA ESCA property. This CSP will also be present with the UXO-qualified personnel at all times during ground-disturbing or intrusive activities on former FORA ESCA property. Copies of the CSP will be provided to responsible personnel for [property owner name/permittee name], [local jurisdiction name(s)], [UXO Support Contractor], FORA [or FORA's Successor in Interest name], Army, EPA and DTSC. This CSP will be amended as site conditions change, if determined to be necessary.

1.1. Site Description

Instructions: In this section provide a brief description of the location of the property on which the project will occur including: 1) a locator map (see Figure 1) and 2) project site map (Figure 2). Provide a description of the project footprint and detailed description of the areas where intrusive or ground-disturbing activities will occur. Identify any building, roadway or utility demolition activities anticipated during the project. Identify any areas where temporary ground-disturbing activities may occur during the project. Provide any additional Figures necessary to identify the extent of the project and locations of all potential intrusive or ground-disturbing activities, including impacts to adjacent property.

The project site is located in the [MRA name and parcel number], which is located in the [insert general area; i.e., north, south, central, etc.] portion of the former Fort Ord (Figure 1). The project site is within the boundaries of the [MRA name] [insert designated land use area] (Figure 2), which is wholly contained within the jurisdictional boundaries of the [local jurisdiction name(s)]. The [MRA name] is bordered by [insert bordering land marks (i.e., city name, road name, MRAs, etc.)].

The portion of the project site located on former FORA ESCA property generally consists of [insert types of vegetation habitats identified for the area (i.e., maritime chaparral with patches of non-native grassland and scattered stands of coastal and inland coast live oak woodlands)] [reference source (i.e., RI/FS, LUCIP/OMP, etc.)].

1.2. Construction Project Description

Instructions: In this section provide a brief overview of the construction project that this UXO Construction Support Plan will be supporting. Describe the footprint of the project, general construction sequence, construction schedule and any other project-specific information pertinent to providing UXO construction support. Describe major intrusive or ground-disturbing activities, the soil management plan, and their timing within the construction sequence. Describe any vegetation cutting or removal activities to be conducted.

[Property owner name/permittee name] is constructing [insert what is being constructed; i.e., housing development, commercial development, well development, etc.] as part of the [project name] (Figures 2 and 3). The [project name] will be conducted [insert brief project description]. A description of the ground-disturbing and intrusive activities, which will exceed 10 cubic yards, and the soil management plan are provided below in Sections [insert relevant section number(s)] and in

Attachment A, if applicable. The [project name] is anticipated to start in [insert anticipated start month and year] and be completed in [insert anticipated completion month and year].

1.2.1 Ground-Disturbing and Intrusive Activities

[Insert type of ground-disturbing and intrusive activities to be conducted (i.e., vegetation clearing, grading, drilling, etc.)] to include the following (Figure 3):

- [insert bullet list of specific ground-disturbing and intrusive activities to be conducted (i.e., surveying and boundary staking, grading of existing access roads, if necessary, and clearing, grubbing and grading of work area, etc.)]

[Permittee name anticipates having UXO-qualified personnel provide anomaly avoidance for [insert specific activities where anomaly avoidance techniques can be implemented, if applicable] to ensure potential subsurface anomalies are avoided (Section 3.2)]. On-call construction support will be provided for the ground-disturbing and intrusive activities (Section 3). No attempt will be made by workers to disturb, remove, or destroy a suspect munitions item.

1.2.2 Soil Management Plan

Ground-disturbing and intrusive activities within the former FORA ESCA property are subject to the following soil management practices [examples are provided below, but practices are project- and site-specific]:

- Soils within the project site may not leave the [MRA name], with the exception of small quantities of soil to allow for laboratory analysis under a chain-of custody protocol, for purposes of well design
- Importing fill material, if needed, will be conducted in accordance with the Department of Toxic Substance Control (DTSC) Information Advisory for Clean Imported Fill Material.
- Separate soil management practices are established for the residential reuse areas and non-residential development reuse areas ensuring that soils from non-residential development reuse areas are not staged, stockpiled or spread within the designated residential reuse areas
- Grading and compacting of soil along access routes will remain within the designated reuse areas
- Excess soils and cuttings generated during ground-disturbing and intrusive operations will be stockpiled on the ground surface within the designated work area.
- Best management practices will be implemented to avoid erosion
- Prior to project completion stockpiles will be spread evenly within the designation work area insuring soils are not relocated outside the designated reuse area.

1.3. Organizational Roles and Responsibilities

[Property owner name/permittee name] and their construction contractors are the primary organizations involved with construction activities and have their own construction-related roles and responsibilities. [Property owner name/permittee name] and their construction contractors will require site visitors and subcontractors to check in with the field office prior to entering the project site and will ensure that all project person expected to conduct ground-disturbing and intrusive activities have received munitions recognition and safety training prior to allowing site access.

The following table identifies and documents the general roles and responsibilities of both the construction support contractor (i.e., UXO-qualified personnel) and [property owner name/permittee name] and their construction personnel during ground-disturbing and intrusive activities on the project site.

Project Personnel	Role	Responsibilities
[Construction contractor] On-Site Construction Supervisor	Site Access On-call construction support plan compliance Primary contact to coordinate UXO-qualified personnel response	<ul style="list-style-type: none"> • Maintain site access restrictions • Coordinate and ensure munitions recognition and safety training has been received by any and all workers expected to conduct ground-disturbing and intrusive activities • Maintain munitions recognition and safety training records • If a suspect munitions item is encountered, ensure area of item is secured and clearly marked to prevent unauthorized access to the location, and all site workers have vacated the area • Contact UXO-qualified personnel when a suspect munitions item is encountered • Notify construction workers when work can resume
Ground-disturbing and/or Intrusive Site Workers	Munitions recognition and safety training Suspect munitions item notification to Site Construction Supervisor	<ul style="list-style-type: none"> • Receive and acknowledge an understanding of the munitions recognition and safety training • Stop work if a suspect munitions item is encountered, retreat to a safe location, and report encounter to the site construction supervisor • Do not re-enter the area of the suspect munitions item until authorized by the site construction supervisor
UXO Support Contractor	Munitions recognition and safety training confirmation	<ul style="list-style-type: none"> • Confirm munitions recognition and safety training was provided to workers expecting to conduct ground-disturbing or intrusive activities

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	<p>Identify construction support requirements</p> <p>Construction support plan implementation and compliance</p>	<ul style="list-style-type: none"> • Review munitions-related background and munitions use information to verify probability of encountering MEC • Identify appropriate construction support requirements for ground-disturbing and intrusive activities • Develop construction support plan • Ensure proper implementation and compliance of the construction support plan • Complete Army MEC Incident Recording Form for confirmed or suspect MEC items • Complete FORA MEC Notification Form for confirmed or suspect MEC items • Complete FORA MEC Assessment Form for confirmed or suspect MEC items • Complete Construction Support After Action Report
<p>UXO-Qualified Personnel (UXO Technician II or III) – [UXO Contractor]</p>	<p>Construction support during ground-disturbing or intrusive activities</p> <p>Notify Local Law Enforcement Agency of confirmed or suspect MEC</p>	<ul style="list-style-type: none"> • Respond to suspect munitions items, ensure that suspect munitions items are evaluated and classified as confirmed or suspect MEC, MD or non-munitions debris (e.g., scrap metal). No attempt will be made to disturb, remove, or destroy a suspect munitions item. • Manage removal, storage, and appropriate off-site disposal of MD finds • Notify [local jurisdiction name(s)] Local Law Enforcement Agency of confirmed or suspect MEC finds • Notify UXO Support Contractor and [property owner name/permittee name] of confirmed or suspect munitions finds
<p>[Property Owner Name/Permittee Name]</p>	<p>Construction support plan compliance</p>	<ul style="list-style-type: none"> • Ensure compliance of the construction support plan • Review and submit the Army MEC Incident Recording Form for confirmed or suspect MEC items • Review and submit FORA MEC Notification Form for confirmed or suspect MEC items • Review and submit FORA MEC Assessment Form for confirmed or suspect MEC items • Review and submit Construction Support After Action Report
<p>FORA [or FORA's Successor in Interest name]</p>	<p>Munitions recognition and safety training</p>	<ul style="list-style-type: none"> • Provides munitions recognition and safety training to workers expecting to conduct ground-disturbing or intrusive activities

	materials and access Construction support plan compliance	<ul style="list-style-type: none">• Ensure compliance of the construction support plan• MEC find and probability of encountering MEC assessment for confirmed MEC or suspect MEC find, and document the assessment and proposed determination on the FORA MEC Find Assessment Form for submittal to Army, EPA, and DTSC.
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Additional information on construction support, including on-call construction support after-action reporting, and responses to suspect munitions items is provided in Sections 3 and 4 of this CSP, respectively.

2. MILITARY MUNITIONS BACKGROUND

Instructions: Section provides a summary of the military munitions background information considered by the UXO construction support contractor in preparing this plan. The purpose of this section is to document the known historical military training on the site, types of munitions known to be used at the site and the munitions investigation and removal actions conducted. Information on the types of munitions previously used and removed from the site, along with the level of previous investigation and MEC removal actions. This information provides the basis for the UXO Construction Support Plan. This information is available in various document contained in the Fort Ord Administrative Record, including the Remedial Investigation / Feasibility Study, Proposed Plan, and Record of Decision documents.

The [project name] is located within the [general area; i.e., north, south, central, etc.] portion of the [MRA name] where MEC were found and MEC removal actions were completed. The [general area; i.e., north, south, central, etc.] portion of the [MRA name] contains portions of munitions response sites (MRSs) that were used for military training with military munitions (Section 2.1). These MRSs were the subject of investigations and removal actions with all detected MEC removed (Section 2.2). In addition, the previous military use of the area and effectiveness of the MEC removal actions to reduce MEC risks to levels acceptable for construction and maintenance personnel with the appropriate levels of construction support has been documented for the [MRA name], which encompasses the [project name] site (Section 2.2).

2.1. Historical Military Training

Instructions: Provide a brief summary of the types of military training that historically occurred on the project site, the types of munitions used as these are items most likely to be encountered during construction. Include in the summary identification of Munitions Response Sites (MRS) present on or near the project site and provide a brief description of each. Provide a Table or listing identifying the types of munitions and munitions related debris most likely to be encountered during the project. Do not submit a full accounting of every munitions item removed from the site.

The [MRA name] is approximately [insert acreage of MRA] acres in size and had previously been used for [insert historical military use of the MRA per the reference source (RI/FS, LUCIP/OMP, etc.)]. [insert number munitions response sites (MRSs) located within the MRA and identify by name (ex: MRS-42)] with historical ranges and uses were identified in the project site (Figure 4) and are as follows:

- [insert bullet points identifying ranges and types of historical training conducted (i.e., troop training, practice hand grenade training, etc.)]

The types of MEC items most likely to be encountered within [X feet] of the project site include, but are not limited to, the following:

- [List types of MEC items encountered at the site]

2.2. Summary of Previous Munitions Response Actions

Instructions: Provide a brief summary of the munitions response actions conducted on the site, including the date of the action, objective of the action and MEC detection instruments used. Identify any areas where previous MEC removal actions were not completed (i.e., under roadways, building or other obstructions) and any areas with potential for uncertainty or elevated concern regarding potential for residual MEC to be present (i.e., tree roots, steep slopes or other potential technical challenges). Provide a scale map of the project site with plots of recovered MEC items and description. Map should ideally include an overlay of the Army 100x100 foot grid system with reference grid numbers. This map will be used to plot and report any MEC items found during construction efforts and by FORA for MEC find assessment.

The [reference source of MEC data and MEC-related risks (RI/FS, LUCIP/OMP, etc.)] summarized the available data and evaluated MEC-related risks for the [MRA name]. The following bullet points summarize the MEC investigation and removal actions conducted at the project site based on the following referenced documents and shown on Figure 4:

- [list and provide brief description of all relevant MEC investigations conducted for the project site]

The MEC recovered during previous investigation and removal actions within the project site are shown in Figure 5.

Based on an evaluation of the [reference source of MEC data and MEC-related risks (RI/FS, LUCIP/OMP, etc.)], the following conclusions support a low probability of encountering MEC determination in the [project name] construction areas:

- [use bullet points to summarize the reference source probability of encountering MEC determination conclusions]

3. CONSTRUCTION SUPPORT PROCEDURES

Instructions: This section identifies activities to be conducted during on-call construction support and procedures for conducting them. The template provides minimum requirements and should be considered a baseline. The determination of UXO construction support procedures is site- and project-specific and must be made by the UXO support contractor with review and concurrence from the Army, EPA and DTSC. Additional procedures and requirements may be added to those identified in this template, based on site-specific considerations including the desire to minimize potential disruptions to project field activities and construction schedules.

Training and construction support will be provided for ground-disturbing and intrusive activities to fulfill the requirements of the excavation permit under the [local jurisdiction name(s)] Excavation and Digging on the Former Fort Ord Ordinance [insert jurisdiction name(s) ordinance code], and includes:

- Munitions Recognition and Safety Training (Section 3.1)
- On-Call Construction Support (Section 3.2)
- After-Action Reporting (Section 3.3)

3.1. Munitions Recognition and Safety Training

Excavation permitting requirements indicate that all personnel involved in ground-disturbing or intrusive activities obtain munitions recognition and safety training. Site workers involved in ground-disturbing or intrusive activities will be provided munitions recognition and safety training by FORA [or FORA's Success in Interest name] in English and Spanish (translation of additional languages may be available upon request). The objective of munitions recognition and safety training is to ensure that site workers involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC and ensure that they stop ground-disturbing or intrusive activities when suspect munitions are encountered.

The munitions recognition and safety training is provided through a web-based training video that covers the below topics:

- Background Information
 - Who is the training for and why is training needed?
 - What are munitions and types of munitions used on Fort Ord?
 - What was done to remove munitions?
 - If munitions cleanup occurred, why training is still needed?
 - What should you do if you find a suspect munitions item?
- Munitions recognition and hazard awareness
 - Dangerous items may not look dangerous

- Fort Ord specific munitions recognition (by type)
- Munition hazard identification
- Details of munitions safety – emphasizing the 3Rs
 - Recognize (when you may have encountered a munitions item and that munitions are dangerous)
 - Retreat (do not approach, touch, remove, or disturb it, but carefully leave the area)
 - Report (notify your site supervisor to contact the UXO-qualified personnel)

[Property owner name/permittee name] and their construction contractors will ensure that site workers conducting ground-disturbing or intrusive activities have received the required munitions recognition and safety training from FORA [or FORA's Successor in Interest name]. Site workers receiving munitions recognition and safety training will be required to log-in to the web-based training acknowledging their attendance and successful completion of the training and associated knowledge checks to demonstrate an understanding of the training material. The training records are required to be maintained by each contractor on site and be available for inspection upon request by the Army, EPA and/or DTSC. Copies of the training records will also be maintained by [property owner name/permittee name] and provided to the UXO-qualified personnel for tracking and on-call construction support after-action reporting.

3.2. On-Call Construction Support

Instructions: In this section identify the activities to be conducted by UXO-qualified personnel to complete the construction support requirements. Provide standard operating procedures (SOPs) where appropriate as Attachments to the Construction Support Plan.

This section presents procedures for implementing on-call construction support for a project site where the probability of encountering MEC is low (Section 2). On-call construction support is being provided by UXO-qualified personnel consistent with safety criteria and considerations provided in Department of Defense (DoD) and Army explosives safety standards and guidelines and will consist of UXO-qualified personnel (UXO Technician II or III. UXO-qualified personnel will possess the appropriate training to include 40-hour Hazardous Waste Operations and Emergency Response and associated 8-hour Hazardous Waste Operations and Emergency Response refresher course (within the past 12 months), and appropriate qualifications of an UXO Technician II or III. UXO-qualified personnel will comply with any [permittee name] and their construction contractors approved safety plans and also conduct responses in accordance with applicable company health and safety requirements.

UXO-qualified personnel will be on standby (i.e., on call) and available to assist if a suspect munitions item is encountered. Support can be from offsite when called or be on location and available to provide immediate support if a suspect munitions item is encountered. [permittee and their construction contractors may elect to have UXO-qualified personnel available on-location for a portion of the ground-disturbing and intrusive activities to expeditiously facilitate a response if a

[suspect munitions item is encountered \(Section 4.1\).](#)] The UXO-qualified personnel responsibilities will include the following tasks:

- Maintain a copy of this CSP while on-location and in-hand at all times while on-call
- Maintain a copy of Munitions Recognition and Safety Training attendance logs
- Conduct anomaly avoidance activities if applicable
- If on the project site, attend daily informational and/or tailgate safety briefings conducted by [\[permittee name\]](#) and their construction contractors
- Respond to suspect munitions items as described below and in Section 4 of this CSP
- Produce daily field reports of on-call/on-location activities and submit to the [\[property owner name/permittee name\]](#) on a weekly basis
- After-action reporting to construction support contractor [\[UXO support contractor name\]](#) as described in Section 3.3

[\[insert example, if applicable: Anomaly avoidance will consist of a technology-aided surface inspection using a handheld geophysical detection instrument \(e.g., magnetometer and Whites All-Metals detector\) for certain ground-disturbing/intrusive activities to avoid contact with potential subsurface anomalies. If an anomaly is detected, the anomaly location will be cordoned off, if necessary, to prevent disturbance and ground-disturbing/intrusive activities will be relocated in coordination with project personnel.\]](#)

If a suspect munitions item is encountered during ground-disturbing or intrusive activities, it is imperative that the item not be disturbed and be reported immediately to the site construction supervisor. Workers should:

- Mark or otherwise note the location of the suspect munitions item (Recognize)
- Stop work, take a photograph of the item, if possible, but do not approach the item to get a better view, and leave the work area (Retreat)
- Report the suspect munitions item to their on-site construction supervisor (Report)

The site construction supervisor will ensure that all construction-related activities within a [\[X-foot area\]](#) of the suspect munitions item cease, the [\[X-foot area\]](#) area is cleared of all workers, and the [\[X-foot area\]](#) area is secured from unauthorized entry. The on-site construction supervisor will then contact the UXO-qualified personnel for support. [\[Insert rationale for specified stop work area.\]](#)

UXO-qualified personnel will respond to the area, and inspect and assess the suspect munitions item. No attempt will be made by workers to disturb, remove, or destroy the suspect munitions item. UXO-qualified personnel will ensure that encountered suspect munitions items are evaluated and classified as confirmed or suspect MEC, MD or non-munitions related debris (e.g., scrap metal). UXO-qualified personnel may visually assess the suspect munitions item during inspection and will follow the appropriate procedure identified in Section 4 of this CSP, which generally include:

- If the encountered item is classified as confirmed or suspect MEC by UXO-qualified personnel, the procedures presented in Section 4.2 will be implemented.
- If the encountered item is classified as MD by UXO-qualified personnel, the item will be removed from the project site by the UXO-qualified personnel and securely stored for appropriate off-site disposal at project conclusion. Following removal of the MD, the UXO-qualified personnel will notify the site construction supervisor that ground-disturbing or intrusive activity may resume at the site. The UXO-qualified personnel will contact FORA as an informational notification of any MD finds. Recovered MD will be certified as materials documented as safe (MDAS) and free from explosives (FFE) by the construction support contractor using Form 1348 prior to releasing the MD to an appropriate foundry or recycler at project conclusion (Section 3.3).
- If the encountered item is classified as non-munitions related debris (e.g., scrap metal) by the UXO-qualified personnel, the item will be removed from the project site by the construction contractor and managed as appropriate. Following removal of the non-munitions related debris, the UXO-qualified personnel will notify the site construction supervisor that ground-disturbing or intrusive activity may resume at the project site. Notification to FORA regarding non-munitions related debris or inclusion of non-munitions related debris in the on-call construction support after-action report is not required.

3.3. After-Action Reporting

Instructions: In this section identify the activities to be conducted to complete the on-call construction support notification and reporting requirements. Provide standard operating procedures (SOPs) where appropriate as Attachments to the Construction Support Plan.

Following completion of the construction support activities conducted on former FORA ESCA property, [UXO support contractor name] will submit an on-call construction support after-action report to the [property owner name/permittee name] excavation permitting agency, Army, EPA, and DTSC (Attachment B). The on-call construction support after-action report will be submitted within 30 days of project completion and will include at a minimum: a map of the excavation footprint with any MEC finds plotted; table summarizing any MEC, munitions debris, or military training related items recovered from the project site; applicable munitions recognition and safety training logs; and applicable UXO construction support daily reports.

4. RESPONSE TO SUSPECT MUNITIONS ITEM PROCEDURES

Instructions: In this section provide a concise description of the actions, roles and responsibilities for response to suspect munitions items and confirmed MEC finds. The intent is for this section to provide a single point of reference and clearly communicate the actions to be taken in response to a suspect munitions item find on the project site. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They may be repeated here for ease of reference and clarity in suspect munitions and MEC response protocol.

Response to suspect munitions items will only be conducted by the UXO-qualified personnel. The suspect munitions item response procedures are presented in this section and are summarized as follows:

- Response to Suspect Munitions Item (Section 4.1) – In the event a suspect munitions item is encountered by site workers (i.e., Recognize), work within a [X-foot area] will immediately cease (i.e., Retreat) and the UXO-qualified personnel will be notified (i.e., Report).
- Response to Confirmed or Suspect MEC Item (Section 4.2) – In the event the encountered item is classified by the UXO-qualified personnel as a confirmed or suspect MEC item work outside the [X-foot area] may continue; however, work should not interfere with security measures set in place for the suspect munitions item or authority's response to the suspect munitions item. UXO-qualified personnel will immediately notify the [local jurisdiction name(s)] Local Law Enforcement Agency (Table 1) followed by [property owner name] of the confirmed or suspect MEC find. [Property owner name] will immediately contact the Army, EPA and DTSC of the confirmed or suspect MEC find.
- MEC Find Notification Form (Section 4.3) – If, after disposal, the suspect item is confirmed to be MEC or remains a suspect MEC by Explosive Ordnance Disposal (EOD) personnel, or local bomb squad with equivalent training, the UXO-qualified personnel will complete the Army MEC Incident Recording Form (Attachment C) and MEC Find Notification to FORA Form (Attachment D) and transmit the two forms to [property owner].
- MEC Find Assessment Form (Section 4.4) – If, after disposal, the suspect MEC item is confirmed to be MEC or remains a suspect MEC by EOD personnel, or local bomb squad with equivalent training, FORA [or FORA's Successor in Interest name] will assess the probability of encountering MEC and will submit the assessment to Army, EPA and DTSC for concurrence using the FORA MEC Find Assessment Form (Attachment E).
- Restart of Work after MEC Find (Section 4.5) – Work will not resume within the [X-foot area, entire project site, or other; to be determined based on project- and site-specific information] exclusion zone until any additional necessary investigation is completed based on the MEC find assessment and Army, EPA and DTSC concurrence that the probability of encountering MEC is low.

4.1. Response to Suspect Munitions Item

Instructions: In this section, provide a concise description of the actions, roles, and responsibilities for response to suspect munitions items. The intent is for this section to provide a single point of reference and clearly communicate the actions to be taken in response to suspect munitions items on the project site. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They are repeated here for ease of reference and clarity in MEC response protocol.

Each individual is responsible for reporting suspect munitions items discovered during construction activities. If a suspect munitions item is discovered at the project site (i.e., Recognize), all work activities will cease within a [X-foot area] of the suspect munitions item and all site workers will vacate the [X-foot area] area (i.e., Retreat). No attempt should be made by workers to disturb, remove, or destroy the suspect munitions item. The site workers will notify their on-site construction supervisor, who will contact the UXO-qualified personnel to mobilize to the project site and assess the suspect munitions item (i.e., Report). Contact information is provided in Table 1.

The general sequence of work stoppage in response to a suspect munitions item is as follows:

- Ground-disturbing and intrusive activities will cease, heavy equipment and/or site vehicles are to stay in place, and site workers are to vacate the area within a [X-foot area].
 - If feasible and safe to do, the general location of the suspect munitions item should be marked, global position system (GPS) coordinates should be recorded and pictures of the item taken.
- Site personnel will immediately contact the on-site construction supervisor to report the suspect munitions item.
- site construction supervisor will confirm that all work has stopped within a [X-foot area] of the suspect munitions item and all site workers have retreated to a safe location at least [X feet] from the suspect munitions item.
- site construction supervisor will immediately contact the on-call UXO-qualified personnel (Table 1) and provide GPS coordinates and/or pictures of the suspect munitions item, if available.
 - If the UXO-qualified personnel cannot respond within the normal work day, [property owner name/permittee name] and their construction contractors will maintain control of the [X-foot area] area to prevent unauthorized entry.
- On-call UXO-qualified personnel will mobilize to the location of the suspect munitions item and ensure the item is evaluated and classified as confirmed or suspected MEC, MD, or non-munitions related debris (e.g., scrap metal).
 - If feasible, a visual assessment of any photographs will be conducted by the UXO-qualified personnel prior to mobilization to the site to determine if the item is munitions-related or non-munitions-related debris (e.g., metal scrap).

- **If the item is classified by the UXO-qualified personnel as confirmed or suspect MEC, the UXO-qualified personnel will implement the procedures outlined in Section 4.2.**
- If the item is classified by the UXO-qualified personnel as MD, the item will be removed from the project site by the UXO-qualified personnel and securely stored for appropriate off-site disposal at project conclusion.
 - Following removal of the MD, the UXO-qualified personnel will notify the site construction supervisor that ground-disturbing and intrusive activities may resume at the project site.
 - Following notification that ground-disturbing and intrusive activities may resume, the UXO-qualified personnel will contact [property owner] within 24 hours as an informational notification of the MD find. A summary of the recovered MD will be provided in the on-call construction support after-action report (Section 3.3).
- If the item is confirmed to be non-munitions-related debris (e.g., scrap metal), the item will be removed from the project site by the construction contractor and managed as appropriate.
 - Following removal of the non-munitions-related debris, the UXO-qualified personnel will notify the on-site construction supervisor that ground-disturbing and intrusive activities may resume at the project site.
 - Notification to [property owner] regarding non-munitions-related debris or inclusion of non-munitions-related debris in the on-call construction support after-action report is not required.

4.2. Response to Confirmed or Suspect MEC Item

Instructions: In this section provide a concise description of the actions, roles and responsibilities for response to confirmed or suspect MEC items. The intent is for this section to provide a single point of reference and clearly communicate the actions to be taken in response to an item which cannot be verified as safe by UXO-qualified personnel (i.e., MEC or suspect MEC) on the project site. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They are repeated here for ease of reference and clarity in MEC response protocol.

At no time should a confirmed or suspect MEC item be disturbed, removed, or destroyed by unauthorized personnel. If an item is classified as a confirmed or suspect MEC item by the UXO-qualified personnel, all work within the [X-foot area] may not resume until further notice. If it is determined that the confirmed MEC or suspect munitions item requires detonation by EOD personnel, or local bomb squad with equivalent training, all work on the entire project site will immediately cease and all site workers will gather at a location designated by the construction contractor under their emergency evacuation plan.

The general sequence of work stoppage and construction support actions in response to a confirmed or suspect MEC item is as follows:

- All work activities within a [X-foot area] of the confirmed or suspect MEC item will stop and all affected site workers will retreat to a safe location at least [X feet] from the confirmed or suspect MEC item. Work outside the [X-foot area] may continue; however, work should not interfere with security measures set in place for the confirmed or suspect MEC item or authority's response to the item.
- UXO-qualified personnel will secure the location of the confirmed MEC or suspect munitions item to prevent unauthorized access.
- UXO-qualified personnel will record the GPS location and take photographs of the confirmed or suspect MEC item.
- UXO-qualified personnel will immediately contact the [local jurisdiction name(s)] Local Law Enforcement Agency to mobilize to the project site and secure the location of the confirmed or suspect MEC item.
- Upon arrival, the [local jurisdiction name(s)] Local Law Enforcement Agency will secure the area, consult with the UXO-qualified personnel on confirmed or suspect MEC item identification and request EOD personnel, or local bomb squad with equivalent training, respond to address the item.
 - If the [local jurisdiction name(s)] Local Law Enforcement Agency and/or EOD personnel, or local bomb squad with equivalent training, cannot respond within the normal work day, [property owner name/permittee name] and their construction contractors will maintain control of the [X-foot area] area to prevent unauthorized entry.
- UXO-qualified personnel will immediately contact [property owner name] and [UXO support contractor name] of the confirmed or suspect MEC item and provide status of the [local jurisdiction name(s)] Local Law Enforcement Agency/EOD personnel or local bomb squad response.
- [Property owner name] will immediately contact the Army, EPA, and DTSC regarding the confirmed or suspect MEC item.
- If the confirmed or suspect MEC item requires detonation by EOD personnel, or local bomb squad with equivalent training, all work activities within the project site will stop and affected site workers will gather at a location designated by the construction contractor under their emergency evacuation plan for accurate head-count.
- After the confirmed or suspect MEC item has been addressed by EOD personnel, or local bomb squad with equivalent training, the UXO-qualified personnel will assist [UXO support contractor name] with completion of necessary notifications and reporting (Section 4.3).
 - If determined to be MEC, or remains a suspect MEC, by EOD personnel, or local bomb squad with equivalent training, site work may not resume within the [X-foot area, entire project site, or other; to be determined based on project- and site-specific information] of the item location until the appropriate reporting in accordance with Section 4.3 has been completed; any additional necessary investigation is completed based on the MEC find assessment; and Army, EPA and DTSC concurrence that the probability of encountering MEC remains low to support

continuation of activities within the [X-foot area, entire project site, or other; to be determined based on project- and site-specific information].

- If determined to be MD by EOD personnel, or local bomb squad with equivalent training, site work may resume within the [X-foot] area as described in Section 4.1.

4.3. MEC Find Notification to FORA Form

Instructions: In this section provide a concise description of the actions, roles and responsibilities for notification and reporting of MEC item finds. The intent of this section is to provide a single point of reference and clearly communicate MEC find notification and reporting requirements. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They may be repeated here for ease of reference and clarity in MEC response protocol.

If after disposal, the item is confirmed to be MEC or determined by EOD personnel, or local bomb squad with equivalent training, to remain a suspect MEC and, therefore, assumed to be MEC, the construction support contractor (i.e., [UXO support contractor name]) in coordination with the UXO-qualified personnel will complete an Army MEC Incident Recording Form (Attachment C) and a MEC Find Notification to FORA Form (Attachment D), and submit the forms to [property owner] for distribution to FORA [or FORA's Successor in Interest], Army, EPA, and DTSC. The Army MEC Incident Recording Form will be submitted to [property owner] within 24 hours of MEC item disposal. [Property owner] will distribute the completed MEC Incident Recording Form to FORA [or FORA's Successor in Interest], Army, EPA and DTSC with 48 hours of MEC item disposal. The construction support contractor will provide FORA [or FORA's Successor in Interest] with the MEC Find Notification to FORA Form within 48 hours of MEC item disposal to support the MEC find assessment (Section 4.4).

4.4. MEC Find Assessment Form

Instructions: In this section provide a concise description of the actions, roles and responsibilities for the UXO Support Contractor to provide information to FORA in support of a FORA MEC Finds Assessment. The intent of this section is to provide a single point of reference and clearly communicate the information and actions to be conducted to support the FORA MEC Finds Assessment. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They may be repeated here for ease of reference and clarity in MEC response protocol.

After a MEC find, the probability of encountering MEC will be reassessed by FORA [or FORA's Successor in Interest]. FORA [or FORA's Successor in Interest] will assess the probability of encountering additional MEC. FORA [or FORA's Successor in Interest] will propose to the Army, EPA, and DTSC an appropriate probability of encountering MEC (low or moderate/high) and a recommendation for the level of construction support (on-call or on-site) appropriate for the site conditions. FORA [or FORA's Successor in Interest] will document the MEC find assessment and proposed determination on the FORA MEC Find Assessment Form (Attachment E) and will submit

the form with required attachments to the Army, EPA, and DTSC for review within 20 days of a MEC find.

The probability of encountering MEC and the resulting level of construction support will be jointly determined by the Army, EPA, and DTSC. If determined that additional investigation is required as part of the assessment, FORA [or FORA's Successor in Interest] will conduct the investigation in accordance with an approved work plan, if within the scope of its obligations. Army, EPA, and DTSC will review the results of the investigation to support the MEC find assessment.

If the probability of encountering MEC is determined to remain low, ground-disturbing and intrusive activities may resume using on-call construction support and this CSP (Section 4.5). FORA [or FORA's Successor in Interest] will receive written determination from the Army, EPA, and DTSC on the MEC finds assessment completion and provide a copy of the written determination to [property owner name/permittee name] and their construction contractors prior to resuming ground-disturbing and intrusive activities.

If the probability of encountering MEC is determined to be moderate to high, on-site construction support or other actions may be required prior to resuming ground-disturbing and intrusive activities. [Property owner name/permittee name] will prepare an on-site CSP consistent with the explosives safety criteria and considerations provided in DoD and Army explosives safety standards and guidelines for Army, EPA, and DTSC review and comment, as necessary, or FORA [or FORA's Successor in Interest] will conduct any additional investigation required by Army, EPA, and DTSC in accordance with an approved work plan, if within the scope of its obligations. Army, EPA, and DTSC will jointly evaluate the results of the additional investigation. The agency consultation process will be completed as expeditiously as practicable. Site work on the former FORA ESCA property may not restart until the assessment is completed, the Army, EPA, and DTSC have made a determination of the probability of encountering MEC, and any required additional action has been conducted by FORA [or FORA's Successor in Interest]. FORA [or FORA's Successor in Interest] will receive written determination from the Army, EPA, and DTSC on the MEC finds assessment completion and provide a copy of the determination to [property owner name/permittee name] and their construction contractors prior to resuming ground-disturbing and intrusive activities on the former FORA ESCA property using on-call construction support and this CSP (Section 4.5).

4.5. Restarting Work after a MEC Find

Instructions: In this section provide a concise description of the actions, roles and responsibilities for restarting work after completion of a FORA MEC Finds Assessment. The intent of this section is to provide a single point of reference and clearly communicate the information and actions to be conducted before restarting work. Several of the procedures discussed in this section were also presented in Section 3 UXO Support Procedures. They are repeated here for ease of reference and clarity in MEC response protocol.

Site work may not resume within a [X-foot area, entire project site, or other; to be determined based on project- and site-specific information] of the MEC item until the MEC find assessment has

been completed, the Army, EPA and DTSC have concurred with the assessment, and any required addition actions have been conducted. FORA [or FORA's Successor in Interest] will receive written determination from the Army, EPA, and DTSC on the MEC finds assessment completion and provide a copy of the determination to the [property owner name/permittee name] prior to resuming ground-disturbing or intrusive site activities using on-call construction support and this CSP.

5. REFERENCES

6. ATTACHMENTS [EXAMPLES]

Table 1 – List of Contacts

Figure 1 – Site locator map

Figure 2 – Munitions Response Area project site map with project footprint showing the designated future land uses

Figure 3 – Project Site map providing details of the project site showing the designated future land uses.

Figure 4 – Project vicinity map identifying MRS present on or near the project site. Map should also identify areas where MEC removal were completed.

Figure 5 – Construction site grading map showing past MEC finds plotted. Map should identify the project site with plots of recovered MEC items and descriptions. This map will be used to plot and report any MEC items found during construction efforts and for an MEC find assessment.

- A Project Site Grading and Soil Management Specifications (as applicable)
- B On-Call Construction Support After-Action Report
- C Army MEC Incident Recording Form (<http://www.fodis.net/mec/public>)
- D FORA MEC Find Notification Form
- E FORA MEC Find Assessment Form
- F Regulatory Concurrence Letters

FORM LUC-02

MEC Find Notification to FORA

During Construction Support Projects

Application: This form shall to be utilized by UXO Construction Support contractors to notify FORA of MEC finds during construction support activities pursuant to a final Construction Support Plan. The form is to be finalized as soon as possible after the MEC incident response is complete and the MEC item removed by military EOD, or local bomb squad with equivalent training. This form is in addition to the Army MEC Incident Recording form, which must be submitted to FORA within 24 hours of a MEC find. This form documents the MEC find in support of FORA’s MEC Finds Assessment.

Suspect munitions items should be inspected and assessed by UXO-qualified personnel. No attempt should be made by UXO support contractor to disturb, remove or destroy a suspect munitions item. Non-MEC items do not require a MEC Find Notification to FORA Form. If a suspect munitions item cannot be verified as safe (i.e., MEC or suspect MEC items) by UXO-qualified personnel, all intrusive or ground-disturbing work on site must remain stopped and local law enforcement notified by the UXO support contractor. Local law enforcement immediately notifies appropriate military EOD personnel, or local bomb squad with equivalent training, who will respond to the site and remove the suspect munitions item. Upon completion of military EOD or local bomb squad response, if the suspect munitions item is determined to be MEC, the UXO support contractor must submit this MEC Find Notification to FORA Form, along with the Army’s MEC Incident Recording Form, to FORA documenting the MEC incident and initiating FORA’s MEC Find Assessment. An assessment of MEC finds must be completed and approved prior to restarting work on the site.

Instructions: Line-by-line instructions are provided at the end of this form. UXO support contractor must complete the required MEC Find Notification to FORA Form and submit to FORA as soon as practicable after a MEC find incident. If all information is not immediately available, a partially completed form may be submitted, however all required information must be submitted to support the FORA MEC Finds Assessment. A copy of the completed FORA MEC Finds Assessment and Army, EPA and DTSC concurrence must be received by FORA prior to providing permission to resume intrusive site work. For purposes of this form, the terminology of “FORA” refers to obligations or requirements that are currently assigned to FORA, but will eventually transfer to FORA’s successor in interest.

PROJECT DESCRIPTION AND CONTACT INFORMATION (Use information from Construction Support Plan)

Project Name		Excavation / Grading Permit Number	
Project Support Start Date		Monterey County Real Estate Parcel	
Project Support End Date		COE Real Estate Parcel Number	
Project Contact		Contact Phone	

Project Location

Brief Project Description (attach project site map from Construction Support Plan):

Construction Support Contractor		UXO Safety Officer Name / Contact Phone	
Construction Support Contractor Address			

MEC INCIDENT RESPONSE SUMMARY INFORMATION

Person Reporting Date & Time		Contact Phone	
Final MEC Item Description		MEC Find Date & Time	
Law Enforcement Response Date & Time		EOD Response Date & Time	

FORM LUC-02
MEC Find Notification to FORA
During Construction Support Projects

Final MEC Disposition:			
CONSTRUCTION SUPPORT ACTIVITY DETAILS			
Construction Support Plan / Date		Probability of Encountering MEC	
Level of soil disturbance at time of MEC find	<input type="checkbox"/> Shallow surface disturbances (less than 6-inches); Maximum depth: _____ <input type="checkbox"/> Isolated hand digging / post holes / drilling or bore holes <input type="checkbox"/> Linear trench excavation or underground utilities <input type="checkbox"/> Excavation of construction footprint (building foundation, roadway, etc.) <input type="checkbox"/> Site wide grading / large scale excavation <input type="checkbox"/> Other _____		
Description of soil disturbance at time of MEC find:			
Level of Construction Support utilized at time of MEC find	<input type="checkbox"/> On-call UXO-qualified personnel support <input type="checkbox"/> On-site construction support by UXO-qualified personnel <input type="checkbox"/> Anomaly avoidance by UXO-qualified personnel <input type="checkbox"/> Other _____		
Description of actions taken by UXO-qualified personnel in response to MEC find:			
Actions taken to secure site:			
Current Site Status	<input type="checkbox"/> Work currently stopped on entire project site as result of MEC find. <input type="checkbox"/> Work currently stopped on following portion of project site as result of MEC find: _____		

**FORM LUC-02
 MEC Find Notification to FORA
 During Construction Support Projects**

Other information regarding Construction Support Activities:

MEC FIND DETAILED INFORMATION

MEC item found (include model number, if known):

Brief description of MEC find (attach applicable UXO contractor field notes and use map from Construction Support Plan Section 2.2, Summary of Previous Munitions Response Actions with plot identifying location of current MEC item):

MEC find type of munition: UXO DMM ISD

- Pyrotechnic
- Projectile
- Mortar

- Hand Grenade
- Rifle Grenade
- Rocket

- Pre-WWII munition item
- Mine & Booby Trap
- Other _____

Total number of MEC items recovered during this project to date: _____

List items and dates recovered:

Other munitions related items or evidence of munitions use recovered in the area during construction support:

**FORM LUC-02
MEC Find Notification to FORA
During Construction Support Projects**

Description of any follow-on actions conducted by construction support personnel in response to MEC find (attach applicable data, maps, and reports):

DETAILED MEC INCIDENT RESPONSE INFORMATION

Responding Local Law Enforcement Agency		Incident / Report Number	
Responding Officer		Date / Time of Response	

Description of Local Law Enforcement Response (attach report if available):

Responding EOD Unit		EOD Incident / Report Number	
Responding EOD Unit Leader / Contact		Date / Time of Response	

Description of EOD Response (attach EOD report if available):

Final Disposition of Item(s) (include disposition of any munitions debris):

FINAL MEC ITEM IDENTIFICATION DETAILS

Person making final identification:
Position / Company
Contact phone/email:

Final Identification of Item(s) Found (provide make and model if available):

FORM LUC-02
MEC Find Notification to FORA
During Construction Support Projects

Rationale in Support of Final MEC Item Determination (If identification is revised from preliminary identification, provide reason for revision.):

- | | | |
|--|---|--|
| <input type="checkbox"/> Unexploded Ordnance (UXO) | <input type="checkbox"/> Discarded Military Munitions (DMM) | <input type="checkbox"/> Insufficient Data to make determination (ISD) |
|--|---|--|

MEC find type of munition:

- | | | |
|--------------------------------------|--|---|
| <input type="checkbox"/> Pyrotechnic | <input type="checkbox"/> Hand Grenade | <input type="checkbox"/> Pre-WWII munition item |
| <input type="checkbox"/> Projectile | <input type="checkbox"/> Rifle Grenade | <input type="checkbox"/> Mine & Booby Trap |
| <input type="checkbox"/> Mortar | <input type="checkbox"/> Rocket | <input type="checkbox"/> Other _____ |

REQUIRED ATTACHMENTS

Attachments to report (check all that apply)

- Map of extent of ground-disturbing or intrusive activity (i.e., excavation footprint) indicating completed areas and planned areas with excavation depths
- UXO Daily Reports and field logs for MEC find response
- Map of location of MEC find
- Local law enforcement MEC response report
- Military EOD MEC response report
- Army's Fort Ord MEC Incident Recording Form
- Other _____

REPORT DISTRIBUTION

Report Distribution list:

- Local Building Department, Attention: Fort Ord Excavation Permit Point of Contact
- Fort Ord Reuse Authority, Attention: ESCA Program Manager
- U.S. Army – BRAC Office
- U.S. Environmental Protection Agency, Region IX, Superfund Division, Attention: Fort Ord Project Manager
- State of California, Department of Toxic Substances Control, Attention: Fort Ord Project Manager
- Other _____

FORM LUC-03

FORA MEC Finds Assessment Report

On-Call Construction Support Projects

Application: This form shall be utilized by FORA to document required evaluation of MEC finds reported during construction support activities. An assessment of MEC finds must be completed by FORA with concurrence by the Army, EPA and DTSC prior to restarting work on the site.

Instructions: Line-by-line instructions are provided at the end of this form. FORA must complete the required MEC find assessment and submit FORA recommendation to Army, EPA and DTSC within 20 days of a MEC find. Form must be submitted with all attachments to the Army, EPA and DTSC. FORA must receive written concurrence with assessment findings before work can resume on the site. A copy of the completed assessment and Army, EPA and DTSC concurrences will be provided prior to receiving permission to resume intrusive site work. For purposes of this form, the terminology of "FORA" refers to obligations or requirements that are currently assigned to FORA, but will eventually transfer to FORA's successor in interest.

PROJECT DESCRIPTION AND CONTACT INFORMATION (Use information from MEC Find Notification Report)

Project Name		Excavation / Grading Permit Number	
Project Support Start Date		Monterey County Real Estate Parcel	
Project Support End Date		COE Real Estate Parcel Number	
Project Contact		Contact Phone	

Project Location

Brief Project Description (attach project site map from MEC Find Notification Report):

Construction Support Contractor		UXO Safety Officer Name / Contact Phone	
Construction Support Contractor Address			

CONSTRUCTION SUPPORT ACTIVITIES (Use information from MEC Find Notification Report)

Level of Construction Support utilized at time of MEC find	<input type="checkbox"/> On-call UXO-qualified personnel support <input type="checkbox"/> On-site construction support by UXO-qualified personnel <input type="checkbox"/> Anomaly avoidance by UXO-qualified personnel <input type="checkbox"/> Other _____
Level of Soil Disturbance at time of MEC find	<input type="checkbox"/> Shallow surface disturbances (less than 6-inches); Maximum depth: _____ <input type="checkbox"/> Isolated hand digging / post holes / drilling or bore holes <input type="checkbox"/> Linear trench excavation or underground utilities <input type="checkbox"/> Excavation of construction footprint (building foundation, roadway, etc.) <input type="checkbox"/> Site wide grading / large scale excavation <input type="checkbox"/> Other _____
Current Site Status	<input type="checkbox"/> Work currently stopped on entire project site as result of MEC find. <input type="checkbox"/> Work currently stopped on following portion of project site as result of MEC find: _____

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

MEC FIND INFORMATION		
MEC item found (include model number if known):		
Probability of Encountering MEC at time of MEC find: [] Low [] Moderate to High Rationale supporting probability of encountering MEC:		
Brief description of MEC find (attach applicable MEC Find Notification to FORA Form and map of item location with past finds):		
MEC find type of munition: [] UXO [] DMM [] ISD		
<input type="checkbox"/> Pyrotechnic <input type="checkbox"/> Projectile <input type="checkbox"/> Mortar	<input type="checkbox"/> Hand Grenade <input type="checkbox"/> Rifle Grenade <input type="checkbox"/> Rocket	<input type="checkbox"/> Pre-WWII munition item <input type="checkbox"/> Mine & Booby Trap <input type="checkbox"/> Other _____
MEC item disposal information (attach local law enforcement and EOD incident reports):		
Total number of MEC items recovered during this project to date: _____ List items and dates recovered:		
Other munitions related items or evidence of munitions use recovered in the area during construction support:		
Description of any follow-on actions conducted by construction support personnel in response to MEC find (attach applicable data, maps, and reports):		

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

MUNITIONS SITE BACKGROUND INFORMATION

Historical military training in project area and/or Munitions Response Sites (see RI/FS):

List previous MEC removal actions in project area and detection equipment used for removals (see RI/FS):

Historical types of munitions recovered from site (check all that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> Pyrotechnic
<input type="checkbox"/> Projectile
<input type="checkbox"/> Mortar | <input type="checkbox"/> Hand Grenade
<input type="checkbox"/> Rifle Grenade
<input type="checkbox"/> Rocket | <input type="checkbox"/> Pre-WWII munition item
<input type="checkbox"/> Mine & Booby Trap
<input type="checkbox"/> Other _____ |
|--|--|---|

Is MEC find consistent with previous site use? (Yes / No) Explain:

Historical evidence of use of this type of munitions in the vicinity of the site:

Is there specific evidence or reason to believe that additional residual MEC of this type may be present? (Yes / No) Explain:

FORA RECOMMENDATION BASED ON MEC FIND

Based on this MEC find, is the current level of construction support appropriate? (Yes / No)

Current construction support level: _____

Revised construction support level: _____

FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects

FORA MEC find assessment recommendation:

- Probability of encountering MEC determined to remain low. Work can resume with current level of construction support.
- Probability of encountering MEC determined to be moderate to high. On-site construction support required prior to resuming any intrusive activities.
- Additional MEC investigation or response determined to be necessary.
- Other: _____

Assessment Form Distribution:

- U.S. Army – BRAC Office
- U.S. Environmental Protection Agency, Region IX, Superfund Division, Attention: Fort Ord Project Manager
- State of California, Department of Toxic Substances Control, Attention: Fort Ord Project Manager
- Other: _____

FORM REVIEW AND APPROVAL DOCUMENTATION

FORA MEC Finds Assessment Tracking:

- Completed form submitted by FORA to Army, EPA, and DTSC (Date: _____)
- Agency Concurrence Received (attach documentation)
- Approved to resume work with current construction support level
- Approved to resume work with additional conditions
Required additional conditions: _____
- Other: _____

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

Line-by-Line Instructions	
PROJECT DESCRIPTION AND CONTACT INFORMATION (From Construction Support Plan)	
Project Name	Enter the name for the Project (or portion thereof) for which this FORA MEC Find Assessment Report is being submitted.
Excavation Permit Number	This is the Excavation Permit number provided by the Permitting Authority under the applicable local building code (i.e., Digging and Excavation on Fort Ord)
Monterey County Real Estate Parcel	Provide the Monterey County Real Estate Parcel number(s) for the property for which this FORA MEC Find Assessment Report is being submitted.
COE Real Estate Parcel	Provide the U.S. Army Corps of Engineers Real Estate Parcel number(s) for the property for which this FORA MEC Find Assessment Report is being submitted. The parcel number is available in the Federal Deeds and property transfer documents.
Construction Support Project Start and End Dates	Provide the dates when construction support services were in place for the project. For on-call support, report the date range during which on-call support services were available regardless of whether a call was made or support was utilized. For on-site support, report the first and last day construction support personnel were physically on-site providing support.
Project Contact, Contact Phone	Provide the name and contact phone number for the person submitting the FORA MEC Find Assessment Report.
Project Location	Provide a physical address for the project site. If an address is not available, provide the nearest cross streets and a description of the physical location.
Project Description	Provide a brief description of the permitted project. The description should be limited to a few sentences. The full description and details regarding the project are documented in the excavation permit and do not need to be repeated here.
Construction Support Contractor	Provide the name of the contractor providing construction support for the project.
UXO Safety Officer Contact Phone	Provide the name and contact phone number for the UXO Safety Officer for the project.
Construction Support Contractor Address	Provide the permanent mailing address and contact information for the contractor providing construction support for the project.
CONSTRUCTION SUPPORT ACTIVITIES (from MEC Find Notification Form)	
Level of Construction Support utilized at time of MEC find (check all that apply)	This box identifies the general category of construction support provided at the time of the MEC find. Check the box(es) which best describe the level of construction support utilized on this project at the time of the MEC find. If multiple levels of construction support were provided, check the box for each type utilized. The methods and details regarding implementation of construction support are not provided here as they are documented in the project's Construction Support Plan.
Level of Soil Disturbance at time of MEC find	This box identifies the general category and level of soil disturbance for which construction support was provided at time of MEC find. Check the box(es) which best describe the level of soil disturbance at time of MEC find. If multiple levels of soil disturbance occurred, check each box that is applicable.
Current Site Status	Provide the current status of activities at the project site and site of the MEC find.
MEC FIND INFORMATION (from MEC Find Notification Form)	
MEC Item found	Provide the type of MEC item recovered including model number, if known.

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

Probability of Encountering MEC at time of MEC find	Provide the probability of encountering MEC (i.e., low, moderate, high) at the project site at the time of the MEC find and supporting rationale for the determined probability of encountering MEC.
Brief description of MEC find	Provide a description of the activities being performed at the time of the MEC find and the response actions taken. Attach applicable MEC Find Notification to FORA Form and map of item location showing past finds.
MEC find type of munition	Check the box appropriate box indicating the type of munition recovered (UXO, DMM, or ISD) and the box that corresponds most closely with the category of the munitions item.
MEC item disposal information	Describe how the munitions item was disposed of and attach local law enforcement and EOD incident reports.
Total number of MEC items recovered during this project to date	In this box, provide a tally of the total number of MEC items recovered to date during construction support on this project. Provide a listing of previous MEC items recovered during construction support on this project, including the date of recovery and a brief summary of each MEC find incident from the Fort Ord MEC Incident Recording Form. Attach a table listing previous MEC items, if necessary.
Other munitions related items or evidence of munitions use recovered in the area during construction support	Provide a brief summary of the evidence of past military munitions or military training activities recovered during construction support. The summary should be limited to concise statements regarding the evidence identified and types of training indicated.
Description of any follow-on actions conducted by construction support personnel in response to MEC find	Describe any follow-on actions conducted by construction support personnel in response to MEC find (attach applicable data, maps, and reports).
MUNITIONS SITE BACKGROUND INFORMATION	
Historical military training in project area and/or Munitions Response Sites (see RI/FS)	Provide a brief summary of past military training activities in the project area, including any Munitions Response Sites (MRS) or former ranges. The summary should be limited to concise statements regarding the identified training areas and/or MRS, types of training, and types of munitions used. This information is documented in the Remedial Investigation/Feasibility Study (RI/FS) Report available on the Administrative Record.
List previous MEC removal actions in project area with detection equipment used for removals (see RI/FS)	Provide a list and summary of previous MEC removal actions in the project area. The summary should include the date of the action, objective of the action, and technology used for the action. This information is documented in the Remedial Investigation/Feasibility Study (RI/FS) Report available on the Administrative Record.
Historical types of munitions recovered from site (check all that apply):	Check boxes for each category of munitions recovered from the project site.
Is MEC find consistent with previous site use? (Yes / No) Explain	Indicate if the MEC find is consistent with the documented historical use of the site. Past military training areas and/or MRS, types of training, and types of munitions used are documented in the Remedial Investigation/Feasibility Study (RI/FS) Report available on the Administrative Record.

**FORM LUC-03
FORA MEC Finds Assessment Report
On-Call Construction Support Projects**

Historical evidence of use of this type of munitions in the vicinity of the site	Provide historical evidence of the use of the MEC find type at the site. Past military training areas and/or MRS, types of training, and types of munitions used are documented in the Remedial Investigation/Feasibility Study (RI/FS) Report available on the Administrative Record.
Is there specific evidence or reason to believe that additional residual MEC of this type may be present? (Yes/No) Explain	Indicate if there is or is not evidence or reason to believe that additional residual MEC of this type may be present at the site and provide supporting rationale.
FORA RECOMMENDATION BASED ON MEC FIND	
Based on this MEC find, is the current level of construction support appropriate?	State if, based on this MEC find, the current level of construction support is or is not appropriate. State the level of construction support at the time of the MEC find and the revised level of construction support, if applicable.
FORA MEC find assessment recommendation	Check the box that describes FORA's recommendation regarding probability of encountering MEC at the site and actions to be taken, if any.
Assessment Form Distribution	This box is used to identify the specific organizations receiving a copy of this MEC Find Assessment.
FORM REVIEW AND APPROVAL DOCUMENTATION	
FORA MEC Finds Assessment Tracking	This box is used to indicate the steps completed during the MEC Finds Assessment review and approval process.

Construction Support After Action Report Form

Fort Ord Digging & Excavation Permit

On-Call and On-site Construction Support Projects

Application: This form shall to be utilized by Permittee to provide required After Action Reporting for Fort Ord Digging and Excavation Permits on projects where On-Call Construction Support, Anomaly Avoidance and/or On-site Construction Support was implemented. The form shall also be utilized for non-permitted (i.e., de minimis) On-call Construction Support projects.

Instructions: Line-by-line instructions are provided at the end of this Form. Permittee must complete this Form and submit the requested project information within 30 days of project completion. Form must be submitted with all required attachments to the permitting Agency and FORA, as required under the Fort Ord Digging and Excavation Ordinance. FORA uses information provided in this Form to complete required annual reporting. Required attachments are identified at the end of this Form and include a map of the final ground disturbance footprint with excavation depths, a table summarizing any munitions debris or other military training related items recovered from the project site, copies of applicable training logs and applicable UXO Construction Support daily reports. For purposes of this form, the terminology of "FORA" refers to obligations or requirements that are currently assigned to FORA, but will eventually transfer to FORA's successor in interest.

PROJECT DESCRIPTION AND CONTACT INFORMATION

Project Name		Excavation Permit Number	
Construction Support Start Date		Monterey County Real Estate Parcel	
Construction Support End Date		COE Real Estate Parcel Number	
Project Contact:		Contact Phone	

Project Location

Project Description (attach map of final ground disturbance footprint with excavation depths):

Construction Support Contractor		UXO Safety Officer Contact Phone	
Construction Support Contractor Address			

CONSTRUCTION SUPPORT ACTIVITIES

Munitions Recognition and Safety Training (attach training logs)	<input type="checkbox"/> On-site training – number trained _____ <input type="checkbox"/> On-line training – number trained _____ <input type="checkbox"/> Other _____ - number trained _____	Total Trained _____
Level of Construction Support Utilized for Project (check all that apply)	<input type="checkbox"/> On-call UXO-qualified personnel support <input type="checkbox"/> Anomaly avoidance by UXO-qualified personnel <input type="checkbox"/> On-site construction support by UXO-qualified personnel <input type="checkbox"/> Other _____	
Level of Soil Disturbance (check all that apply)	<input type="checkbox"/> Shallow surface disturbances (less than 6-inches); Maximum depth: _____ <input type="checkbox"/> Isolated hand digging / post holes / drilling or bore holes <input type="checkbox"/> Linear trench excavation or underground utilities <input type="checkbox"/> Excavation of construction footprint (building foundation, roadway, etc.) <input type="checkbox"/> Site wide grading / large scale excavation <input type="checkbox"/> Other _____	

**Construction Support After Action Report Form
Fort Ord Digging & Excavation Permit
On-Call and On-site Construction Support Projects**

Level of Effort for Construction Support During Project (attach daily reports and field logs)	<ul style="list-style-type: none"><input type="checkbox"/> Idle on-call support days (days without a UXO support request) _____<input type="checkbox"/> Non-idle on-call support days (days with one or more calls for UXO-qualified personnel to respond to site and assess suspect munitions items) _____<input type="checkbox"/> Anomaly avoidance support days _____<input type="checkbox"/> On-site construction support days _____
---	---

Construction Support After Action Report Form

Fort Ord Digging & Excavation Permit

On-Call and On-site Construction Support Projects

CONSTRUCTION SUPPORT RESULTS	
Were military munitions related items (MEC or MD) or other evidence of military training identified? (Yes) / (No) [If no, skip remainder to Certification section.] (Attach map identifying locations of recovered munitions related items and a table listing items recovered along with item size, weight and recovery depth.)	
Total number of MEC items recovered (attach applicable MEC Incident Reports): _____	
Summary of MEC find assessment(s) (Attach applicable FORA MEC Find Assessment reports)	
Summary of evidence of military munitions or military training activities found during project	
Total number of munitions debris items recovered _____ and approximate total weight _____ (lbs)	
Disposition of munitions debris items recovered (attach certifications and manifests)	<input type="checkbox"/> Munitions debris inspected, certified free from explosive hazards, and transferred to appropriate munitions debris recycling facility <input type="checkbox"/> Munitions debris transferred to U.S. Department of Defense (i.e., EOD Unit) <input type="checkbox"/> Munitions debris transferred to local civil authority <input type="checkbox"/> Other _____
UXO CONTRACTOR REPORT CERTIFICATION	
I hereby certify that the information submitted in the report is true and complete.	
Name, Title _____	
Signature _____, Date _____	
REQUIRED ATTACHMENTS	
Attachments to report (check all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> Map of extent of ground disturbing activity (i.e., excavation footprint) with excavation depths <input type="checkbox"/> Munitions Recognition and Safety Training logs <input type="checkbox"/> UXO Daily Reports and field logs <input type="checkbox"/> Map of locations of recovered munitions related items <input type="checkbox"/> Table listing munitions related items (MEC and MD) recovered, including size, weight and recovery depth <input type="checkbox"/> Applicable MEC Incident Recording forms <input type="checkbox"/> Disposition of munitions debris (applicable certifications and recycling records) <input type="checkbox"/> Applicable FORA MEC Find Assessment reports with attached Army, EPA and DTSC concurrences and notices to resume work 	

**Construction Support After Action Report Form
Fort Ord Digging & Excavation Permit
On-Call and On-site Construction Support Projects**

REPORT DISTRIBUTION

Report Distribution list:

- Local Building Department, Attention: Fort Ord Excavation Permit Point of Contact
- Fort Ord Reuse Authority, Attention: ESCA Program Manager
- U.S. Army – BRAC Office
- U.S. Environmental Protection Agency, Region IX, Superfund Division, Attention: Fort Ord Project Manager
- State of California, Department of Toxic Substances Control, Attention: Fort Ord Project Manager
- Other _____

Construction Support After Action Report Form

Fort Ord Digging & Excavation Permit

On-Call and On-site Construction Support Projects

Line-by-Line Instructions	
PROJECT DESCRIPTION AND CONTACT INFORMATION	
Project Name	Enter the name for the Project (or portion thereof) for which this Construction Support After Action Report is being submitted.
Excavation Permit Number	This is the Excavation Permit number provided by the Permitting Authority under the applicable local building code (i.e., Digging and Excavation on Fort Ord)
Monterey County Real Estate Parcel	Provide the Monterey County Real Estate Parcel number(s) for the property for which this Construction Support After Action Report is being submitted.
COE Real Estate Parcel	Provide the U.S. Army Corps of Engineers Real Estate Parcel number(s) for the property for which this Construction Support After Action Report is being submitted. The parcel number is available in the Federal Deeds and property transfer documents.
Construction Support Project Start and End Dates	Provide the dates when Construction Support services were in place for the project. For On-Call support, report the date range during which On-Call support services were available regardless of whether a call was made or support was utilized. For On-site support, report the first and last day Construction Support personnel were physical on-site providing support.
Project Contact Contact Phone	Provide the name and contact phone number for the person submitting the Construction Support After Action Report.
Project Location	Provide a physical address for the project site. If an address is not available, provide the nearest cross streets and a description of the physical location.
Project Description	Provide a brief description of the permitted project and ground-disturbing activities being conducted at the site. Attach a map of planned ground-disturbing activity footprint, including expected depth of soil disturbance. The full description and details regarding the project are documented in the excavation permit and do not need to be repeated here.
Construction Support Contractor	Provide the name of the contractor providing construction support for the project.
UXO Safety Officer Contact Phone	Provide the name and contact information for the construction support contractor's UXO Safety Officer for the project.
Construction Support Contractor Address	Provide the permanent mailing address and contact information for the UXO support contractor.
CONSTRUCTION SUPPORT ACTIVITIES	
Munitions Recognition and Safety Training	This box documents required munitions recognition and safety training. Provide the number of people trained and the type of training received. The total trained should tally the total number of people who received the training, regardless of the format or number of trainings each individual attended. Attach required training logs and training certificates documenting training compliance.
Level of Construction Support Utilized for Project (check all that apply)	This box identifies the general category of Construction Support provided on the project. Check the box(s) which best describe the level of construction support utilized on this project during the timeframe of this report. If multiple levels of construction support were provided, check the box for each type utilized. The methods and details regarding implementation of construction support are not provided here as they are documented in the project's Construction Support Plan.
Level of Soil Disturbance (check all that apply)	This box identifies the general category and level of soil disturbance for which Construction Support was provided during the project. Check the box(s) which best describe the level of soil disturbance on this project during the timeframe of this report. If multiple levels of soil disturbance occurred, check each box that is applicable. The locations of soil disturbance

**Construction Support After Action Report Form
Fort Ord Digging & Excavation Permit
On-Call and On-site Construction Support Projects**

	during the project must also be identified on the map of the project’s final excavation footprint with depths of excavation or soil disturbance.
Level of Effort for Construction Support During Project (attach daily reports and field logs)	This box summarizes the actual level of effort utilized in providing construction support for the project. Check the box(s) which best describe the level of effort for construction support utilized on this project during the timeframe of this report. Provide the number of days each level of effort was utilized. If multiple levels of construction support were provided, check the box for each type utilized. If multiple levels of effort were implemented on the same day, tally that day in the higher level of effort. Idle on-call support days are days when UXO-qualified personnel are on-call to support the project but their support is not requested. Non-idle on-call support days are days when on-call UXO-qualified personnel respond to the site to assess one or more suspect munitions items. Multiple calls occurring on the same day should be tallied as one day. If UXO-qualified personnel provide construction monitoring during on-call construction support, provide the number of days for which construction monitoring was provided. Construction monitoring days should not be tallied as on-call support days. If on-site construction support is provided on the project, report the number of days in which on-site support was provided. On-site construction support days should not be tallied as on-call or construction monitoring days.
Were military munitions related items (MEC or MD) or other evidence of military training identified?	This box should be checked in the affirmative (Yes) if evidence of military munitions or other evidence of military training was identified during construction support utilized on this project during the timeframe of this report. If no evidence of military munitions or other evidence of military training was identified, the remainder of this section should be skipped. If evidence is identified, the following information is required to be submitted as attachments to this report: 1) A scaled map identifying the locations of recovered munitions related items, and 2) a table detailing the items recovered (item description, size, weight and recovery depth).
Total number of MEC items recovered	In this box provide a tally of the total number of MEC items recovered during construction support on this project during the timeframe of this report. When a suspected munitions item has been encountered during on-call construction support and confirmed as MEC, a MEC Incident Recording form must be completed and submitted to FORA and the Army. Copies of applicable MEC Incident Recording forms from on-call construction support must also be attached to this report.
Total number of munitions debris items recovered and approximate total weight	Munitions debris items are not reported as MEC incidents during the construction support project. In this box provide a tally of the total number of munitions debris items recovered and an estimate of the approximate total weight (in pounds) of munitions debris items recovered during construction support on this project during the timeframe of this report.
Disposition of munitions debris items recovered	Check all boxes that apply regarding disposition of munitions debris items recovered during construction support on this project during the timeframe of this report. Munitions debris must be inspected and certified as free from explosives by UXO-qualified personnel prior to transfer to an appropriate munitions debris recycling facility and applicable certification records attached to this report. The DoD (i.e., EOD Unit) and civilian authorities may choose to take possession of specific munitions debris items during a MEC incident response. Any such items should be documented and the documentation attached to this report.
Summary of MEC find assessment(s)	This box provides a summary of the results of MEC Find Assessments conducted by FORA for MEC items recovered during construction support on this project during the timeframe of this report. MEC Find Assessments are required to be completed prior to restarting work after a MEC find. The completed FORA MEC Find Assessment forms must be attached to this report. If no MEC are recovered, enter “Not Applicable” in this box.

**Construction Support After Action Report Form
 Fort Ord Digging & Excavation Permit
 On-Call and On-site Construction Support Projects**

Summary of evidence of military munitions or military training activities found during project	Provide brief summary of the evidence of past military munitions or military training activities recovered during construction support on this project during the timeframe of this report. The summary should be limited to concise statements regarding the evidence identified and types of training indicated. The Remedial Investigation/Feasibility Study Report for the property provides a summary of known military training and munitions used.
REPORT CERTIFICATION	
After Action Report Certification and Signature	The box is used to provide certification of the submitted report and true and accurate. The report must be certified by the UXO support contractor representative identified in the project Contact box above.
REQUIRED ATTACHMENTS	
Attachments to the Report	This box is used to identify the specific attachments included with this Construction Support After Action Report.
Report Distribution List	This box is used to identify the specific organizations receiving a copy of this Construction Support After Action Report.

FORT ORD MUNITIONS INCIDENT FORM

If you recognize any object that resembles munitions or explosives on or near former Fort Ord property, retreat to a safe location, and **report the finding to 911 or the appropriate agency immediately** (see below). **You must telephone 911 to report suspected munitions or explosives on other than US Army property.**

This form can be submitted online at <http://fodis.net/mec/public/>. Completing this form does not constitute emergency (911) notification. This form is used to assist in the recording and investigation of MEC incidents.

CONTACT THE APPROPRIATE AGENCIES IMMEDIATELY:

Location of Item	Contact Number	Date & Time Called
Public / Private / Unknown Property	Phone: 911*	
US Army, Fort Ord	MMRP Site Security Manager: (831) 242-7919	

* **If 911 is contacted please notify the Fort Ord MMRP Site Security Manager afterward:**
Fax/email this form with **Part A** completed to: (831) 393-9188 / Natalie.n.gordon2.ctr@mail.mil

A. To be completed by person reporting the incident

Name of Person Reporting:	Telephone:
Agency/Affiliation of person reporting:	Email Address:
Date & Time of Incident/Discovery:	
Description of Item Found (refer to the "Safety Alert" pamphlet if possible):	
Location (direction and distance from nearest road/building, attach map if possible):	
GPS Coordinate Location Type of Instrument: Coordinate System:	Northing/Latitude and Easting/Longitude:
Describe how the item was found (e.g. activity leading to discovery, persons involved, etc.):	

B. To be completed by the Fort Ord MMRP Site Security Manager when response/investigation is complete

Report Received By:	Date & Time:
Nomenclature of Item Found: Quantity: (Attach photo if possible)	Type (UXO/DMM/MD/Other): Depth:
Disposition of Item (e.g. detonated, removed to scrap, etc):	Name of digital file for picture (date):
Investigation Summation:	
Regulatory Agencies Notified:	Date:

APPENDIX J

Former Fort Ord Land Use Covenant Report Outline [Revised]

Former Fort Ord
Land Use Covenant Report Outline

Annual Status Report for
_____ (Jurisdiction)
on Land Use Covenants
Covering July 1, _____ to June 30, _____.

(See Parcel and LUC lists in MOA Table 3-1)

This form is to be submitted by each Jurisdiction to:

Fort Ord Reuse Authority

By

September 1, _____*

DATE OF REPORT: _____

PARCELS ADDRESSED IN REPORT: _____

SUBMIT TO: Fort Ord Reuse Authority
Attn: _____
920 2nd Avenue, Suite A
Marina, CA 93933

Former Fort Ord

Land Use Covenant Report Outline

GENERAL:

Has jurisdiction staff previously provided a compliance summary in regards to the local digging and excavation ordinances, including the number of permits issued?

yes or no

Has jurisdiction staff provided an annual update of any changes to applicable digging and excavation ordinances?

yes or no

Has jurisdiction staff provided an annual update of any changes to the Monterey County Groundwater Ordinance No. 4011?

yes or no

PARCELS:

Have any parcels in the jurisdiction with covenants been sub-divided or split into two or more parcels since the last annual report?

yes or no

If yes, please reflect the split(s) and new parcel designations in reporting on compliance with section 2.1.2 of the MOA in Table 3-1.

Have any land use covenants, controls, or restrictions been modified or removed from any parcels in the jurisdiction?

yes or no

If you answered yes, please provide a list of the LUC modifications, impacted parcels, and approval document references along with updated Table 3-1.

Former Fort Ord

Land Use Covenant Report Outline

GROUND WATER COVENANTS:

Is a ground water covenant applicable in your jurisdiction?

yes or no

(if you answered no, skip questions 1 through 4)

1. Did jurisdiction staff visually inspect the parcels in your jurisdiction (see Table 3-1) with ground water covenants? Such visual inspection shall include observed groundwater wells, and any other activity that would interfere with or adversely affect the groundwater monitoring and remediation systems on the Property or result in the creation of a groundwater recharge area (e.g., unlined surface impoundments or disposal trenches).

yes or no

2. Did jurisdiction staff check with the applicable local building department (please list department name: _____) to ensure that no wells or recharge basins such as surface water infiltration ponds were built within your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department (please list department name: _____) to ensure that no well permits were granted or recharge basins requested within your jurisdiction?

yes or no

4. Did jurisdiction staff review the County well permit applications pertaining to your jurisdiction to ensure that no wells have been dug or installed in violation of the ordinance or the ground water covenants?

yes or no

If you answered yes to any questions 1 through 4 above, please note and describe violations with USACE parcel numbers and street addresses (Use additional sheets if needed.)

Former Fort Ord

Land Use Covenant Report Outline

LANDFILL BUFFER COVENANTS:

Is a landfill buffer covenant applicable in your jurisdiction?

yes or no

(if you answered no, skip questions 1 through 3)

1. Did jurisdiction staff visually inspect the parcels in your jurisdiction (see Table 3-1) with landfill buffer covenants? Such visual inspection shall include observation of any structures and any other activity that would interfere with the landfill monitoring and remediation systems on the Property.

yes or no

2. Did jurisdiction staff check with the applicable local building department (please list department name: _____) to ensure that no sensitive uses such as residences, hospitals, day care or schools (not including post-secondary schools, as defined in Section 1.19 of the MOA) were built on the restricted parcels within your jurisdiction?

yes or no

3. Did jurisdiction staff check with the applicable local planning department (please list department name: _____) to ensure that no other structures were built without protection for vapors in accordance with the landfill buffer covenants.

yes or no

If you answered yes to any questions 1 through 3 above, please note and describe violations with street addresses. (Use additional sheets if needed.)

Former Fort Ord

Land Use Covenant Report Outline

SOIL COVENANTS (MEC LAND USE CONTROLS ANNUAL REPORTING):

Is a soil covenant (i.e., MEC land use control, restriction or CRUP) applicable to parcels within your jurisdiction (see Table 3-1)?

yes or no

If you answered no, skip questions 1 through 10, and answer questions 11 through 13 under MEC Incident Reporting.

Annual MEC LUC compliance requirements include on-site inspections of parcels and the review of local building and planning department records; munitions recognition and safety training records; excavation permits issues under the local digging and excavation ordinance; MEC Construction Support After Action Reports; and MEC Incident Recording Forms and emergency 911 call records. MEC LUC annual inspections and records review results are documented and summarized through the following questions.

Munitions Recognition and Safety Training

People involved in ground-disturbing or intrusive operations within parcels subject to the munitions recognition and safety training LUC are required to have munitions recognition and safety training to increase their awareness of and ability to identify suspect munitions items, ensure they are educated about the possibility of encountering MEC, and ensure that they stop intrusive activity when a suspect munitions item is encountered and report the encounter to the appropriate authority. The local digging and excavation ordinances require local jurisdictions (County or City) to provide annual notification to property owners of the requirements of the digging and excavation ordinance, including the requirements for munitions recognition and safety training, and excavation permits. Copies of the MEC Safety Guide and Army Safety Alert are also required to be included in the annual notifications. Further, property owners are required to notify any subsequent owners, lessees or users of the requirements. The MEC Safety Guide must be delivered and explained, at least annually, to everyone whose works at the site includes disturbing soil. Additional questions regarding munitions recognition and safety training monitoring and reporting are addressed under Construction Support.

Question 1 – Did jurisdiction staff provide annual notification to all parcel owners of record within the portion of the Fort Ord Ordnance Remediation District in their jurisdiction of the requirements of the digging and excavation ordinance, including the requirements for excavation permits, munitions recognition and safety training, notification of the availability of munitions recognition and safety training, and copies of the MEC Safety Guide and Army Safety Alert?

yes or no

Former Fort Ord

Land Use Covenant Report Outline

If you answered yes, please provide the date(s) of the annual notification and attach an example of the notification letter.

If you answered no, please provide the reason that annual notification was not provided. For example, if FORA or jurisdiction is sole property owner of record.

Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities

The digging and excavation ordinances prohibit excavation, digging, development or ground disturbance of any kind within property on the former Fort Ord known or suspected of containing MEC that involves the displacement of ten (10) cubic yards or more of soil without a valid excavation permit and identify that construction support is a permit requirement. Ground-disturbing or intrusive activities involving less than ten (10) cubic yards of soil disturbance do not require a digging and excavation permit. However, ground-disturbing or intrusive activities involving less than ten (10) cubic yards of soil disturbance in areas with a moderate to high probability of encountering MEC are required to follow DDESB requirements for on-site construction support or anomaly avoidance. Ground-disturbing or intrusive activities involving less than ten (10) cubic yards of soil disturbance in areas with a low probability of encountering MEC require distribution of the MEC Safety Guide to construction personnel prior to start of ground-disturbing or intrusive activity work. Construction support must be arranged through a UXO support contractor during the planning stages of the construction or maintenance project, prior to the start of any intrusive or ground-disturbing activities. Construction support plans must be coordinated through the County or the City for review and approval by the Army, EPA and DTSC prior to the issuance of an excavation permit. The jurisdictions monitor and report on compliance with excavation permits and associated construction support plans including required munitions recognition and safety training, construction support by UXO-qualified personnel, notification of response to suspect munitions items, FORA MEC find assessments, and construction support after action reporting. The jurisdictions also monitor and report on compliance with on-site construction support requirements for projects involving less than ten (10) cubic yards of soil disturbance.

Former Fort Ord

Land Use Covenant Report Outline

Question 2 - Did jurisdiction staff visually inspect the parcels subject to the local digging and excavation ordinance to verify that no intrusive or ground-disturbing activities were conducted or are occurring without an excavation permit and associated construction support plan?

yes or no

If you answered yes, please provide the date(s) of the annual visual inspections and attach annual visual inspection report.

If you answered no, please provide the reason that annual visual inspection was not conducted.

Question 2a – Did jurisdiction staff identify any evidence that intrusive or ground-disturbing activities may have been conducted without required excavation permit or construction support?

yes or no

If you answered yes, please provide details regarding evidence that intrusive or ground-disturbing activities may have been conducted without required excavation permit or construction support.

Question 3 – Did jurisdiction staff check with the applicable local building department and FORA to verify that required excavation permits, including approved construction support plans, were issued for any approved projects or activities involving disturbance of ten (10) cubic yards or more soil, per the digging and excavation ordinance; and that required on-site construction support plans were approved for any projects involving less than ten (10) cubic yards of soil disturbance in areas with moderate to high probability of encountering MEC?

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Land Use Covenant Report Outline

yes or no

If you answered yes, please provide the date(s) of the checks with the local building department and FORA, and attach documentation of the checks.

If you answered no, please provide the reason that annual checks with the local building department and/or FORA were not conducted.

Question 3a – Did the local building department issue excavation permits per the digging and excavation ordinance this year or do any prior year excavation permits remain active?

yes or no

Question 3b – Did FORA coordinate Army, EPA and DTSC approval of construction support plans for any on-site construction support plans for projects involving less than ten (10) cubic yards of soil disturbance this year, or do any prior year on-site construction support plans for projects involving less than ten (10) cubic yards of soil disturbance remain active?

yes or no

If you answered no to both questions 3a and 3b, skip to question 4.

Question 3c – Do all excavation permits issued by the local building department include required construction support plans and documentation of coordination and approval of construction support plans by Army, EPA and DTSC?

yes or no

If you answered yes, please attach a list of approved construction support plans along with the level of construction support for each project. Include approved construction support plans for any on-site construction support projects involving less than ten (10) cubic yards of soil disturbance in this reporting.

Former Fort Ord

Land Use Covenant Report Outline

If you answered no, you must also provide a list of all excavation permits issued without construction support plans and the reasons why construction support plans were not required.

Question 3c – Do all excavation permits and construction support plans include requirement that all personnel working on the project site complete munitions recognition and safety training, and that records documenting successful completion of the training requirements be reported in the Construction Support After Action Report?

yes or no

If you answered yes, please provide the following munitions recognition and safety training statistics from eLearning system or other equal training, and available Construction Support After Action Reports:

- 1) Number of people trained: _____
- 2) Number of people completing web-based eLearning course: _____
- 3) Number of people completing job site specific training: _____

If you answered no, provide a list of all excavation permits issued without training requirements and the reasons why training requirements were not required.

Question 4 – Were Construction Support After Action Reports received by local building department at completion of construction support projects under excavation permits issued per the local digging and excavation ordinance or in support of on-site construction support projects involving less than ten (10) cubic yards of soil disturbance?

yes or no

If you answered yes, please attach a Table identifying the Construction Support After Action Reports along with types of construction support (on-call or on-site), if MEC items were found, and the amount and types of MEC items found.

Access Management Measures

Access management measures (applicable to habitat reserve areas where subsurface removal of military munitions was not conducted), including informational displays, are monitored annually to ensure compliance. Annual monitoring includes physical inspection of informational displays, such as signs, kiosks, and/or display boards, assessment of formally reported trespassing incidents, and reporting. Annual monitoring is conducted by the jurisdiction and includes visual inspection of the informational displays to ensure displays are posted in designated trail areas such that they are legible to recreational users.

Former Fort Ord

Land Use Covenant Report Outline

Question 5 - Did jurisdiction staff visually inspect informational displays in habitat reserve areas, where required, within your jurisdiction to assure informational displays are adequate, in place, and maintained?

yes or no

If you answered yes, please provide the date(s) of the visual inspections and attach inspection report, including description of maintenance needed/completed, additional displays installed, and coordination with property owners (if other than jurisdiction), if any.

If you answered no, please provide the reason that annual visual inspection was not conducted.

Question 6 - Were trespassing incidents formally reported on property subject to access management measures?

yes or no

If you answered yes, please provide a summary of the incidents and actions taken to mitigate future incidents, such as additional signs, kiosks, display boards, and/or implementation of other access management measures.

Restrictions Prohibiting Residential Use and Restrictions Against Inconsistent Uses

Environmental use restrictions, including the residential use restriction and restrictions against inconsistent uses (applicable to habitat reserve areas), are monitored annually to ensure

Former Fort Ord

Land Use Covenant Report Outline

compliance. Annual monitoring includes review of deeds and other property filings, physical inspection of the property and reporting. Annual monitoring is conducted by the jurisdictions and includes visual inspection of the properties and review the property deeds to ensure the residential use restriction and restrictions against inconsistent uses remain in place and that no unapproved development or prohibited uses have occurred.

Question 7 - Did jurisdiction staff visually inspect the parcels (see Table 3-1) in your jurisdiction with residential use restrictions to assure no sensitive uses such as residences, hospitals, day care or schools (not including post-secondary schools, as defined in Section 1.19 of the MOA) were constructed or are occurring on the restricted parcels in your jurisdiction?

yes or no

If you answered yes, please provide the date(s) of the visual inspections and attach inspection report.

If you answered no, please provide the reason that annual visual inspection was not conducted.

Question 8 - Did jurisdiction staff visually inspect the habitat reserve parcels (see Table 3-1) in your jurisdiction with restrictions against inconsistent uses to assure no uses inconsistent with the Habitat Management Plan, including but not limited to residential, school, and commercial/industrial development, have occurred or are occurring on the restricted parcels in your jurisdiction?

yes or no

If you answered yes, please provide the date(s) of the visual inspections and attach inspection report.

Former Fort Ord

Land Use Covenant Report Outline

If you answered no, please provide the reason that annual visual inspection was not conducted.

Question 9 – Did jurisdiction staff review property deeds and other property filings as recorded with the County Clerk’s office to verify that residential use restrictions, restrictions against inconsistent uses, and other Environmental Protection Provisions placed on the property by the Army remain in place?

yes or no

If you answered yes, please provide the date(s) of the staff review of property deeds and other property filings and attach documentation of the review.

If you answered no, please provide the reason that annual staff review of property deeds and other property filings was not conducted.

Question 10a – Were there any records of amendment or modification to the residential use restrictions, restrictions against inconsistent uses, and other Environmental Protection Provisions placed on the property by the Army?

yes or no

If you answered yes, please provide list of any impacted parcels and the identified amendments and/or modifications to the residential use restrictions, restrictions against inconsistent uses, and other Environmental Protection Provisions.

MEC Incident Reporting

The standard procedure for reporting unanticipated encounters with a suspected munitions item on the transferred former Fort Ord property is to immediately call 911, which will transfer the call to the appropriate local law enforcement agency. The local law enforcement agency will promptly request DoD response support (e.g., a military EOD Unit). To ensure that all potential

Former Fort Ord

Land Use Covenant Report Outline

MEC incidents are identified and reported to the Army, EPA and DTSC, the jurisdictions review 911 call records to identify any potentially unreported MEC incidents.

Question 11 – Did jurisdiction staff review the 911 call records for potential incidents involving MEC observations and responses and provide a summary in annual report as required by the LUC MOA dated November 15, 2007?

yes or no

If you answered yes, please provide the date(s) of the staff review of 911 call records and attach documentation of the review.

If you answered no, please provide the reason that annual staff review of 911 call records was not conducted.

Question 12a – Did review of 911 call records identify any potential incidents involving MEC items?

yes or no

If you answered yes, please attach a Table providing the following information:

- a) details on how the 911 records were reviewed (such as County point of contact requested 911 records from responsible County department and distributed 911 records to reporting entities),
- b) date and time of the call,
- c) contact name,
- d) location of MEC finding,
- e) type of munitions, if available, and
- f) response of jurisdiction law enforcement agency.

Question 13 – Did jurisdiction staff identify any records of potential MEC item finds or changes in site conditions that could increase the probability of encountering MEC on a parcel?

yes or no

If you answered yes, please provide a summary of the information identified.

Former Fort Ord
Land Use Covenant Report Outline

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Land Use Covenant Report Outline

LUC Annual Report Signature Block and Attachments

Jurisdiction's Representative Compiling this Report: _____

Contact Information: Phone _____
 Email _____

Signature of Preparer: _____

Suggested Attachments to Annual LUC Report

1. Table summarizing inspections, parcels, restrictions and any deficiencies in the LUCs.
2. Inspection Notes for each parcel.
3. Inspection Photos for each parcel.
4. County and jurisdiction well records, permit reports.
5. Building department permit records.
6. Planning department permit records.
7. MEC findings (911 call records).
8. GPS coordinates for parcels
9. Example of the Annual Digging and Excavation Ordinance Notification Letter
10. Listing of approved construction support plans and level of construction support
11. Table identifying the Construction Support After Action Reports along with types of construction support (on-call or on-site), if MEC items were found, and the amount and types of MEC items found
12. List of any parcels identified per Question 8 and the identified amendments and/or modifications to the residential use restrictions, restrictions against inconsistent uses, and other Environmental Protection Provisions
13. Table providing details regarding MEC 911 calls

APPENDIX K

Response to Comments on Draft Group 3 LUCIP / OMP

Response to Comments
 Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
 April 24, 2015
 Review Comments provided by Judy Huang of the EPA, dated June 26, 2015
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: The Draft LUCI/O&M Plan needs more details on implementation. As is, the Draft LUCI/O&M plan proposes to submit these details at a later day, which is contrary to the purpose of a Land Use Controls Implementation and Operation and Maintenance Plan. Please revise.</p> <p>Response: Section 4.0 has been revised to include the requested implementation details.</p>
2	General Comment	<p>Comment: The Draft LUCI/O&M Plan needs to clarify the specific roles and responsibilities of FORA and the local jurisdictions regarding “monitoring”, “inspection”, and “reporting”. Please revise.</p> <p>Response: Section 4.0 has been revised to clarify roles and responsibilities for LUC implementation, to include monitoring, inspection, and reporting. Section 5.0 has been revised to clarify LUC operation and maintenance responsibilities by organization and property owner.</p>
3	General Comment	<p>Comment: The Draft LUCI/O&M Plan needs to include requirements to evaluate institutional controls implementation effectiveness, identify problems encountered during implementation, and identify follow-up actions if institutional controls implementation procedures are not followed.</p> <p>Response: Section 5.0 has been revised to include roles and responsibilities of each organization and property recipient to include evaluation of LUC effectiveness and enforcement of corrective actions if LUC remedy procedures are not followed.</p>

Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
April 24, 2015
Review Comments provided by Judy Huang of the EPA, dated June 26, 2015
Specific Comments

No.	Comment Type / Report Section	Comment/Response
1	Page 1-4, Section 1.4, Description of Selected Remedy	<p>Comment: Second paragraph: Add at the start of the second sentence: “Residential use is prohibited, however should the jurisdiction wish to change the prohibition,”</p> <p>Response: The cited sentence has been revised as follows:</p> <p style="text-align: center;"><i>“Residential use is prohibited. Should MPC, the County or the Cities wish to change the prohibition, Any proposal for residential development in the Group 3 MRAs will be subject to regulatory agency EPA, DTSC, and Army review and approval. The DTSC may require additional remediation equivalent to the DTSC residential protocol before termination of the residential use restrictions in the State Covenants to Restrict the Use of Property (CRUPs). Per the FORA Fort Ord Reuse Plan (Base Reuse Plan; FORA 1997), no residential reuse is planned for the Group 3 MRAs.”</i></p>
2	Page 1-5, Section 1.4, Description of Selected Remedy	<p>Comment: Fifth paragraph, first sentence: Clarifying text, “and that have already been recorded against the deed.”</p> <p>Response: The cited sentence has been revised as suggested.</p>
3	Page 1-5, Section 1.4, Description of Selected Remedy	<p>Comment: Fifth paragraph: Clarifying text, “1) prohibition on residential use and 2) prohibition on excavation”</p> <p>Response: The cited sentence has been revised as suggested.</p>
4	Page 3-1, Section 3.1, MEC Recognition and Safety Training	<p>Comment: Implementation Strategy, final three sentences: Perhaps put this in the beginning of the paragraph.</p> <p>Response: The information presented under the Implementation Strategy subheading has been re-organized and expanded to provide clarity based on other review comments. The first of the final three sentences has been moved to the beginning of the paragraph as suggested.</p>
5	Page 3-1, Section 3.2, Construction Support	<p>Comment: Performance Objectives, final sentence: This should clarify that local ordinances will be amended to include these measures and the ordinances will be followed.</p>

Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated
April 24, 2015
Review Comments provided by Judy Huang of the EPA, dated June 26, 2015
Specific Comments

No.	Comment Type / Report Section	Comment/Response
		<p>Response: The referenced sentence has been revised as follows:</p> <p style="text-align: center;">“Mechanisms for implementing the requirement for construction support <i>are provided in</i> may include local <i>digging and excavation</i> ordinances <i>and this LUCIP/OMP, which are required to be followed.</i>”</p>
6	Page 3-2, Section 3.2, Construction Support	<p>Comment: Implementation Strategy, fourth sentence: Need to be in the LUCIP.</p> <p>“...FORA will develop procedure for construction support planning, including guidelines and requirements for determining appropriate levels of construction support, response to potential MEC finds, reporting and documentation.”</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning in Section 4.3 (Construction Support for Ground-disturbing or Intrusive Activities).</p>
7	Page 3-2, Section 3.3, Restrictions Prohibiting Residential Use	<p>Comment: Performance Objectives, first sentence: Ensure that any proposals to allow residential development or Prohibit residential development unless modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.</p> <p>Response: The cited sentence has been revised as suggested.</p>
8	Page 3-2, Section 3.4, Long-term Management Measures	<p>Comment: Existing Land Use Restrictions, first sentence: Revise subheading to “Maintain existing land use restrictions”. Change “restrict” to “prohibit” in first sentence.</p> <p>Response: The subheading and first sentence have been revised as suggested.</p>
9	Page 3-2, Section 3.4, Long-term Management Measures	<p>Comment: Existing Land Use Restrictions, third sentence: This sentence should read: “In addition, CRUPs for the Group 3 MRA parcels prohibit residential use.”</p> <p>Response: The cited sentence has been revised as follows:</p> <p style="text-align: center;">“It should be noted that the In addition, State CRUPs for the Group 3 MRA parcels restrict prohibit residential use (<i>Appendix D</i>).”</p>
10	Page 3-3,	<p>Comment:</p>

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	Section 3.4, Long-term Management Measures	<p>Annual monitoring and reporting, first sentence: What is the difference from inspection? What type of monitoring is FORA planning to conduct?</p> <p>Response: Section 4.0 has been expanded to include an overview of roles and responsibilities during LUC implementation. The revised Section 5.0 presents specific responsibilities during LUC operation and maintenance.</p>
11	Page 3-3, Section 3.4, Long-term Management Measures	<p>Comment: Annual monitoring and reporting: Add “conduct” to subheading.</p> <p>Response: The cited subheading has been revised as suggested.</p>
12	Page 3-3, Section 3.4, Long-term Management Measures	<p>Comment: Five-year review reporting: Add “conduct” to subheading.</p> <p>Response: The cited subheading has been revised as suggested.</p>
13	Page 4-1, Section 4.0, Remedy Implementation Actions	<p>Comment: Fourth paragraph, first sentence: Confusing. I thought it is FORA that is responsible for monitoring and reporting?</p> <p>Response: Section 4.0 has been expanded to include an overview of roles and responsibilities during LUC implementation. The revised Section 5.0 presents specific responsibilities during LUC operation and maintenance.</p>
14	Page 4-1, Section 4.0, Remedy Implementation Actions	<p>Comment: Fifth paragraph, first sentence: Is this the correct citation -- looks like the FORA bill was passed in 2012, not 2014? Might be more helpful to refer to the statutory provisions it amends, since there won't be a different one of those every legislative session: Section 67700 of, and to repeal Sections 67679.5 and 67686. The 2014 bill appears to be about child welfare payments: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1614</p> <p>Response: The referenced text has been consolidated into Section 1.2.1 with correct dates and citations.</p>
15	Page 4-2, Section 4.1.2, Providing Training	<p>Comment: Remedy Implementation Phase, first bullet: Correct “establish” to “established”.</p> <p>Response: The cited bullet has been deleted.</p>

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16	Page 4-3, Section 4.1.2, Providing Training	<p>Comment: Remedy Execution Phase, first bullet: ordinances - plural. See also the word ordinance under first bullet under Remedy Execution Phase under 4.1.3. Also plural.</p> <p>Response: The cited bullet has been deleted; however, the word “ordinance” has been revised to “ordinances” throughout the document, where appropriate.</p>
17	Page 4-4, Section 4.2, Construction Support by UXO-Qualified Personnel for Ground- disturbing or Intrusive Activities	<p>Comment: Third paragraph: This should explain how the determination of “low” is made on a case by case basis, who makes it, who is called, and by whom. Same for moderate to high -- how is the identification and removal of explosive hazards going to take place? Protocol should be here.</p> <p>Response: The LUCIP/OMP has been revised to include detailed procedures for construction support planning and response to potential MEC finds. The revised Section 4.3.1 provides guidance on determining the level of construction support and probability of encountering MEC.</p>
18	Page 4-5, Section 4.2.2, Construction Support Evidence of MEC	<p>Comment: First bullet: Procedures should be detailed here.</p> <p>Response: The LUCIP/OMP has been revised to include procedures for proper response to potential MEC finds and requirements for reporting and documentation, including actions to be taken if evidence of MEC is encountered during ground disturbing activities. Sections 4.3.2 and 4.3.3 present the detailed approach and requirements for implementing on-call and on-site construction support, respectively.</p>
19	Page 4-10, Section 4.8, Notification of MEC Item Discovery During Ground- Disturbing Activities	<p>Comment: Fourth sentence: “will notify the regulatory agencies, as soon as practicable,” What does this mean? Please propose a time period. -- FROM HAS: for example “but no longer than within xx days”</p> <p>Response: Sections 4.3.2.4 and 4.3.4.1 have been revised to include specific notification timeframes as suggested.</p>
20	Page 4-10, Section 4.9.1, Additional Investigation or Follow-up Action	<p>Comment: First paragraph, first sentence: How is the reassessment triggered? How much do we have?</p> <p>Response: Referenced section is now Section 4.7.1 and the referenced sentence has been deleted from the section. Section 4.3.5 has been added to the</p>

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		LUCIP/OMP to clarify that reassessment is triggered by any MEC find.

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1	General Comment	<p>Comment:</p> <p>The document is unclear regarding the responsibilities and actions of various entities involved. Also there are some inconsistency in the descriptions of planned actions in different sections of the document. Please revise the document to clarify the responsibilities and actions of:</p> <ul style="list-style-type: none"> • Fort Ord Reuse Authority (FORA) or its successor entity as a party to the Environmental Services Cooperative Agreement (ESCA) and Administrative Order on Consent (AOC). • FORA as the current property owner and subsequent property owners. • Group 3 jurisdictions as municipal jurisdictions (not as a property owner). • EPA, DTSC and the Army. <p>The current document is organized in such a way that the Group 3 jurisdictions become responsible for conducting some of the remedy implementation actions at the time of the transfer of the underlying property. The organization is likely helpful for the Group 3 jurisdictions who have roles as municipal jurisdictions and as future property owners. However, those requirements and reasons for the requirements should be clearly described in the document.</p> <p>The document should be revised to clearly demonstrate the actions and responsibilities of FORA or its successor entity as a party to the ESCA. Under the ESCA, FORA or its successor is responsible for all actions necessary to achieve Site Closeout, including implementation of the selected remedy and any Long-Term Obligations. The ESCA does not authorize any assignment of ESCA responsibilities from FORA (or its successor) to a third party without the prior approval by the Army. Further, the Group 3 Record of Decision (ROD) documents that FORA assumes full responsibility for completion of necessary response actions (except Army Obligations) which include implementing, maintaining, reporting, and enforcing the land use controls. The Group 3 ROD does not provide for any transfer of remedy implementation responsibilities from FORA (or its successor) to another party.</p> <p>Response:</p> <p>The LUCIP/OMP has been revised to clarify responsibilities and actions for LUC implementation and operation and maintenance. Section 4.0 provides an overview of roles and responsibilities and Section 5.0 presents responsibilities and actions for the operation and maintenance of LUCs. Specific revisions include:</p>

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		<ul style="list-style-type: none"> • Section 1.2 revised to clarify FORA responsibility for remedy implementation under the ESCA. • Section 3.0 revised to clarify responsibilities for FORA or its successor entity, MPC, the County, and the Cities in implementing the remedy and separate them from the responsibility of current and future property owner. • Section 4.0 revised to identify FORA or its successor entity responsibilities as parties to the AOC and ESCA.
2	Specific Comment	<p>Comment: In the acknowledgment of sponsorship, insert “for” to read “the Assistant Chief of Staff for Installation Management.”</p> <p>Response: The acknowledgement has been revised as suggested.</p>
3	Page 1-1, Section 1.0, Introduction	<p>Comment: Second paragraph. It provides the date of the Group 3 ROD is October 27, 2014. The signature process was completed on November 25, 2014, which is considered as its effective date and used in the Administrative Record. Please update. Please check the other portions of the document for similar updates.</p> <p>Response: Revisions have been made to Sections 1.0 and 1.1, and the Appendix A index page to clarify that the Group 3 ROD was finalized on November 25, 2014.</p>
4	Page 1-1, Section 1.0, Introduction	<p>Comment: Third paragraph. First two sentences are difficult to read. Please revise to “The selected remedy addresses risks to human health and the environment from munitions and explosives of concern (MEC) that potentially remains in the Group 3 MRAs. Munitions responses (MEC removals) have been completed at the Group 3 MRAs.” (Using the text of the Group 3 ROD.)</p> <p>Response: The first two sentences have been revised as suggested.</p>
5	Page 1-2, Section 1.2, FORA ESCA Regulatory Framework and Responsibilities	<p>Comment: First sentence. Fort Ord Reuse Authority is currently performing environmental services under the ESCA. Therefore, the sentence should be in the present: “FORA is performing”</p> <p>Response: The first sentence has been revised as suggested.</p>
6	Page 1-5, Section 1.4, Description of	<p>Comment: Final paragraph. In this section, the description of the selected remedy should be consistent with the Group 3 ROD. The second and third</p>

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	Selected Remedy	<p>sentences provide a description of the covenants to restrict the use of property (CRUPs), which is not part of the ROD-definition of the remedy. They should be deleted from this section.</p> <p>Response: The second and third sentences have been deleted from the final paragraph of Section 1.4.</p>
7	Page 1-5, Section 1.4.2, Construction Support	<p>Comment: First paragraph. In this section, the description of the selected remedy should be consistent with the Group 3 ROD. The second and fourth sentences read: "Construction activities are defined as any activity that involves disturbance of 10 cubic yards (cy) or more." and "Group 3 jurisdictions in consultation with DTSC, shall determine the level of construction support required on a case-by-case basis." We understand FORA intends to utilize the local excavation ordinances to implement the construction support-component of the remedy. However, these statements are not part of the ROD-definition of the remedy, therefore, should be deleted from this section.</p> <p>Response: The second and fourth sentences have been deleted from the first paragraph of Section 1.4.2.</p>
8	Page 1-7, Section 1.4.5, Other Long-Term Management Measures	<p>Comment: This subsection discusses matters that are not the selected remedy or their associated long-term implementation and management actions. It is not appropriate to present the information as part of the "description of the remedy" section. Since the topic is outside the scope of the remedy implementation plan, it should be deleted.</p> <p>Response: Section 1.4.5 has been deleted.</p>
9	Page 2-1, Section 2.0, Site Description	<p>Comment: Much of the information in this section is extraneous to the purposes of this document and could be deleted or abbreviated. It is also noted that this information is provided in the Group 3 ROD, which is attached to this document.</p> <p>Response: Section 2.0 has been condensed to remove extraneous information that is provided in the Group 3 ROD, which is attached to this LUCIP/OMP as Appendix A.</p>
10	Page 2-1, Section 2.0, Site Description	<p>Comment: Second paragraph. Please consider rounding the approximate site acreage to the nearest acre.</p>

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		<p>Response: The approximate acreage stated for the Group 3 MRAs has been revised to approximately 370 acres.</p>
11	Page 2-2, Section 2.2, Regulatory History	<p>Comment: Fifth paragraph. Second sentence. Revise the statement to be consistent with the Group 3 ROD, page 1: "...FORA is responsible for completion of CERCLA response actions, except for those responsibilities retained by the Army,..."</p> <p>Response: The sentence has been revised to be consistent with the Group 3 ROD.</p>
12	Page 2-3, Section 2.3, Group 3 MRAs Munitions Response Site Summaries	<p>Comment: Please consider revising the section title since a section with the same title appears at Section 2.5 containing information from the Group 3 ROD Section 2.8 (same section title).</p> <p>Response: The title of Section 2.3 has been revised to "Group 3 MRA Summaries" and Section 2.5 has been deleted.</p>
13	Page 2-3, Section 2.3, Group 3 MRAs Munitions Response Site Summaries	<p>Comment: First paragraph. Delete the second sentence indicating that the section provides a summary of the remedial investigation. Remedial investigation summary is provided in the next section, Section 2.4.</p> <p>Response: Section 2.3 (Group 3 MRAs Munitions Response Site Summaries) and Section 2.4 (Group 3 MRAs Remedial Investigation Summary) of the Draft Group 3 LUCIP/OMP have been combined and condensed. Section 2.3 has been renamed "Group 3 MRA Summaries" (see response to Army Comments 9 and 12). The first paragraph of Section 2.3 has been revised to indicate that MEC investigations and removal actions are summarized in the section. In addition, a subsection has been added for each MRA.</p>
14	Page 2-12, Section 2.6, Potential Future Land Use and Resources Uses	<p>Comment: Subsections that follow only list the areas. Suggestion to revise the subsections to actually describe the expected reuses.</p> <p>Response: Section 2.6 of the draft Group 3 LUCIP/OMP has been renumbered to Section 2.4 of the Group 3 LUCIP/OMP (see responses to Army Comments 12 and 13). The cited information is now presented in Subsections 2.4.1, 2.4.2, and 2.4.3 and has been revised to include descriptions of the reasonably foreseeable reuses for each MRA.</p>
15	Page 3-1,	<p>Comment:</p>

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	Section 3.1, MEC Recognition and Safety Training	<p>Performance Objectives. Delete “and their contractors” as this text is not part of the performance objective specified in the Group 3 ROD, Section 2.14.3.</p> <p>Response: The cited sentence under the subheading “Performance Objectives” has been revised as suggested.</p>
16	Page 3-1, Section 3.1, MEC Recognition and Safety Training	<p>Comment: Implementation Strategy. Sixth sentence reads: “Training is also required under the deed restrictions, State CRUP, and Finding of Suitability for Early Transfer (FOSET) Environmental Protection Provisions (EPP) providing for redundancy in this LUC requirement.”</p> <p>The FOSET is a document that summarizes the basis of conditions of property transfer, but it does not impose any requirements. Listing of the FOSET along with the deed and CRUP is not appropriate. The deeds for the Group 3 MRA properties include an Excavation Restriction that requires compliance with respective city or county excavation ordinance, and the CRUPs require compliance with the ordinances. The ordinance includes a requirement for MEC recognition and safety training. Therefore, the sentence should be revised to “The current deeds and CRUPs prohibit activities in violation of the local excavation ordinance.”</p> <p>Response: The referenced sentence has been deleted. Implementation of training requirements is now discussed in Section 4.0 and does not include reference to the FOSET EPP. The revised Sections 4.1.3 (Covenants to Restrict Use of Property), 4.1.4 (Deed Restrictions), and 4.2 (MEC Recognition and Safety Training) address the remainder of this comment.</p>
17	Page 3-2, Section 3.2, Construction Support	<p>Comment: Implementation Strategy. Second to the final sentence. Delete the reference to the FOSET EPP.</p> <p>Response: The cited reference has been deleted. Also see response to Army Specific Comment 16.</p>
18	Page 3-2, Section 3.2, Construction Support	<p>Comment: Implementation Strategy. Fifth sentence of the paragraph describes that the construction support procedures will include notification to the regulatory agencies if MEC item is discovered during a construction activity (an excavation permit would have been issued for the activity). The local excavation ordinances include a requirement for notification of DTSC and the Army. Please revise to include notification to the Army of any MEC that may be discovered during construction projects.</p>

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		<p>Response: The Army has been added to notifications throughout the document.</p>
19	Page 3-2, Section 3.3, Restrictions Prohibiting Residential Use	<p>Comment: Implementation Strategy. First and sixth sentences. Delete the reference to the FOSET EPP.</p> <p>Response: The cited references have been deleted. Also see response to Army Specific Comment 16.</p>
20	Page 3-2, Section 3.3, Restrictions Prohibiting Residential Use	<p>Comment: Implementation Strategy. Second sentence is incomplete. Suggestion to revise to “FORA and the Group 3 jurisdictions will conduct annual inspections...”</p> <p>Response: Responsibilities and specific actions to be taken by FORA and the Group 3 jurisdictions have been moved to Sections 4.0 and 5.0; therefore, the second sentence has been revised to remove reference to “FORA and the Group 3 jurisdictions” to focus Section 3.3 on implementation strategy. This response to comment also pertains to Section 3.4.</p>
21	Page 3-2, Section 3.3, Restrictions Prohibiting Residential Use	<p>Comment: Implementation Strategy. Please clarify if Monterey Peninsula College (MPC) is a “Group 3 jurisdiction” for the purpose of this paragraph (it appears that MPC is not a “Group 3 jurisdiction” in the discussion of administration of local excavation ordinance.)</p> <p>Response: Revisions have been made throughout the document to clarify responsibilities by referring specifically to MPC, the County, and the Cities, as appropriate. Also note that the MOA with DTSC refers to all local agencies that are parties to the agreement as “local jurisdictions”.</p>
22	Page 3-2, Section 3.3, Restrictions Prohibiting Residential Use	<p>Comment: Implementation Strategy. Third and fourth sentences contradict each other. If FORA and the Group 3 jurisdictions currently (pre-ROD) conduct annual monitoring and reporting in accordance with the Memorandum of Agreement (MOA) on the subject, why will they transfer the responsibility to the jurisdictions (themselves) at the time of the next property transfer? It is our understanding that the parties entered into the MOA as municipal jurisdictions (or equivalent), not as future property owners. Please clarify.</p> <p>The fourth sentence should be deleted. Section C.5.2 of ESCA specifies, “The Recipient shall remain liable for performing its obligations under this Agreement, without regard to the potential for portions of the ACES to be</p>

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		<p>transferred to future owners or tenants, in furtherance of the Site redevelopment objectives of the ACES and without regard to the possible transfer of portions of the Recipient's liability under the AOC. Nothing in this Agreement shall be construed to authorize the Recipient to assign any of its responsibilities or obligations under this Agreement or all or substantially all of the Recipient's obligations under the AOC to a third party without prior approval of the Army or make any subsequent owners or occupants of the ACES a successor or assign under this Agreement.” It is acceptable that the jurisdictions perform monitoring and reporting under the existing MOA, however, now that the remedy has been selected, the responsibility for monitoring and reporting of the Group 3 MRA properties as part of remedy implementation actions cannot be transferred to property recipients without prior approval of the Army. Such approval cannot be given without express acceptance by the transferee of such ESCA responsibilities. It is also noted that the Group 3 ROD does not provide for any transfer of remedy implementation responsibilities from FORA to another party.</p> <p>Response: Specifics regarding implementation have been moved to Section 4.4 and clarified to prevent potential contradictory statements. Also see response to Army General Comment 1 and Army Specific Comment 20 regarding document restructuring to address multiple review comments.</p>
23	Page 3-3, Section 3.4, Long-term Management Measures	<p>Comment: Annual Monitoring and Reporting. The text describes that FORA or its successor entity will notify the regulatory agencies of any MEC-related data identified during use of the property. As commented earlier, the Army should be notified of discoveries of MEC during construction projects. In addition, to ensure adequate data collection for the purpose of the five-year reviews, the Army should also be notified of any other MEC discoveries when the regulatory agencies are notified. Please expand. Also, for completeness of the information, please add that copies of annual monitoring reports will be provided to the Army (stated on page 1-5).</p> <p>Response: Section 3.4 has been revised as suggested.</p>
24	Page 4-1, Section 4.0, Remedy Implementation Actions	<p>Comment: Second paragraph. Second sentence. Future land users may not be able to find the excavation ordinances easily. Cite the specific municipal codes (e.g., Monterey County Code Chapter 16.10). This comment applies throughout the document.</p> <p>Response: The second paragraph, which was moved to new Section 4.1.1 (Local</p>

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		Digging and Excavation Ordinances), has been revised to specify applicable municipal codes including Monterey County Code Chapter 16.10, City of Del Rey Oaks Chapter 15.48, and City of Monterey Chapter 9 Article 8. Additionally, Section 4.1 has been added to highlight LUC instruments and agreements, including excavation ordinances. The revised Section 4.1.1 discusses the ordinances and provides citations. Copies of the ordinances are also included in Appendix C of the LUCIP/OMP.
25	Page 4-1, Section 4.0, Remedy Implementation Actions	<p>Comment: Fourth paragraph. The first sentence indicates the County, the cities and MPC will be required to “implement LUC compliance monitoring and reporting” after the properties are transferred from FORA. The monitoring of the remedial LUCs should begin at the selection of the remedy, especially if FORA is already conducting annual LUC monitoring and reporting, and if ground-intrusive activities could occur prior to the transfer of the property. Please state that FORA will conduct LUC monitoring and reporting until such time as another party will conduct them. Also, as commented earlier, clarify that the County, the cities and MPC will be conducting the annual monitoring and reporting as “jurisdictions,” not as property owners. Further, it should be stated that under the MOA, FORA is responsible for submitting the annual reports to DTSC, and that the County would act as the Coordinator after FORA ceases to exist.</p> <p>Response: Information in the cited section is now presented in Section 4.1.2 and has been revised to clarify FORA, MPC, the County and the Cities roles and responsibilities under the MOA with DTSC. Responsibilities for LUC annual monitoring and reporting are clarified in Section 5.1.5. Also see response to Army General Comment 1.</p>
26	Page 4-1, Section 4.0, Remedy Implementation Actions	<p>Comment: Fifth paragraph. Suggestion to delete. The information was provided in Section 1.0.</p> <p>Response: The referenced paragraph has been deleted.</p>
27	Page 4-1, Section 4.0, Remedy Implementation Actions	<p>Comment: In the subsections, current and future implementation actions are organized in two groups: “Remedy Implementation Phase” and “Remedy Execution Phase.” Trying to distinguish between “implementation” and “execution” is awkward and redundant to some extent. Suggestion to delete the subdivisions.</p> <p>Response: Section 4.0 has been revised to present only current land use control implementation actions. Section 5.0 has been revised to present only future</p>

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		land use control operation and maintenance (i.e., “execution”) actions. “Remedy Implementation Phase” and “Remedy Execution Phase” subheadings have been deleted.
28	Page 4-2, Section 4.1, MEC Recognition and Safety Training	<p>Comment: First paragraph. The description of the requirement for MEC recognition and safety training deviates from the Group 3 ROD and Section 1.4.1 of draft Group 3 LUCIP OMP. In addition, identification of U.S. Army Presidio of Monterey (POM) Directorate of Environmental and Natural Resources Management (DENR) as an alternative point of contact for arranging the training is not appropriate for the ESCA properties and under the Group 3 ROD. Delete the reference to POM DENR.</p> <p>Response: The requirement for MEC recognition and safety training as renumbered to Section 4.2 and has been revised to be consistent with the Group 3 ROD. References to the POM DENR have been deleted through the document.</p>
29	Page 4-2, Section 4.1, MEC Recognition and Safety Training	<p>Comment: Second paragraph. It describes that the requirement for MEC recognition and safety training may be discontinued upon regulatory approval. Any such proposal that would modify the remedy or performance objectives of the selected remedy must also be coordinated with the Army. Please expand the text. This comment applies to other similar statements within this document.</p> <p>Response: The revised Section 4.2 describes the training. The Army has been added to notification, coordination, and approvals discussed in the document. The potential future modification of the training requirement is identified as part of the five-year review. As such, the five-year review would control the process for modifying this LUC requirement.</p>
30	Page 4-2, Section 4.1.1, Development of Training Materials and Procedures	<p>Comment: Please include a statement describing how FORA currently provides the training, so that it does not have an appearance that the training is not available during the period of development of training materials described in this section.</p> <p>Response: The revised Section 4.2 describes training currently provided by FORA.</p>
31	Page 4-2, Section 4.1.2, Providing Training	<p>Comment: Remedy Implementation Phase. First bullet. The Safety Alert is currently provided by U.S. Army Base Realignment and Closure (BRAC) office, and POM DENR currently does not exist due to reorganization. It would be appropriate to revise “as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey” to “as</p>

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		<p>prepared by the Army.” Also, suggestion to provide the current version in an appendix.</p> <p>Response: The revised Section 4.2 describes the training. The cited text has been deleted. The Safety Alert pamphlet has been added as Appendix G.</p>
32	Page 4-2, Section 4.1.2, Providing Training	<p>Comment: Remedy Implementation Phase. Please describe how proponents of construction projects within the Group 3 MRA properties will obtain the training from FORA or its successor.</p> <p>Response: The revised Section 4.2.1.2 includes specifics regarding how training will be obtained.</p>
33	Page 4-3, Section 4.1.2, Providing Training	<p>Comment: Remedy Execution Phase. Fourth bullet should be deleted. The Army BRAC Fort Ord office maintains the Administrative Record, and information contained in it is available to the public. There is no need to create a remedy implementation “task” for the Army to make Administrative Record available to the Group 3 jurisdictions. Also, the Army’s training materials are not maintained in the Administrative Record.</p> <p>Response: The cited text has been deleted.</p>
34	Page 4-3, Section 4.1.3, Monitoring and Reporting of Training Activities	<p>Comment: Remedy Execution Phase. First bullet. Please describe how FORA intends to ensure the requirement for MEC recognition and safety training will remain in place through the cited documents.</p> <p>Response: The cited information is now located in Section 4.2.3 and has been revised to clarify that FORA will ensure training requirements remain in place through annual LUC monitoring and reporting.</p>
35	Page 4-4, Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: First paragraph. The description of the requirement for construction support deviates from the Group 3 ROD and Section 1.4.2 of draft Group 3 LUCIP OMP. In this section, construction support is to be arranged “through the Group 3 jurisdictions” indicating that the jurisdictions would provide the UXO personnel. Please confirm that the Group 3 jurisdictions have agreed with this process.</p> <p>Response: The cited text has been deleted. Construction support requirements and responsibilities are now presented in Sections 4.3 (Construction Support</p>

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		for Ground-disturbing or Intrusive Activities) and Section 5.0 (Land Use Control Operation and Maintenance). The document has been revised to clarify roles of MPC, the County, and the Cities in implementation of the construction support LUC.
36	Page 4-4, Section 4.2, Construction Support by UXO- Qualified Personnel for Ground- disturbing or Intrusive Activities	<p>Comment: The text in this section provides (a) FORA's assessment of the probability of encountering MEC in the Group 3 MRA properties; and (b) the Group 3 jurisdictions would determine the level of construction support on a case-by-case basis. Please expand the discussion to clarify, in the event of a discovery of MEC, how the probability will be reassessed. The process has previously been developed by FORA as part of the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166) in coordination with the Army and the regulatory agencies.</p> <p>It is also critical that the Group 3 jurisdictions have the support of qualified personnel to make appropriate determination of the level of construction support since the decision will be site-and activity specific. Please expand.</p> <p>Response: The document has been revised to clarify, in the event of a discovery of MEC, FORA will reassess probability of encountering MEC (see Sections 4.3.2.4, 4.3.3.5 and 4.3.5). In addition, the document has been revised to clarify determination of construction support levels, construction support plan requirements, and constructions support plan approvals (see Sections 4.3.1, 4.3.2.1, and 4.3.3.1).</p>
37	Page 4-4, Section 4.2, Construction Support by UXO- Qualified Personnel for Ground- disturbing or Intrusive Activities	<p>Comment: Fourth paragraph. Second sentence. Revise “may be applicable” to “apply.”</p> <p>Response: The cited sentence, now in Section 4.3, has been revised as suggested.</p>
38	Page 4-4, Section 4.2, Construction Support by UXO- Qualified Personnel for Ground- disturbing or Intrusive	<p>Comment: Final paragraph. It describes that the requirement for construction support may be discontinued upon regulatory approval. Any such proposal that would modify the remedy or performance objectives of the selected remedy must also be coordinated with the Army. Please expand the text. This comment applies to other similar statements within this document.</p> <p>Response: The final paragraph of Section 4.2 has been revised. The Army has been</p>

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	Activities	added to notification, coordination, and approvals discussed in the document. In addition, Sections 4.7.2 and 4.7.3 have been revised to clarify the requirements for remedy modification, including a determination by Army, EPA, and DTSC that LUC requirements are no longer necessary.
39	Page 4-5, Section 4.2.1, Construction Support Planning	<p>Comment: Remedy Implementation Phase. Third bullet requires implementation of “special standards and procedures” defined in the local excavation ordinances. Please describe what the “special standards and procedures” are.</p> <p>Response: The revised Section 4.1.1 discusses the excavation ordinances, provides ordinance citations, and references Section 4.3 for additional details on requirements related to the digging and excavation ordinances. Copies of the ordinances are also included in Appendix C of the LUCIP/OMP.</p>
40	Page 4-5, Section 4.2.1, Construction Support Planning	<p>Comment: Remedy Implementation Phase. Delete the fifth bullet. (See earlier comment.)</p> <p>Response: The fifth bullet has been deleted. Also see response to Army Specific Comments 28 and 31. Information on probability of encountering MEC has been presented in new Section 4.3.1.1.</p>
41	Page 4-5, Section 4.2.1, Construction Support Planning	<p>Comment: Remedy Execution Phase. Delete the first bullet. (See earlier comment.) The Administrative Record is not a repository for the local excavation ordinances.</p> <p>Response: The first bullet has been deleted. Also see response to Army Specific Comment 33.</p>
42	Page 4-5, Section 4.2.2, Construction Support Evidence of MEC	<p>Comment: Remedy Execution Phase. First bullet. Please update the text to reflect that the local excavation ordinances state that excavation permits would include a requirement to notify the Army (as well as DTSC) in an event of a discovery of suspected munitions items.</p> <p>Response: The document has been revised to clarify, in the event of a discovery of MEC, the Army will also be notified (see Sections 4.3.2.4 and 4.3.3.5).</p>
43	Page 4-6, Section 4.2.2, Construction Support Evidence	<p>Comment: Remedy Execution Phase. Final bullet. The text indicates that in the event that a MEC item is discovered, the probability of encountering MEC would be reassessed by the regulatory agencies and the Army. This is not</p>

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	of MEC	<p>consistent with the ESCA or the process developed by FORA under the ESCA as part of the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166) in coordination with the Army and the regulatory agencies. As described in that document (page 7), and in a FORA memorandum on the very subject dated March 24, 2009 (Administrative Record number: ESCA-0148), after the initial response to the item is completed, FORA will assess the probability of encountering MEC if within the scope of its obligations under the AOC and the ESCA. Please replace the bullet with the text used in the LUCIP OMP for the Parker Flats MRA Phase I and the FORA memorandum.</p> <p>Response: Document has been revised to clarify that FORA will assess the probability of encountering MEC, when within the scope of its obligations under the AOC and ESCA. See revisions made to Section 4.3.5.</p>
44	Page 4-6, Section 4.2.4, Determination Construction Support No Longer Necessary	<p>Comment: Remedy Execution Phase. First bullet. Consistent with the Group 3 ROD, construction support will be evaluated as part of the five-year review process and the Army will conduct the five-year reviews. It should be added, consistent with the process agreed among FORA, EPA, DTSC and the Army in the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166), page 9: "However, under the ESCA, FORA (or its successor) should provide an evaluation of the above-mentioned notification and permitting process for inclusion in the Army's five-year review reports. In order for such evaluation, and any recommendation for changes, to be incorporated into a five-year review, it must be submitted by FORA (or its successor) to the Army by February of the year of the review."</p> <p>Response: Document has been revised to clarify the remedy modification process and are presented in Sections 4.7.2 and 4.7.3.</p>
45	Page 4-6, Section 4.2.4, Determination Construction Support No Longer Necessary	<p>Comment: Remedy Execution Phase. Second bullet. The process for any party to request regulatory agency review and approval to remove the construction support requirement from any of the Group 3 MRA properties must follow the CERCLA process and the Group 3 ROD, as such, any request must be coordinated with all signatories of the ROD. In addition, the bullet should be expanded to indicate that certain conditions must be met for the agencies to concur that a LUC is no longer needed. See the Group 3 ROD and Section 3.0 of the draft Group 3 LUCIP OMP, "LUCs will be maintained until EPA and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs. This concurrence may be based on: 1) new information</p>

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		<p>(e.g., limited geophysical mapping, site development); or 2) where the depth of soil disturbance related to ground-disturbing or intrusive activities is sufficient to address the uncertainty of MEC remaining in the subsurface and any MEC encountered during such activities is removed.”</p> <p>Response: The Army has been added to notification, coordination, and approvals discussed in the document. In addition, Sections 4.7.2 and 4.7.3 have been revised to clarify the requirements for remedy modification, including a determination by Army, EPA, and DTSC that LUC requirements are no longer necessary. Also see response to Army Specific Comment 38.</p>
46	Page 4-7, Section 4.3, Restrictions Prohibiting Residential Use	<p>Comment: Property use restrictions can be documented in the deeds and also in CRUPs. They are subject to separate processes with different signatories and approval requirements. The section starts with the intention to maintain the residential use restrictions in the deeds. The final sentence describes a process to coordinate removal of the restriction with DTSC - we interpret the sentence applies to the CRUPs. To avoid confusion, it is suggested the CRUP modification process be discussed in a separate bullet from any discussion of deed restrictions or modification to deed restrictions.</p> <p>Any changes to the residential restriction in the deed must be approved by the Army. In addition, as stated in the Group 3 ROD, page 28, any proposal to allow residential development or modifications to the residential restrictions must be approved by EPA and the Army in consultation with DTSC. Please expand the text. This comment applies to other similar statements within this document.</p> <p>Response: Section 4.4 has been revised to clarify that deed restrictions and the CRUP are separate processes and that any changes to the use restrictions in the deeds need to be approved by the Army, EPA, and DTSC.</p>
47	Page 4-7, Section 4.3.1, Maintaining Residential Land Use Restriction	<p>Comment: Remedy Execution Phase. First bullet. The first sentence indicates FORA is conducting annual LUC monitoring, in addition to reporting. The Army has received copies of annual LUC monitoring reports previously compiled and submitted by FORA to DTSC under the MOA, however, none of the reporting forms were prepared by FORA. If FORA is conducting annual LUC monitoring within the Group 3 MRA parcels and will prepare reports separately from the MOA submittal, please provide a copy of past and future reports to the Army, EPA and DTSC.</p> <p>Response:</p>

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		Sections 4.4 and 4.5.2 have been revised to clarify FORA's role in conducting annual monitoring and reporting of LUCs, which consists of FORA compiling annual LUC monitoring reports received from MPC, the County, and the Cities, and submitting them to the Army, EPA, and DTSC.
48	Page 4-7, Section 4.3.1, Maintaining Residential Land Use Restriction	<p>Comment: Remedy Execution Phase. First bullet. Second sentence. See earlier comment regarding transfer of remedy implementation actions.</p> <p>Response: Section 4.4 has been revised to clarify FORA's responsibility for ensuring residential use restriction compliance.</p>
49	Page 4-7, Section 4.3.1, Maintaining Residential Land Use Restriction	<p>Comment: Remedy Execution Phase. The second bullet indicates the Group 3 jurisdictions are responsible for ensuring the residential deed restrictions remain on future property transfer deeds. For completeness, please also add that FORA will ensure the residential deed restrictions remain on the deeds when the Group 3 MRA properties are transferred out of FORA.</p> <p>Response: Section 4.4 has been revised to clarify FORA's responsibility to ensure deeds to MPC, the County, and the Cities contain residential use restrictions and EPPs.</p>
50	Page 4-7, Section 4.3.2, Process for Approval of Proposals to Remove Residential Use Restriction	<p>Comment: Revise the paragraph in coordination with EPA, DTSC and the Army. The MOA, CRUP, ROD and deeds are subject to separate processes with different signatories and approval requirements. The current text indicates DTSC has an approval authority for changes to the ROD and the deeds, which is not appropriate. The requirement for the residential use restriction is a component of the CERCLA remedy for the Group 3 MRAs, therefore, the restriction cannot be removed from the deeds and CRUPs until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under CERCLA is removed, the property owner can initiate the administrative processes to remove the restriction from the deeds and CRUPs.</p> <p>Response: Section 4.4.1 has been revised to clarify the process for review of proposals to remove the residential use restriction. Also see response to Army General Comment 1.</p>
51	Page 4-8, Section 4.4.2, Annual LUC Monitoring	<p>Comment: This section describes that an annual report will be submitted within 90 days following inspection and record review. Please identify the inspection and monitoring period to be addressed in the reports.</p>

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	Reports	<p>Response: Section 4.5.2 has been revised to identify the inspection and monitoring period addressed in the annual reports.</p>
52	Page 4-8, Section 4.4.2, Annual LUC Monitoring Reports	<p>Comment: This section describes that a requirement for submitting annual reports will be included in deeds when the property is transferred out of FORA. It indicates FORA intends to transfer the remedy maintenance responsibilities to subsequent property owners. Please clarify if the proposed requirement for the subsequent property owner to submit annual reports is in addition to the reporting by the jurisdictions under MOA and reporting required by the Group 3 ROD. The proposal requires further examination.</p> <p>In this section and elsewhere, the plan describes that under the MOA, the Group 3 jurisdictions (including MPC) will conduct annual monitoring and report results to FORA, and FORA will submit the reports to DTSC. It should be noted that Section 2.5 of the MOA states “FORA and the County have no responsibility for enforcement of this Agreement if a local jurisdiction fails to submit its annual reports to FORA or the County on time or at all. Local jurisdictions have no responsibility for enforcement of this agreement if FORA or the County fail to compile and submit their annual report to the Department. The Department is responsible for enforcing compliance with this Agreement.” The Army will consult with EPA and DTSC if nonperformance of annual monitoring and reporting under the MOA would result in FORA being out of compliance with the monitoring and reporting requirement under the Group 3 ROD.</p> <p>Under the Group 3 ROD, FORA or its successor entity under the ESCA and the AOC, will perform annual monitoring and reporting. It requires annual letter reports to EPA and DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC (page 3) (this is also stated in Section 1.4 of this LUCIP OMP). This “evaluation” element is lacking in the reporting process under the MOA, therefore, should be addressed in this section.</p> <p>Response: Section 4.5.2 has been revised to clarify annual reporting requirement and responsibilities, including an annual MEC letter report summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC.</p>
53	Page 4-8, Section 4.5.1, Compliance with	<p>Comment: This section describes the actions of the Group 3 jurisdictions as municipal entities, not as property owners. Therefore, the information contained in</p>

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	LUCIP/OMP	<p>this section should be relocated elsewhere.</p> <p>Response: Document has been revised to clarify responsibilities of FORA, MPC, the County, and the Cities independent of property owner responsibilities. See revised Section 5.0.</p>
54	Page 4-9, Section 4.5.2, Property Conveyances	<p>Comment: First sentence, the deeds require the current and future property owners (not the jurisdictions) to comply with the local excavation ordinances. Please revise.</p> <p>Response: Referenced section has been moved to Section 5.3.4 and revised to clarify property recipient responsibilities to comply with deed requirements. Also see Section 5.3.</p>
55	Page 4-9, Section 4.5.2, Property Conveyances	<p>Comment: Third sentence suggests that DTSC has an enforcement authority on the deed restrictions. The sentence should be revised to note that Army has authority to enforce deed restrictions.</p> <p>Response: Referenced section has been moved to Section 5.3.4 and revised to clarify authority to enforce deeds and CRUPs.</p>
56	Page 4-9, Section 4.5.3, Notice of Planned Property Conveyances	<p>Comment: Please provide information regarding how the Army and the regulatory agencies will receive notices of planned property conveyances.</p> <p>Response: Referenced section has been moved to Section 5.3.5 and revised to clarify property transfer notifications.</p>
57	Page 4-9, Section 4.6, Army LUCIP/OMP Inspections, Reporting, and Enforcement Responsibilities	<p>Comment: Delete the third sentence. (See earlier comment.)</p> <p>Response: The referenced section has been deleted from the document. Inspection, reporting and enforcement responsibilities are provided for each organization in Section 5.1.8, 5.2.5, 5.2.6, and 5.2.7.</p>
58	Page 4-9, Section 4.7, Notification Should Action(s) Interfere with LUCIP/OMP	<p>Comment: Second paragraph. Second sentence indicates that the MOA, which was signed prior to the Group 3 RI/FS and ROD, provides an agreement by the Group 3 jurisdictions to identify, evaluate and implement any necessary changes to avoid future noncompliance, when FORA ceases to exist. Please reexamine the sentence. The MOA contained a provision for the</p>

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	Effectiveness	<p>County to become the Coordinator for the MOA when FORA ceases to exist, but nothing indicates the jurisdictions have agreed to comply with the selected remedy of the Group 3 ROD.</p> <p>Also, the MOA requires compliance with covenants, monitoring during state fiscal year, and reporting by September 1 of each year. However, no provision is made for any corrective actions or reporting of such actions within 45 days of discovery of any activity inconsistent with the Group 3 LUCIP OMP objectives. Please clarify.</p> <p>Response: Referenced section is now Section 4.6 and has been revised to clarify FORA's responsibility for notifications if actions interfering with LUC effectiveness are identified.</p>
59	Page 4-10, Section 4.8, Notification of MEC Item Discovery During Ground- Disturbing Activities	<p>Comment: Fourth sentence provides that FORA or the Group 3 jurisdictions will notify the regulatory agencies of any discovery of MEC during construction activities. Under the Group 3 ROD, prompt notification of any MEC-related data to the regulatory agencies is a responsibility of FORA or its successor. It is not clear under what situations the Group 3 jurisdictions would provide the notification. Please expand on the process. See also earlier comment regarding reassessment of the probability of encountering MEC and comment on Section 4.9.1.</p> <p>Response: The document has been revised to clarify, in the event of a discovery of MEC, FORA will provide prompt notification to Army, EPA and DTSC, and will reassess probability of encountering MEC (see Sections 4.3, 4.3.2.4, 4.3.3.5 and 4.3.5). Also see response to Army Specific Comment 36.</p>
60	Page 4-10, Section 4.9.1, Additional Investigation or Follow-up Action	<p>Comment: The first three paragraphs are not consistent with the ESCA or the process developed by FORA under the ESCA as part of the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166) in coordination with the Army and the regulatory agencies. As described in that document (page 7), and in a FORA memorandum on the subject dated March 24, 2009 (Administrative Record number: ESCA-0148), after the initial response to the item is completed, FORA will assess the probability of encountering MEC if within the scope of its obligations under the AOC and the ESCA; conduct any additional investigations required under the AOC; and recommend appropriate level of UXO support. If warranted, FORA will also propose additional response action or modification of the remedy to be implemented by FORA. The process has been developed in close coordination with EPA, DTSC and the Army, and should be</p>

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		<p>incorporated into the Group 3 LUCIP OMP.</p> <p>Response: Referenced section is now Section 4.7.1 and has been revised to clarify FORA and Army responsibilities to conduct additional MEC response actions per FORA and Army Obligations under the AOC and ESCA.</p>
61	Page 4-10, Section 4.9.1, Additional Investigation or Follow-up Action	<p>Comment: Fourth paragraph. The statement has been modified from the text in the Group 3 ROD page 29. Revise to be consistent with the ROD: "...FORA or its successor assumes full responsibility for completion of necessary CERCLA response actions (except Army Obligations)... Although the Army has already transferred the responsibilities to implement, maintain, monitor, and enforce...."</p> <p>Response: Referenced section is now Section 4.7.1 and the corresponding paragraph has been revised to be consistent with the Group 3 ROD as suggested.</p>
62	Page 4-11, Section 4.9.1, Additional Investigation or Follow-up Action	<p>Comment: Final paragraph. The statement regarding additional response should conform to the previously agreed text (used in the LUCIP OMP for the Parker Flats MRA Phase I) and/or the statement in the Group 3 ROD page 29: "If additional evaluation or work or modification of the selected remedy is proposed based on [five-year review], it will be implemented in accordance with Paragraph 34 of the AOC, and/or Section C4.1.7 of the ESCA."</p> <p>Response: Referenced section is now Section 4.7.1 and the corresponding paragraph has been revised as suggested.</p>
63	Page 4-11, Section 4.9.2, Remedy Modification	<p>Comment: First paragraph omits important statements from the previously agreed text (used in the LUCIP OMP for the Parker Flats MRA Phase I). Revise to: "If the Army and EPA, in consultation with DTSC, determine that the selected remedy is no longer protective, <u>FORA will propose and</u> the Army and EPA will jointly select, an additional response action or modification of the remedy <u>to be implemented by FORA or its successor under the AOC if within the scope of its obligation under the AOC and the ESCA. EPA will advise the Army that it is obligated under the FFA to conduct the investigation and/or response.</u> DTSC will be provided an opportunity to review and comment on the proposal. The additional actions required and their remedial objectives will be documented in an Explanation of Significant Difference or ROD Amendment, as appropriate."</p> <p>Response:</p>

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		Referenced section is now Section 4.7.2 and the corresponding paragraph has been revised as suggested.
64	Page 4-11, Section 4.9.2, Remedy Modification	<p>Comment: Second paragraph. Delete the first sentence. As stated in the Group 3 ROD, if additional evaluation or work or modification of the selected remedy is proposed based on five-year review, it will be implemented in accordance with Paragraph 34 of the AOC, and/or Section C4.1.7 of the ESCA. Under the ESCA, Section C4.1.7, if EPA and DTSC determine that additional response is required, FORA shall conduct any additional response as required by EPA and DTSC pursuant to the AOC. The Army does not have an obligation to notify FORA of its responsibility under the AOC.</p> <p>Response: Referenced section is now Section 4.7.2 and the corresponding paragraph has been revised as suggested.</p>
65	Page 5-1, Section 5.1, General Administrative Sequence for Establishing LUC Remedy	<p>Comment: First bullet. Delete the text “within 10 days of regulatory approval.” Remove information repositories from the statement. The Army will place the final version of Group 3 LUCIP OMP and any correspondence of regulatory approval in the Administrative Record. The plan is approved when it is approved by EPA under the AOC, and its effective date does not depend on the date of its placement in the Administrative Record.</p> <p>Response: Section 5.0 has been restructured to include placement of the Group 3 LUCIP/OMP into the Army Administrative Record and the corresponding bullet has been deleted.</p>
66	Page 5-1, Section 5.1, General Administrative Sequence for Establishing LUC Remedy	<p>Comment: Second bullet. The detailed plans and processes, to be developed within 6 months, should also be subject to approval of the Army and EPA in consultation with DTSC. The Army and the regulatory agencies should have an opportunity to verify they sufficiently address ROD requirements.</p> <p>Response: The document has been revised to provide detailed plans and procedures for LUC implementation/operation and maintenance (Sections 4.0 and 5.0, respectively). The cited 6-month development phase for plans and processes has been deleted. Also see response to EPA General Comments 1 and 2.</p>
67	Page 5-1, Section 5.2.1, Pre-Land Transfer from FORA to Group	<p>Comment: Second bullet describes that FORA will be responsible for executing annual inspections and annual monitoring reports, and the reports should be provided to EPA and DTSC. Please update the text to be more complete and be consistent with the earlier statement (in Section 3.3) that FORA and</p>

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	3 Jurisdictions	<p>the Group 3 jurisdictions currently conduct annual monitoring and reporting of LUCs, and (in Section 4.4.2) the annual monitoring reports will be submitted to the Army, EPA and DTSC within 90 days of inspection.</p> <p>Response: Section 5.0 has been restructured and the requested updates in this comment have been incorporated into revised Sections 4.5.2, 5.1.5, and 5.2.6. The second bullet has been deleted.</p>
68	Page 5-1, Section 5.2.1, Pre-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: Fourth bullet. First sentence describes that the Group 3 jurisdictions will establish processes and procedures to implement the (existing) excavation ordinances. Also, Section 3.2 described several items that FORA will develop to facilitate the implementation of construction support. These processes when developed, should be subject to approval of the Army and EPA in consultation with DTSC. The Army and the regulatory agencies should have an opportunity to verify they sufficiently address ROD requirements.</p> <p>Response: The document has been revised to provide detailed plans and procedures for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively). Revised Section 4.3 presents details regarding implementation of the construction support LUC requirements. The cited fourth bullet has been deleted. Also see response to EPA General Comments 1 and 2.</p>
69	Page 5-1, Section 5.2.1, Pre-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: Fourth bullet. Second sentence describes that the Group 3 jurisdictions will establish processes and procedures to implement other requirements to execute the LUC remedy. Implementation of any remedy components by the Group 3 jurisdictions should be done under the oversight of FORA or its successor under the ESCA and AOC. Also, these processes when developed, should be subject to approval of the Army and EPA in consultation with DTSC. The Army and the regulatory agencies should have an opportunity to verify they sufficiently address ROD requirements.</p> <p>Response: The document has been revised to provide detailed plans and procedures for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively). Revised Section 5.2 presents details regarding MPC, the County, and the Cities responsibilities. The cited fourth bullet has been deleted. Also see response to EPA General Comments 1 and 2.</p>
70	Page 5-1, Section 5.2.1,	<p>Comment: Fourth bullet addresses implementation of the remedy, not “long-term</p>

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	Pre-Land Transfer from FORA to Group 3 Jurisdictions	<p>operations and maintenance of LUC remedy.” Therefore, it should be relocated elsewhere.</p> <p>Response: The document has been revised to provide detailed for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively). See responses to Army Specific Comments 68 and 69.</p>
71	Page 5-1, Section 5.2.1, Pre-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: Fifth bullet refers to Section 4.0 for information related to maintenance of LUCs. However, Section 4.0 is not very clear. Suggestion to provide more details under this bullet.</p> <p>Response: The document has been revised to provide detailed for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively). The referenced bullet has been deleted. Corresponding information on periodic inspections are now presented in revised Section 5.2.5 and details on enforcement are now presented in revised Sections 5.1.8 and 5.2.7.</p>
72	Page 5-2, Section 5.2.2, Post-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: As noted in an earlier comment, FORA or its successor entity will continue to have responsibilities for remedy implementation and performance after the underlying property is transferred out of FORA. Please update the section.</p> <p>Response: The document has been revised to provide detailed for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively). Section 5.0 is no longer organized by property transfer status. Revised Section 5.1 has been updated to include FORA’s responsibilities following property land transfer.</p>
73	Page 5-2, Section 5.2.2, Post-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: Second bullet. Please update the text to be more complete and be consistent with the earlier statement (in Section 4.4.2) that the annual monitoring reports will be submitted to the Army, EPA and DTSC within 90 days of inspection.</p> <p>Response: See response to Army Specific Comment 67.</p>
74	Page 5-2, Section 5.2.2, Post-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: Fourth bullet describes “the County, City or MPC shall contact the Army, EPA, FORA (or its successor) and DTSC by email or written correspondence prior to granting the permit.” As recently discussed among FORA, EPA, DTSC and the Army, the process of consultation by the</p>

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	3 Jurisdictions	<p>permitting agency with DTSC regarding the level of construction support should be further clarified in this plan. Please also clarify why MPC is required to contact the Army and the others when it does not administer any excavation ordinance.</p> <p>Response: The document has been revised to provide detailed information for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively). Section 5.0 is no longer organized by property transfer status. Revised Section 4.3 has been updated to include details regarding construction support implementation. Also see responses to Army Specific Comment 35, 36, and 38.</p>
75	Page 5-2, Section 5.2.2, Post-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: Fourth bullet. The final sentence starting with “as described in the digging and excavation ordinances...” the stated requirements are not included in the text of the related municipal codes. The sentence should be deleted.</p> <p>Response: The document has been revised to provide detailed information for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively). The referenced bullet has been deleted from the report.</p>
76	Page 5-2, Section 5.2.2, Post-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: Fifth bullet refers to Section 4.0 for information related to periodic inspection and enforcement. However, Section 4.0 is not very clear. Suggestion to provide more details under this bullet.</p> <p>Response: See response to Army Specific Comment 71.</p>
77	Appendix B, Survey Plats	<p>Comment: Suggestion to add a text box to each legal description and map indicating the MRA in which the parcel lies.</p> <p>Response: A text box identifying the MRA has been added to each legal description as suggested.</p>
78	Appendix D, Land Use Control Inspection Methodology	<p>Comment: The title of the appendix and introductory text suggest that this appendix is intended to describe annual review of LUC implementation actions, and reporting. It currently describes that (a) the inspection process consists of information check with the building department of the jurisdiction, and (b) reporting will occur in accordance with the MOA.</p> <p>Several items were described in the body of the document that appeared to be intended to be included in the annual review. Please consider addressing</p>

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		<p>them in the appendix:</p> <ul style="list-style-type: none"> • Section 4.1.1 “FORA MEC Recognition and Safety Training procedure to include...monitoring, reporting, and audit systems.” • Section 4.1.1 “FORA will develop procedures...and how to document and monitor training activities.” • Section 4.1.3 “FORA to develop reporting requirements for Group 3 jurisdictions to track training activities and monitor land owner and contractor compliance with training requirements as part of annual LUC monitoring reporting.” • Section 4.1.3 “FORA and Group 3 jurisdictions to track training activities and include in the annual LUC monitoring report.” • Section 4.2.3 “Construction support contractor documents project and reports per FORA or Group 3 jurisdiction requirements.” • Section 4.3.1 “FORA to develop annual inspection procedures to ensure residential deed restrictions remain on property through future property transfer deeds.” • Section 4.4.1 “On-site inspections and review of local building and planning department records and construction support potential MEC finds report review.” <p>Response: The Land Use Control Inspection Methodology appendix information has been incorporated into Section 4.5.2 and appropriately updated in the corresponding form (title revised to “Former Fort Ord Land Use Covenant Report Outline” and presented in Appendix J of the draft final Group 3 LUCIP/OMP) to address Army Comments 79 through 84 below; therefore, the Land Use Control Inspection Methodology appendix has been deleted.</p>
79	Appendix D, Land Use Control Inspection Methodology	<p>Comment: The reporting process references a LUC evaluation checklist in Appendix D of the LUCIP OMP. It should refer to Appendix E.</p> <p>Response: See response to Army Comment 78.</p>
80	Appendix D, Land Use Control Inspection Methodology	<p>Comment: Please consider addressing additional items that FORA or its successor under the ESCA and the AOC will report to the regulatory agencies and the Army:</p> <ul style="list-style-type: none"> • Section 1.4 “annual letter reports...summarizing any MEC found and changes in site conditions that could increase the possibility of

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		<p>encountering MEC.</p> <ul style="list-style-type: none"> Section 4.2.2 “FORA or its successor will notify the regulatory agencies, as soon as practicable, of any potential MEC finds during “construction activities” or any other MEC finds, and report the potential MEC finds during monitoring activities annually.” <p>Response: See response to Army Comment 78.</p>
81	Appendix E, 2014 Update to the Former Fort Ord Land Use Covenant Report Outline	<p>Comment: Please clarify if the updated reporting form is intended to replace the current form in the MOA (to be used by all entities conducting monitoring) or if it is applicable only to the Group 3 MRA properties.</p> <p>Response: The form (title revised to “Former Fort Ord Land Use Covenant Report Outline” and presented in Appendix J of the draft final Group 3 LUCIP/OMP) is intended to replace the MOA form and is applicable only to the Group 3 properties at this time.</p>
82	Appendix E, 2014 Update to the Former Fort Ord Land Use Covenant Report Outline	<p>Comment: So that it may be clear which parcels are being addressed in each of the reports, identify the parcel numbers and/or map of parcels with which the monitoring report is associated.</p> <p>Response: A section has been added to the form (title revised to “Former Fort Ord Land Use Covenant Report Outline” and presented in Appendix J of the draft final Group 3 LUCIP/OMP) requesting parcel numbers for which the monitoring report is associated.</p>
83	Appendix E, 2014 Update to the Former Fort Ord Land Use Covenant Report Outline	<p>Comment: Appendix D describes the annual monitoring period is July 1 to June 30. According to Section 4.4.2 FORA or its successor will submit annual monitoring report within 90 days following inspection. It is therefore interpreted that annual reports will be submitted to EPA, DTSC and the Army by September 30 following the end of the reporting period. The 2014 update to the report outline indicates “December 31” at the top of the form, indicating that the jurisdictions would not be required to provide their reports to FORA until 180 days following the end of the reporting period. Please update the form to support the intended timeline for reporting to the regulatory agencies and the Army.</p> <p>Response: Section 4.5.2 Annual LUC Monitoring Reports (formerly Section 4.4.2) has been updated to indicate that annual LUC monitoring reports cover the</p>

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		<p>period from July 1 to June 30 of each year. MPC, the County and the Cities will submit annual LUC monitoring reports to FORA by September 1 of each year. FORA will compile annual LUC monitoring reports and submit the combined annual monitoring report within 90 days (by November 30 of each year) to the Army, EPA, and DTSC. The form has been updated to correspond to September 1 of each year.</p>
84	Appendix E, 2014 Update to the Former Fort Ord Land Use Covenant Report Outline	<p>Comment: Certain types of information were described in the body of the document that appeared to be intended to be included in annual reports. The 2014 update to the reporting outline (together with the methodology in Appendix D) may not be sufficiently clear to ensure desired information is captured. Please consider addressing them in the appendix:</p> <ul style="list-style-type: none"> • Section 3.1 “Training activities will be reported in the annual LUC monitoring report.” • Section 4.1.3 “FORA to develop reporting requirements for Group 3 jurisdictions to track training activities and monitor land owner and contractor compliance with training requirements as part of annual LUC monitoring reporting. • Section 4.1.3 “Group 3 jurisdictions to establish procedures...to monitor and report MEC recognition and safety training requirements in the annual LUC monitoring report.” • Section 4.1.3 “FORA and Group 3 jurisdictions to track training activities and include in the annual LUC monitoring report.” • Section 4.2.3 “FORA to update annual LUC inspection checklist to include instructions for review of deeds, State CRUPs and local digging and excavation ordinances to verify construction support requirement continue to run with the land.” • Section 4.2.3 “FORA and jurisdictions report construction support activities in the annual report.” • Section 4.8 “The incident results will be reported in the annual LUC monitoring report.” <p>If any of these items are not intended to be included in the annual reporting by the jurisdictions, provide information in a separate section in the document about annual reporting by FORA or its successor.</p> <p>Response: The Soil Covenant portion of the form (title revised to “Former Fort Ord Land Use Covenant Report Outline” and presented in Appendix J of the draft final Group 3 LUCIP/OMP) had been revised to include questions</p>

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		related to annual monitoring and reporting of training, construction support, and incidental find activities.

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General Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: The Five-Year Review is repeatedly discussed as an opportunity for the Army to modify or terminate the land use control (LUC). Modification or termination of LUCs is not the purpose of the Five-Year Review. During the Five-Year Review, the Army will document an evaluation of the long-term effectiveness of the remedy. While a request to modify or terminate the LUC can be submitted any time, this is not the focus of the Five-Year review. Proper documentation of additional remediation will be required before institutional controls (IC) can be dropped or the LUC can be terminated. Further details should be included in the LUCIP on the process for modifying ICs or LUCs.</p> <p>Response: Sections 4.7.2 and 4.7.3 have been revised to clarify the process for modifying the LUC remedy, including the requirements for Army, EPA, and DTSC approvals.</p>
2	General Comment	<p>Comment: The LUCIP should describe events and activities in sufficient detail so they can be performed and reported. Various activities listed in Section 4 identify the entity who will develop events and activities. Please develop the events and activities, then document and describe them in the revised draft LUCIP.</p> <p>Response: The LUCIP/OMP has been revised to provide detailed information for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively).</p>
3	General Comment	<p>Comment: All the ICs should be framed as requirements of the Covenant to Restrict Use of Property (CRUP) that will remain in place until further remediation is completed and documented, and a CRUP variance or termination has been approved by DTSC and U.S. Environmental Protection Agency. Please reference the CRUPS in place.</p> <p>Response: Sections 4.0 and 5.0 have been revised to identify and clarify the various legal instruments and agreements which contain obligations to conduct specific actions to implement and maintain the land use controls. Section 4.1.3 has been added to provide specific details regarding the CRUPS in place on the Group 3 properties.</p>
4	General Comment	<p>Comment: The LUCs discussed come with long-term financial responsibilities to various entities. Please provide a discussion on financial responsibilities that includes a discussion of how ongoing costs will be paid if, for whatever reason, one of</p>

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		<p>these entities is no longer able to meet their obligations.</p> <p>Response: Funding for LUC implementation, operation, and maintenance is outside the scope of the LUCIP/OMP.</p>

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Specific Comments

No.	Comment Type / Report Section	Comment/Response
1	Glossary	<p>Comment: Please define “Depth of Detection”</p> <p>Response: The definition of “Depth of Detection” has been added to the Glossary.</p>
2	Page vii, Glossary	<p>Comment: Define “10 U.S.C.”</p> <p>Response: The definition of “10 U.S.C.” has been added to the Glossary.</p>
3	Section 1.4, Description of Selected Remedy	<p>Comment: Stipulations in the existing deeds are mentioned several times including in Section 1.4. Please include a copy of the deeds in the LUCIP.</p> <p>Response: Section 1.4 has been revised to include the existing deeds in the LUCIP/OMP as Appendix B. The corresponding appendix has been referenced in other sections of the LUCIP/OMP, where applicable.</p>
4	Section 1.4, Description of Selected Remedy	<p>Comment: Paragraph 4. The purpose of the Five-Year Review is to determine if the remedy is still protective. Please explain in the LUCIP that if restrictions in the CRUP are no longer protective, additional remediation may be required. Modifications to the CRUP can be requested at any time but must be approved by EPA and DTSC.</p> <p>Response: Detailed discussion of the CRUPs is provided in new Section 4.1.3. Additional response actions and modification to the remedy are discussed in revised Sections 4.7.2 and 4.7.3, including the provision for additional response actions or modification of the remedy if determined to no longer be protective.</p>
5	Section 1.4.1, MEC Recognition and Safety Training, and Section 1.4.2, Construction Support	<p>Comment: It is unclear that MEC Recognition and Safety Training and Construction Support are not Long-Term Management Measures. If these LUCs are not included in the long term management sections, then the LUCIP needs to clearly identify that these measure are intended to be implemented until such time that regulatory concurrence is achieved to remove them. The process for removing the LUCs should be identified.</p> <p>Response: The document has been revised to clarify responsibilities and actions for LUC implementation and LUC operation and maintenance (Sections 4.0 and Section 5.0, respectively). The process for removing the LUCs is provided in</p>

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		new Section 4.7.3.
6	Section 1.4.3, Restrictions Prohibiting Residential Use	<p>Comment: This section should mention the DTSC residential protocol which may be required before termination of the residential restriction. If residential development of a portion of the property is proposed, then a remedial work plan may be required by DTSC.</p> <p>Response: Sections 1.4, 1.4.3, and 4.7.3 have been revised to clarify that the DTSC residential protocol may be required before termination of the residential use restrictions in the CRUPs.</p>
7	Section 1.4.4, Long-Term Management Measures	<p>Comment: Five-year Review Reporting. Further remedial activities will be required before termination of the LUCs can be approved. The LUCIP needs to provide details on the process for termination of LUCs.</p> <p>Response: Section 4.7.3 has been revised to clarify the process for modifying the LUC remedy to remove a specific LUC requirement, including the requirements for Army, EPA, and DTSC approvals.</p>
8	Section 2.4, Group 3 MRAs Remedial Investigation Summary	<p>Comment: Please provide references for the documents referred to in this section.</p> <p>Response: Remedial investigation summaries are now included in Section 2.3. See responses to Army Comments 9 and 13.</p>
9	Section 2.4.2, Laguna Seca Parking MRA	<p>Comment: Last paragraph. Please specifically identify the areas where removal actions were not completed. Include a figure that identifies the areas. This should be one of the tools used in determining the level of construction support required by the LUCs.</p> <p>Response: Information on probability of encountering MEC has been presented in new Section 4.3.1.1 and includes figures as suggested.</p>
10	Section 3.1, MEC Recognition and Safety Training	<p>Comment: Second paragraph. Implementation of MEC Recognition and Safety Training is discussed throughout the plan. Please provide further details on how this will be implemented. Please provide specific information on who this training will be available to and what agreements are in place for the training providers identified.</p> <p>Response:</p>

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		Section 4.2 has been revised to provide details on the implementation of MEC recognition and safety training requirements. New Section 5.1.1 presents responsibilities and actions for long-term operation and maintenance for MEC recognition and safety training.
11	Section 3.2, Construction Support	<p>Comment: Second paragraph. The development of a construction support plan requires Group 3 jurisdictions in consultation with DTSC, to determine the level of construction support required for a project on a case-by-case basis. Further detail is needed to define what data is used and how the case-by-case evaluation is performed.</p> <p>Response: Section 4.3 has been revised to provide details on the implementation of construction support requirements. Section 5.0 presents responsibilities and actions for long-term operation and maintenance of LUCs, including construction support (specifically Sections 5.1.2, 5.2.2, 5.3.2, and 5.4.2).</p>
12	Section 3.4, Long-term Management Measures	<p>Comment: Third paragraph. Please provide details on what the annual monitoring and reporting consists of.</p> <p>Response: Section 4.5 has been revised to provide details on the implementation of annual LUC monitoring and reporting requirements. Section 5.0 presents responsibilities and actions for long-term operation and maintenance of LUCs, including annual LUC monitoring and reporting (specifically Sections 5.1.5 and 5.2.6).</p>
13	Section 4.0, Remedy Implementation Actions	<p>Comment: Third paragraph. This section discusses directives for: documentation of previous MEC excavation or removal; detailed project description and mapping; procurement of excavation permits; acknowledgments and permit fees; and procedures and requirements for MEC recognition and safety training, construction support, and after action reporting. Please provide detailed guidance for jurisdictions to achieve these directives.</p> <p>Response: Section 4.3 has been revised to provide details on the implementation of construction support requirements under the digging and excavation ordinances. Section 5.0 presents responsibilities and actions for long-term operation and maintenance of LUCs, including construction support and digging and excavation ordinance implementation responsibilities.</p>
14	Section 4.1.1, Development of Training	<p>Comment: Remedy Implementation Phase. Please rewrite the second bullet for clarity.</p>

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	Materials and Procedures	<p>Response: The referenced bullet has been deleted. Section 4.2 has been revised to clarify the actions and responsibilities for development and implementation of the MEC recognition and safety training requirements.</p>
15	Section 4.1.2, Providing Training	<p>Comment: This section discusses the Ordnance and Explosives at former Fort Ord pamphlet, as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey and The Army's MEC recognition and safety training. The LUCIP also discusses a plan for FORA to develop MEC awareness training. Please provide details on how these programs will be implemented and their relation to one another.</p> <p>Response: The document has been revised to clarify the actions and responsibilities for development and implementation of the MEC recognition and safety training requirements, including a "Military Munitions 3Rs Explosives Safety Guide" (referred to as "MEC Safety Guide"). Section 4.2.1 provides the details on training materials.</p>
16	Section 4.2.3, Construction Support Documentation and Reporting	<p>Comment: Please work with the jurisdictions to identify a LUC monitoring plan for specific reporting and recording procedures for each jurisdiction.</p> <p>Response: FORA has been coordinating specific reporting and recording procedures with the jurisdictions since May 2015. See response to DTSC Specific Comment 12.</p>
17	Section 4.2.4, Determination Construction Support No Longer Necessary	<p>Comment: Please specify that the Army will evaluate the remedy and determine if it is still protective during the five-year review. Please discuss what happens if it is determined that the LUCs are not protective or no longer needed.</p> <p>Response: Section 4.7 of the document has been revised to clarify the process for modification to the remedy, including additional investigation or follow-up actions (Section 4.7.1), determination that LUCs are no long protective (Section 4.7.2), and determination that LUCs are no longer needed (Section 4.7.3).</p>
18	Section 4.3.2, Process for Approval of Proposals to Remove	<p>Comment: Please specify that termination of the residential restriction will require additional remedial activities. Conditions for termination of the residential CRUP should identify that DTSC's Residential Protocol is a DTSC requirement that will need to be addressed prior to removing residential restrictions. Please include DTSC's Residential Protocol in the reference</p>

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	Residential Use Restriction	<p>section.</p> <p>Response: The process for modifying the remedy to remove the LUCs is provided in Section 4.7.3. If the Army, EPA and DTSC determine that the selected LUC remedy, or components of the remedy, are no longer necessary to protect human health and the environment, the remedy may be modified, as appropriate, to remove the specific LUC requirement for all or a portion of the Group 3 MRAs. Also see response to DTSC Specific Comment 6.</p> <p>Section 4.4 has been revised to clarify that deed restrictions and CRUPs are separate processes and any changes to use restrictions in the deeds must be approved by the Army, EPA and DTSC.</p>
19	Section 4.4.1, LUCIP/OMP Annual Inspections	<p>Comment: The inspection forms should be updated to be specific to each jurisdiction and include specific instructions related to MEC annual monitoring, please update the attached forms.</p> <p>Response: The referenced section has been changed to Section 4.5.1. The annual LUC monitoring and reporting form has been updated to include instructions regarding MEC annual monitoring. The form has not been update to be specific to each jurisdiction; however, a section has been added to the form requesting parcel numbers associated with the inspection form. Also see response to Army Comment 82.</p>
20	Section 5.2.1, Pre-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: The LUCIP needs to provide more details on process and procedure plan as discussed in the section.</p> <p>Response: The LUCIP/OMP has been revised to provide detailed information for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively).</p>

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1	Overall	<p>Comment: It is critical that FORA-assigned activities discussed throughout this plan be completed prior to when FORA sunsets in 2020. It is also important that these activities be complete prior to transfer of lands covered by this LUCIP/OMP. Language such as “By 2020 and prior to transferring land to jurisdictions, FORA will...” should be added were relevant throughout the document. It is critical these responsibilities do not get pushed down the line to FORA's successor. The exception is clearly activities that relate to post-conveyance and on-going monitoring. It is critical that this document outline how the described activities are to be funded, is there existing funding or other mechanisms identified to pay for these activities. This is particularly important if the FORA-assigned activities are not required to be complete, or by some chance are not complete, prior to its 2020 sunset.</p> <p>Response: FORA’s intent to have FORA-assigned activities completed prior to FORA’s sunset. The document has been revised to provide detailed plans and procedures for LUC implementation/operation and maintenance (Sections 4.0 and 5.0, respectively). The revised Section 5.1 identifies responsibilities of FORA or its successor.</p> <p>Funding for LUC implementation, maintenance, and operation is outside the scope of this LUCIP/OMP.</p>
2	Section 4.1, MEC Recognition and Safety Training; Entire Document	<p>Comment: Clearly define “ground-disturbing and intrusive operations”. Are these “construction activities” as defined in 4.0 Remedy Implementation Actions paragraph three (>10 cy material disturbed)? Use clear, consistent definitions and terminology throughout this document related to activities of concern.</p> <p>Response: The definition of “ground-disturbing and intrusive operations” has been added to the Glossary. The document has also been revised for clarity related to terminology.</p>
3	Section 4.1.1, Development of Training Material, and Section 4.1.2, Providing Training	<p>Comment: Section 4.1.1, Implementation Phase, bullet 1, and Section 4.1.2, Remedy Execution Phase, bullet 3. This document should clearly identify minimum performance standard, topics and/or resources to be included in the MEC recognition and safety training curriculum. (e.g. types of MECs/description/visual; who needs training; what to do/who to call in the event you encounter MEC-suspicious item, etc.). In addition, there should be perhaps different levels of training materials for</p>

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		<p>jurisdictions/owners/contractors vs. general public/user groups. For the jurisdictions/owners/contractors, training materials should include parcel-specific map/history of clean-up, as one example.</p> <p>Response: The two referenced bullets have been deleted; however, the document has been revised to clarify MEC recognition and safety training requirements, training materials, notifications, construction support worker training requirements, and annual monitoring and reporting requirements (see Section 4.2).</p>
4	Section 4.1.1, Development of Training Material	<p>Comment: Remedy Implementation Phase, bullet 2. Insert “will develop” so it reads “FORA will develop MEC...”</p> <p>Response: The referenced bullet has been deleted; however, the document has been revised to clarify MEC recognition and safety training requirements, training materials, notifications, construction support worker training requirements, and annual monitoring and reporting requirements (see Section 4.2), and that these training materials have been developed.</p>
5	Section 4.1.2, Providing Training	<p>Comment: Remedy Execution Phase, bullet 3. Who are the referenced “MEC Professionals” and how do jurisdictions, contractors, or other access these professionals to conduct training. This document should be specific wherever possible, so it can stand alone.</p> <p>Response: The referenced bullet has been deleted; however, the document has been revised to clarify MEC recognition and safety training requirements, training materials, notifications, construction support worker training requirements, and annual monitoring and reporting requirements (see Section 4.2).</p>
6	Section 4.1.1, Development of Training Materials and Procedures	<p>Comment: Any web-based training must include mechanisms to ensure participants are actually listening to or reading the materials. Common examples include minimum time limits for the training, section/concept questions that must be answered prior to advancing, a test at the end of the training, etc. Land owners, managers, or any person/group directly responsible for activities that could result in ground-disturbing activities must receive some form of verified training and that verification mechanism should be identified prior to FORA's sunset. This document should also state clearly who will be requiring to maintain the training verification documentation. Contractor maintain, copy to jurisdictions?</p>

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		<p>Response: The document has been revised to provide specific details regarding the web-based training resources (see Section 4.2).</p>
7	Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities, Section 4.2.1, Construction Support Planning	<p>Comment: This document should include a clear map of each parcel that identifies its level of clearance depth and probability of encountering a MEC, so there is no confusion as to what portions of the Group 3 lands have low, moderate or high probability of encountering a MEC. It is not sufficient to refer to other reports or documents for this critical information; it should be contained within.</p> <p>Response: Information on probability of encountering MEC has been presented in new Section 4.3.1.1 and in new Figures 5, 6, and 7.</p>
8	Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: Paragraph 4 and Section 4.2.2. It will be most helpful if this document provides some clarification if 911 should be contacted, which would likely trigger a response from the bomb squad, or if the non-emergency line should be used. If non-emergency line should be used, this document should provide clear contact information. Document should also include clear language to use to describe the MEC encounter situation so as to trigger the appropriate law enforcement response. Then who to call. At the very least, it should be made clear that FORA will develop these procedures prior to conveyance of the land and prior to its sunset in 2020 (prior comment about completion of tasks).</p> <p>Response: The document has been revised to clarify procedures in response to suspect munitions items (see Section 4.3.4).</p>
9	Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: Paragraph 3. It should be clearly stated who is responsible for paying the UXO-qualified personnel. We feel this cost should be borne by the Army, not the local jurisdictions or project proponents.</p> <p>Response: Funding for LUC implementation, operation, and maintenance is outside the scope of the LUCIP/OMP.</p>

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10	Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities	<p>Comment: Paragraph 5 and overall. This document should identify clear criteria - or at least examples of situations/criteria - that could be considered by regulators to possibly discontinue the requirement for construction support. Or any other LUCs. We need to know what we are working toward in order to know when to request suspension of this or other LUCs described. Is it fair to assume, for example, regulators will take into consideration MEC encounters - have there been any or no -- in making this determination? What else specifically would they be taking into consideration?</p> <p>Response: Section 4.7 of the document has been revised to clarify the process for modification to the remedy, including additional investigation or follow-up actions (Section 4.7.1), determination that LUCs are no long protective (Section 4.7.2), and determination that LUCs are no longer needed (Section 4.7.3).</p>
11	Section 5.2.2, Post-Land Transfer from FORA to Group 3 Jurisdictions	<p>Comment: Bullet 4. This bullet implies the process is notification only. I do not think that is the case. It should be very clear if we will be waiting for an approval to proceed. Or for a permit, etc. Or if we really can just proceed once we've sent notification. Again, this should be clearly laid out here.</p> <p>Response: The referenced bullet has been deleted; however, the document has been revised to clarify construction support requirements including review and approval of required construction support plans by Army, EPA and DTSC. See Section 4.3.1 for specific details on determining construction support levels and requirements.</p>
12	Appendix D, Land Use Control Inspection Methodology	<p>Comment: The LUC annual monitoring report September 1st deadline for submittal to the required regulatory agencies is not a reasonable timeframe. In order to gather information from all the jurisdictions and have FORA or Monterey County (future responsible report complier) time to complete the report I recommend November 1st as the deadline.</p> <p>Response: Section 4.5.2 has been revised to clarify annual LUC inspection and reporting deadlines. MPC, the County and the Cities are to compile information and submit to FORA by September 1st. FORA then has 90 days to compile the reports and submit to the Army, EPA and DTSC. Appendix D, Land Use Control Inspection Methodology, as presented in the Draft Group 3 LUCIP/OMP has been deleted.</p>

Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan, dated April 24, 2015

Review Comments provided by the Monterey County Resource Management Agency, dated June 26, 2015

No.	Comment Type / Report Section	Comment/Response
13	Section 4.4.2, Annual LUC Monitoring Reports	<p>Comment: Statement, “FORA or its successor will submit the annual monitoring report within 90 days following inspection and record review to the Army, EPA, and DTSC”. This is a different date than mentioned in Appendix D which indicates September 1st is deadline not 90 days. In order to gather information from all the jurisdictions and have FORA or Monterey County (future responsible report complier) time to complete the report I recommend November 1st as the deadline.</p> <p>Response: See response to Monterey County Comment 12.</p>
14	Appendix D, Land Use Control Inspection Methodology	<p>Comment: Does each Land Use Control have specific requirements for inspection? In Appendix E (Update to the Former Ford Ord Land Use Covenant Report Outline) there is mention of some requirements for each covenants inspection requirements, but it is not elaborated in this section or referenced as to where to find these requirements. This document should contain methodology or clear reference to where this information can be found.</p> <p>Response: To reduce redundancy, the Land Use Control Inspection Methodology appendix information has been incorporated into Section 4.5.2 and appropriately updated in the corresponding form (title revised to “Former Fort Ord Land Use Covenant Report Outline” and presented in Appendix J of the draft final Group 3 LUCIP/OMP); therefore, the Land Use Control Inspection Methodology appendix, as presented in the Draft Group 3 LUCIP/OMP, has been deleted.</p>
15	Appendix E, Update to the Former Fort Ord Land Use Covenant Report Outline	<p>Comment: Parcels. There is no mention of parcels that are transferred to another jurisdiction. How will this be reported?</p> <p>Response: The parcels and receiving jurisdictions are presented in Table 1 of the DTSC MOA. For reference, the DTSC MOA is provided in Appendix E of this Group 3 LUCIP/OMP. In addition, a Table 2, which provides parcel numbers and the corresponding receiving jurisdiction addressed in this document, has been added to the Group 3 LUCIP/OMP in response to a different review comment and can be used as a reference for inspection monitoring.</p>
16	Appendix E, Update to the Former Fort	<p>Comment: General. Confusing Question, “Has jurisdiction staff previously provided a compliance summary in regards to the local digging and excavation</p>

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	Ord Land Use Covenant Report Outline	<p>ordinances, including the number of permits issued”. This sounds like two separate questions. Is the compliance summary a change in the ordinance? Have this question stated more clearly or separate into two questions.</p> <p>Response: The question is referring to a previous year’s Land Use Covenant Report; whether or not a report was submitted and, if so, did it include the number of issued excavation permits. It is not related to changes in the ordinance, which are related to the following two questions under the General portion of the reporting form. No changes have been incorporated based on this comment.</p>
17	Appendix E, Update to the Former Fort Ord Land Use Covenant Report Outline	<p>Comment: Groundwater Covenants. Do these Groundwater wells include monitoring wells of cleanup?</p> <p>Response: This groundwater covenant section is related to any new wells observed on the parcel since the previous annual inspection and, if new, were the proper procedures followed for covenant compliance (i.e., local digging and excavation ordinance permit process).</p>
18-1	Appendix E, Update to the Former Fort Ord Land Use Covenant Report Outline	<p>Comment: Groundwater Covenants Question 1. It is noted that visual inspections shall include observed groundwater wells. If this includes groundwater monitoring wells a map should be provided every year from the Army to the jurisdictions showing where these active wells are located. The County of Monterey does not have this information readily accessible.</p> <p>Response: This question is related to any new wells observed on the parcel since the previous annual inspection; however, the location of currently existing wells will need to be known for proper monitoring and reporting. FORA will coordinate with each jurisdiction on the location(s) of existing wells, if present on applicable parcels.</p>
18-2	Overall	<p>Comment: There are several locations throughout this document that indicate FORA will be developing plans, MEC training, inspection procedures etc. There is no mention when these plans or procedures will be completed. It should be indicated in this document that Group 3 properties will not transfer until FORA completes these plans and procedures. If these properties are transferred prior to these procedures how will the jurisdictions issue building permits (MEC training requirements, procedures for construction support, etc.)?</p>

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No.	Comment Type / Report Section	Comment/Response
		<p>Response: See response to Monterey County Comment 1.</p>
19	Section 4.1.3, Monitoring and Reporting of Training Activities	<p>Comment: Both bullet statements indicate jurisdictions will track training as part of the annual LUC monitoring report, but how are the jurisdictions going to report this information. There is no question in the updated Former Fort Ord Land Use Covenant Report in Appendix E referring to MEC training. Where will this be reported?</p> <p>Response: Section 4.1.3 has been deleted; however, the document has been revised to clarify monitoring and reporting of the training activities (see Section 4.2.4).</p>
20	General	<p>Comment: If MEC are found, what are the permitting requirements and anticipated timelines. FORA should provide clarification and work with local agencies on a streamlined process with DTSC, etc.</p> <p>Response: The document has been revised to clarify procedures in response to suspect munitions items (see Section 4.3.4).</p>
21	Section 3.2, Construction Support	<p>Comment: Regarding construction support determined by DDESR, and the procedure to be developed by FORA, plan should also clarify additional agency obligations, roles and responsibilities, including associated costs. As stated above, the County feels the cost of UXO-qualified personnel for construction support should be borne by the Army, not the local jurisdictions or project proponents.</p> <p>Response: The document has been revised to clarify construction support requirements including review and approval of required construction support plans by Army, EPA and DTSC. See Section 4.3.1 for specific on determining construction support levels and requirements. Section 5.0 provides LUC operation and maintenance roles and responsibilities for long-term stewardship of the Group 3 properties. Funding for LUC implementation, operation, and maintenance is outside the scope of the LUCIP/OMP.</p>
22	Section 3.0, Land Use Control Implementation	<p>Comment: Plan should establish clarification on cost related to training and verification/certification. FORA should be the lead for all training, until their no longer involved and at that time, a successor entity with</p>

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No.	Comment Type / Report Section	Comment/Response
	Strategies, and Section 3.1, MEC Recognition and Safety Training	<p>appropriate qualifications should take the lead on training. Local jurisdictions should not be responsible for administering training and related costs.</p> <p>Response: The document has been revised to clarify MEC recognition and safety training requirements, training materials, notifications, construction support worker training requirements, and annual monitoring and reporting requirements (see Section 4.2).</p> <p>Responsibility for operation and maintenance is discussed in Section 5.0 by organization.</p> <p>Funding for LUC implementation, operation, and maintenance is outside the scope of the LUCIP/OMP.</p>
23	General	<p>Comment: Lands should not be conveyed until plan is final, approved and adopted.</p> <p>Response: Land cannot be transferred until the LUC remedy is implemented, which includes approval of this LUCIP/OMP by the Army, EPA, and DTSC and a Certificate of Completion is received from the EPA in consultation with the DTSC.</p> <p>No changes have been incorporated in the LUCIP/OMP in response to this comment.</p>

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June 26, 2015

No.	Comment Type / Report Section	Comment/Response
1	Section 2.4.3, MOUT Site MRA, Page 2-6	<p>Comment: Under the site evaluation section, the plan states, “<i>The MOUT Site MRA includes two areas: the MOUT training area, which encompasses approximately 51 acres and consists of a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies, and emergency service providers by MPC.</i>” To date, MPC is currently not using the MOUT under the agreement with FORA. MPC suggests the insertion of the words, “upon conveyance,” before the wording, “emergency service providers...” to clarify when MPC's use will begin.</p> <p>Response: Section 2.4 has been revised; therefore, the referenced text has been deleted. However, similar text appears in Section 1.3.3, which has been revised as suggested. Similar text has also been added to re-numbered Section 2.4.3 for identification of reasonably foreseeable uses of the MOUT Site, which has been revised as suggested.</p>
2	Section 4.1.2, Providing Training, Pages 4-2 and 4-3,	<p>Comment: This section discusses the execution of training requirements and procedures. Under the Remedy Execution Phase, the plan states, “<i>Group 3 jurisdictions will execute training requirements and procedures, prior to issuing permits for construction activities, including MEC recognition and safety training as a condition of applicable digging and excavation ordinances.</i>” MPC, as a subdivision of the state, is not subject to local building codes. MPC's construction activities proceed under the approval of the Division of the State Architect. However, MPC acknowledges that the College is required to comply with the local digging/excavation ordinances regarding construction at Fort Ord. MPC seeks clarification and assurance that for the College, compliance with the training requirements is specific to these local digging/excavation ordinances and related permit issuance, and the plan does not require additional approval from the Division of the State Architect (DSA).</p> <p>This section also references FORA providing access to web-based training modules. The issuance of a certificate as a part of the web-based training modules would be helpful to the College in demonstrating compliance.</p> <p>Response: Compliance with the training requirements is specific to these local digging/excavation ordinances and related permit issuance. The LUCIP/OMP does not require approval from DSA. No changes to the document have been incorporated in response to this portion of the comment.</p>

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June 26, 2015

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		The referenced text related to web-based training in Section 4.1.2 has been deleted; however, the document has been revised to clarify MEC recognition and safety training requirements, training materials, notifications, construction support worker training requirements, and annual monitoring and reporting requirements (see Section 4.2).
3	Section 4.2, Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities, Page 4-4,	<p>Comment: This section states the level of construction support needed is based on the probability of encountering MEC. Further, the probability of encountering MEC is described as moderate to high in areas of the MOUT that received only surface clearance. The plan states, <i>“If the probability of encountering MEC is...moderate to high, UXO-qualified personnel must attempt to identify and remove any explosive hazards in the construction foot print prior to any intrusive construction activities.”</i> This statement is vague and does not provide sufficient explanation or description regarding what actions by MPC are expected or necessary in order to identify any explosive hazards where construction activities are planned. MPC requests further detail regarding how this requirement would be satisfied and who would determine if the actions were sufficient. Also, UXO-qualified personnel are defined as persons who have successful performance in military explosive ordnance disposal positions. It would be useful if the plan included sources for qualified personnel.</p> <p>Response: The document has been revise to provide the referenced details regarding implementation of the construction support requirement including levels of constructions support and probability of encountering MEC (see Section 4.3.1).</p> <p>UXO-qualified personnel sources are not provided in this document as the sources will change over time and become outdated. No changes have been incorporated into the document based on this portion of the comment.</p>
4	Section 4.9.1, Additional Investigation or Follow-up Action, Page 4-10	<p>Comment: This section describes the process for determining if additional investigation or action is required. The agencies involved in the review are the Army, EPA, and DTSC. As the decision could have significant impact on future construction or educational uses by MPC, consultation with the College during this process is warranted.</p> <p>Response: Referenced section is now Section 4.7.1 of the document. As the decision to conduct additional investigation or follow-up actions could have significant impacts on property use, FORA will coordinate with the property owner during the MEC find assessment and any additional actions.</p>

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No.	Comment Type / Report Section	Comment/Response
5	Section 4.0, Remedy Implementation Actions	<p>Comment: The plan states that construction support and the residential use restriction may be removed or discontinued as part of the Army's five year review process or by request of the landowner. There is no description of the process or what would be required in requesting removal of these requirements. MPC requests more detail be added regarding the process for removal, where a request would be filed, what documents would be necessary, etc.</p> <p>Response: Section 4.7 of the document has been revised to clarify the process for modification to the remedy, including additional investigation or follow-up actions (Section 4.7.1), determination that LUCs are no long protective (Section 4.7.2), and determination that LUCs are no longer needed (Section 4.7.3).</p>
6	Section 5.2.2, Post-Land Transfer from FORA to Group 3 Jurisdictions. Page 5-2,	<p>Comment: This section specifies that the County, Cities, and MPC shall contact the Army, EPA, FORA, and DTSC by email or written correspondence prior to granting a permit for excavation. This notification should be concurrent with and included as part of the permit issuance process to avoid additional time delay. Also, since this would occur post-land transfer, is EPA notification still necessary?</p> <p>Response: The document has been revised to provide detailed information for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively). Section 5.0 is no longer organized by property transfer status. Revised Section 4.3 and revised Section 5.2.2 have been updated to include details regarding construction support implementation requirement, including specific notification and approvals.</p>

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No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: As described in the LUCIP, the remedy selected consisted of three related land use controls (LUCs). These measures are intended to assure that the reuse of the property meets the CERCLA requirement for protection of human health and the environment. The LUCIP should expand the ROD definitions of the three LUCs and include sufficient detail so that the regulators can be satisfied that the protectiveness standard has been met. That determination will allow the use of the property which is restricted under the terms of the federal deed.</p> <p>It is important to distinguish between the three LUCs selected by the ROD and the array of Institutional Controls (CRUPs, deed restrictions, orders, agreements and local ordinances) which are intended to assure that the LUCs remain viable.</p> <p>Response: The document has been revised to provide detailed plans and procedures for LUC implementation and LUC operation and maintenance (Sections 4.0 and 5.0, respectively).</p> <p>The document has also been revised to provide descriptions of various legal instruments and agreements which contain obligations to conduct specific actions to implement and maintain the LUCs selected for the Group 3 MRAs (see Section 4.1).</p>
2	General Comment, Land Use Controls	<p>Comment: The three LUCs are described using the language of the ROD, but very little additional information is provided. FORA is committing to developing procedures for providing MEC recognition and safety training, but the DRAFT offers little more than the general objective.</p> <p>Response: Section 4.2 has been revised to provide details on the implementation of MEC recognition and safety training requirements. New Section 5.1.1 presents responsibilities and actions for long-term operation and maintenance for MEC recognition and safety training.</p>
3	General Comment, Land Use Controls	<p>Comment: FORA is creating a role for itself beyond providing information or materials but it is unclear how it will enforce the notification requirements contained in the DRAFT LUCIP. There are references to certification requirements and to requirements under local ordinances, but the proposed training is not the same as what is required by many of the local jurisdictions.</p> <p>Response: Section 4.2 has been revised to provide details on the implementation of</p>

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		MEC recognition and safety training requirements. New Section 5.1.1 presents responsibilities and actions for long-term operation and maintenance for MEC recognition and safety training.
4	General Comment, Land Use Controls	<p>Comment: It should also be noted that the MEC recognition requirement applies to anyone who may be conducting ground disturbing activities, whether or not that work is part of a project which requires a permit from the local jurisdiction.</p> <p>Response: See response to Robert Carr comment 3 and 4 above. Training requirements for de minimis projects (less than 10 cubic yards) are discussed in Section 4.2 and 4.2.1.1.</p>
5	General Comment, Land Use Controls	<p>Comment: The DRAFT LUCIP provides little clarification or direction regarding what may be the most important of the three LUCs; Construction Support (CS). There are no proposed standards for CS and the suggestion that standards should be based on DDESB criteria does not take into account the extensive investigation and remediation conducted on these parcels. In most cases DDESB evaluates Construction Support for projects on military installations which involve activities conducted in areas such as ranges where substantial quantities of MEC is expected to be present and where little or no investigation or remediation has been undertaken. By contrast, most of the property covered by this document has been extensively remediated and all of it has been investigated to the satisfaction of the regulators. As discussed below, the complex issues regarding the enforcement of these LUCs make the need for clear direction to future landholders critical.</p> <p>Response: Document has been revised to clarify determination of construction support levels and probability of encountering MEC (see Section 4.3.1). Note that DDESB Manual provides guidance on the appropriate level of construction support to addresses areas with extensive investigation and remediation and areas where little or no investigation or remediation has been undertaken.</p> <p>Section 5.0 has been revised to clarify specific landholder responsibilities for LUC operation and maintenance.</p>
6	General Comment, Land Use Controls	<p>Comment: The specific CS requirements for a project must be determined on a site-specific basis, but the DRAFT LUCIP lacks a basic outline of the purpose/objectives of Construction Support or the tasks that CS should include such as:</p>

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		<ol style="list-style-type: none"> 1. Should CS include a detailed briefing on the history of MEC activities on or near the parcel (including the nature and extent of the remediation conducted) to provide site-specific information for the workers? 2. Are there areas where specialized CS tasks are required to address areas where previous investigations were limited by physical barriers, e.g. road surfaces? 3. Should CS include the evaluation of suspected MEC items to determine whether a stop work order is appropriate? 4. Should CS include the ability to identify specific MEC items and establish appropriate exclusion zones? 5. Should CS include the ability to identify those MEC related items that are safe to relocate or inert? 6. Should CS include the relocation of inert items and/or the safeguarding of items that cannot be safely moved until an EOD response team arrives? 7. Should CS include a follow-up investigation of the disturbed area (and adjacent areas) to determine if additional MEC items are present? <p>The answer to each of these questions has important resource implications and will depend on site specific and project-specific considerations. The answers may also have important implications for the cost of development and reuse, especially for major projects where delay costs are significant.</p> <p>Response: The document has been revise to provide the referenced details regarding implementation of the construction support requirement (see revised Sections 4.3 and 5.0). As noted, construction support is developed on a project specific basis which allows a proponent to include the considerations identified in this comment.</p>
7	General Comment, Land Use Controls	<p>Comment: To meet the CERCLA protectiveness objective, the LUCIP should describe at least a required minimum level of CS so that the jurisdictions will have a standard approved by the regulators to use as a starting point for evaluating permit applications.</p> <p>Response: The document has been revised to clarify determination of construction support levels, including the roles of Army, EPA and DTSC (see Section 4.3.1).</p>
8	General	<p>Comment:</p>

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	Comment, Land Use Controls	<p>It should also address the question of whether FORA's obligation under the AOC and ESCA to implement the remedy extends to providing CS or to making it available through a pre-approved contract mechanism.</p> <p>Response: Revised Section 5.0 includes the following roles and responsibilities for Construction Support:</p> <ul style="list-style-type: none"> • Section 5.1.2 - FORA is responsible for monitoring the County and Cities implementation of construction support under the digging and excavation ordinances and will assist in construction support planning through consultation on site-specific construction support requirements. • Section 5.2.2 - The County, and the Cities will implement and enforce the digging and excavation ordinance, including annual notification requirements and excavation permitting requirements. • Section 5.3.2 - Property owner will retain UXO contractor to provide construction support services including a construction support plan, construction support services, and after action reporting <p>FORA's obligation under the AOC and ESCA to implement the LUC remedy does not extend to providing construction support following land transfer.</p>
9	General Comment, Land Use Controls	<p>Comment: The third LUC, prohibiting residential use of the property is more straightforward, but the LUCIP should also address a process for revisiting this restriction under certain circumstances. Because this LUC is embodied in more than one of the ICs, the language relating to modifications in each IC needs to be consistent.</p> <p>Response: The process for review of proposals to remove the residential use restriction is presented in Section 4.4.1 of the document.</p>
10	General Comment, Institutional Controls	<p>Comment: The second component of the remedy is the series of legal mechanisms which are intended to assure that the LUCs remain effective. These Institutional Controls (ICs) were identified in the ROD and need to be discussed in the LUCIP because the effective enforcement of the LUCs depends in part on how the ICs relate to each other; how their language can be made consistent and how the parties having enforcement authority and enforcement obligations work together. There are at least four IC mechanisms at work:</p> <ul style="list-style-type: none"> • The State has authority to enforce the provisions of the CRUP against

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		<p>any person who acquires an interest in the property.</p> <ul style="list-style-type: none"> • The Army has the authority to enforce the provisions of the federal deed against anyone in the chain of title. • EPA has the authority to enforce the requirements of the ROD against FORA under the AOC and against the Army under the FFA should the AOC be terminated. • The local jurisdictions have the authority to enforce the requirements of their ordinances/permits. <p>Each of these enforcement authorities has a different set of triggers, administrative or legal procedures and penalties or sanctions. How will the parties determine if a project meets the requirements and what action should be taken if it does not??</p> <p>Response: The document has been revised to add an overview of the roles and responsibilities of the federal, state, and local government agencies and other interested parties during implementation of the LUC remedy and reuse of the transferred properties, along with descriptions of various legal instruments and agreements which contain obligations to conduct specific actions to implement and maintain the LUCs selected for the Group 3 MRAs (see Section 4.1).</p>
11	General Comment, Institutional Controls	<p>Comment: As noted in the ROD and LUCIP, the Army has the ultimate responsibility for assuring protectiveness of the remedy but has agreed to fund certain of FORA’s activities under the ESCA. Therefore, because FORA is obligated under the AOC to enforce the requirements of the ROD, FORA may have an obligation to enforce provisions of the subsequent deeds as long as the AOC is in effect.</p> <p>At a minimum, the LUCIP needs to describe the relationships among these ICs, identify and address inconsistencies among the requirements and outline a process for establishing priorities for enforcing specific LUCs. In most cases inconsistencies can be addressed before property is transferred by FORA. Providing clear direction for persons who are interested in developing this property is important. Also, with this many parties having the authority to enforce, there is a potential for a breakdown in communication. The LUCIP should clarify roles and responsibilities.</p> <p>Response: Section 4.0 has been revised to include an overview of the roles and</p>

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		responsibilities of the federal, state, and local government agencies and other stakeholders during implementation of the LUC remedy and reuse of the transferred properties. Document has also been revised to include additional details regarding implementation, operation and maintenance of the LUCs remedy (Sections 4.0 and 5.0).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 26, 2015

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

Re: EPA Comments on the *Land Use Controls Implementation Plan/ Operation and Maintenance Plan Del Rey Oaks / Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas Former Fort Ord Monterey County, California* dated April 24, 2015

Dear Stan:

Attached are EPA's comments on the *Land Use Controls Implementation Plan/ Operation and Maintenance Plan Del Rey Oaks / Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas Former Fort Ord Monterey County, California* dated April 24, 2015.

If you have any questions, please do not hesitate to call me at (415) 972-3681 or e-mail me at huang.judy@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Judy C. Huang".

Judy C. Huang, P.E.
Remedial Project Manager

cc:

Mr. William K. Collins
BRAC Environmental Coordinator
Fort Ord BRAC Office
P.O. Box 5008
Monterey, California 93944-5008

Ed Walker
Cal/EPA Department of Toxic Substances Control, Region 2
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**EPA Review of the
Land Use Controls Implementation Plan/ Operation and Maintenance Plan
Del Rey Oaks / Monterey, Laguna Seca Parking, and Military Operations in Urban
Terrain Site Munitions Response Areas
Former Fort Ord Monterey County, California
Dated April 24, 2015**

GENERAL COMMENTS

1. The Draft LUCI/O&M Plan needs more details on implementation. As is, the Draft LUCI/O&M plan proposes to submit these details at a later day, which is contrary to the purpose of a Land Use Controls Implementation and Operation and Maintenance Plan. Please revise.
2. The Draft LUCI/O&M Plan needs to clarify the specific roles and responsibilities of FORA and the local jurisdictions regarding “monitoring”, “inspection”, and “reporting”. Please revise.
3. The Draft LUCI/O&M Plan needs to include requirements to evaluate institutional controls implementation effectiveness, identify problems encountered during implementation, and identify follow-up actions if institutional controls implementation procedures are not followed.

SPECIFIC COMMENTS

1. Please see attached pdf file.

1.3.3 MOUT Site MRA

The MOUT Site MRA is located in the central portion of the former Fort Ord within the northeastern portion of the historical impact area and is approximately 58 acres (Figure 1). The MRA consists of MRS-28 (the MOUT training area), which includes a mock city training area currently used for tactical training of military, federal, and local law enforcement and emergency services providers, and a portion of Barloy Canyon Road located along the eastern boundary of the historical impact area (Figure 4). The northern segment of the Barloy Canyon Road portion of the MOUT Site MRA passes through a former training site identified as MRS-27O. The southern portion of Barloy Canyon Road is bordered by MRS-14D to the east. The MRA also includes a portion of Barloy Canyon Road located outside of an MRS boundary.

The proposed MRA uses are consistent with current site usage, which includes: the MOUT Training Area for tactical/law enforcement and emergency service provider training by Monterey Peninsula College (MPC); and Barloy Canyon Road and associated right of way.

1.4 Description of Selected Remedy

The selected remedy addresses risks to human health and the environment from MEC that potentially remains in the Group 3 MRAs. Munitions responses (MEC removals) have been completed at the Group 3 MRAs, significantly reducing the risks to human health and the environment. The selected remedy for the Group 3 MRAs includes LUCs because detection technologies may not detect all MEC present. The LUCs include requirements for:

- (1) MEC recognition and safety training for those conducting ground-disturbing or intrusive activities on the property;
- (2) Construction support by UXO-qualified personnel for ground-disturbing or intrusive activities; and
- (3) Restrictions prohibiting residential use.


For the purpose of this remedy, residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12 (Army 2007). Any proposal for residential development in the Group 3 MRAs will be subject to regulatory agency and Army review and approval; however, per the FORA Fort Ord Reuse Plan (Base Reuse Plan; FORA 1997), no residential reuse is planned for the Group 3 MRAs.

The selected remedy will be implemented by FORA in its capacity as Grantee under the ESCA and as a party to the AOC and not in its capacity as real property owner or as a government entity.

As part of the LUC implementation strategy, LTMM comprised of a deed notice and restrictions, annual monitoring and reporting, and five-year review reporting will be included for the land use areas within the Group 3 MRAs. The Army will evaluate these sites as part of

Summary of Comments on Draft FORA Group 3 LUCIP OMP EPA Markups showing.pdf

Page: 1

 Number: 1 Author: hschmelt Subject: Sticky Note Date: 6/19/2015 3:38:03 PM -07'00'

Add at the start of the second sentence: Residential use is prohibited, however should the jurisdiction wish to change the prohibition,

the installation-wide CERCLA five-year review to be conducted in 2017. The selected LUCs may be modified in the future based on the five-year review process.

As part of the early transfer of the subject property, the Army has entered into State Covenants to Restrict the Use of Property (CRUPs) with DTSC that document land use restrictions. The existing deeds to FORA for the Group 3 MRA parcels include the following land use restrictions: 1) Residential and 2) excavation (unless construction support and MEC recognition and safety training are provided). The Army will modify the existing land use restrictions in the federal deeds, as necessary, to reflect the selected remedy. FORA, or its successor under the ESCA and the AOC, will prepare and submit annual letter reports to EPA and DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC. Copies of the annual monitoring report will also be provided to the Army for inclusion in the five-year reviews.

While the Army does not consider California laws and regulations concerning CRUPs to be applicable or relevant and appropriate requirements (ARARs), the Army entered into CRUPs with DTSC at the time the property was transferred to FORA. The CRUPs set forth protective provisions, covenants, restrictions and conditions applicable to properties; and compliance responsibility lies with current and future land owners and occupants. Each and every CRUP restriction and requirement (a) runs with the land, (b) is enforceable by DTSC and (c) is imposed on entire properties unless expressly stated. DTSC will modify the existing CRUP, if appropriate, to reflect the land use restrictions included in the selected remedy. Although DTSC and EPA Region 9 disagree with the Army's determination that California laws and regulations concerning CRUPs are not ARARs, they will agree-to-disagree on this issue since the Army executed the CRUPs and DTSC will modify the CRUPs, if appropriate, to be consistent with the identified remedy.

1.4.1 MEC Recognition and Safety Training


For the areas addressed in this LUCIP/OMP, ground-disturbing or intrusive activities are expected to occur. People involved in ground-disturbing or intrusive operations at these areas will be required to attend MEC recognition and safety training to increase awareness of and ability to identify MEC items. Prior to conducting ground-disturbing or intrusive activities, property owners will be required to notify FORA or its successor for MEC recognition and safety training for those performing ground-disturbing or intrusive activities.


MEC recognition and safety training will be evaluated as part of the five-year review process to determine if the training program should continue. If further evaluation indicates that this LUC is no longer necessary, the program may be discontinued with regulatory approval.

1.4.2 Construction Support

Construction support by UXO-qualified personnel is required during any intrusive or ground-disturbing construction activities at the Group 3 MRAs in order to address potential MEC risks to construction and maintenance personnel. Construction activities are defined as any activity that involves disturbance of 10 cubic yards (cy) or more. Construction support will be arranged during the construction and maintenance planning stages of the project prior to the start of any intrusive or ground-disturbing activities. Group 3 jurisdictions in consultation

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 Number: 1 Author: hschmelt Subject: Sticky Note Date: 6/19/2015 4:20:48 PM -07'00'
and that have already been recorded against the deed.

 Number: 2 Author: hschmelt Subject: Sticky Note Date: 6/19/2015 4:22:23 PM -07'00'
1) prohibition on residential use and 2) prohibition on excavation

 Number: 3 Author: hschmelt Subject: Highlight Date: 6/19/2015 4:20:48 PM -07'00'

3.0 LAND USE CONTROL IMPLEMENTATION STRATEGIES

In this section, performance objectives for the LUC remedy to be implemented at Group 3 MRAs are presented along with the implementation strategy for achieving each objective. Specific actions to be taken to implement each objective, including monitoring and reporting requirements are then presented in Section 4.0.

LUCs will be maintained until EPA and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs. This concurrence may be based on: 1) new information (e.g., limited geophysical mapping, site development); or 2) where the depth of soil disturbance related to ground-disturbing or intrusive activities is sufficient to address the uncertainty of MEC remaining in the subsurface and any MEC encountered during such activities is removed.

3.1 MEC Recognition and Safety Training

Performance Objective: Ensure that land users and their contractors involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and ensure that land users involved in ground-disturbing or intrusive activities stop the activity when MEC is encountered and report the encounter to the appropriate authority.


Implementation Strategy: The MEC recognition and safety training requirement is currently being implemented through either classroom or tailgate instruction offered by both the FORA ESCA Team and by the Army. To facilitate long-term implementation of training, FORA will develop an option for delivery of training via web-based video or slide presentation. FORA will also develop and implement a process and procedures for requesting training, providing access to the training materials, documenting and monitoring training activities. Training activities will be reported in the annual LUC monitoring report. ¹In addition to this ROD requirement, people conducting ground-disturbing or intrusive activities are also required to obtain MEC recognition and safety training as a condition for excavation permits under the local digging and excavation ordinance. Training is also required under the deed restrictions, State CRUP, and Finding of Suitability for Early Transfer (FOSET) Environmental Protection Provisions (EPP) providing for redundancy in this LUC requirement. See Section 4.1 for details on the implementation of this LUC.

3.2 Construction Support

Performance Objectives: Ensure projects involving ground-disturbing or intrusive activities are coordinated with UXO-qualified personnel so encounters with potential MEC items will be handled appropriately. Mechanisms for implementing the requirement for construction support ³may include local ordinances ²

Implementation Strategy: Construction support is required for ground-disturbing or intrusive activities and is being implemented through an excavation permitting process under the Group 3 jurisdictions' digging and excavation ordinances. During the excavation permitting process, Group 3 jurisdictions in consultation with DTSC, determine the level of

 Number: 1 Author: jhuang02 Subject: Comment on Text Date: 5/12/2015 9:34:15 AM -07'00'
Perhaps put this in the beginning of the paragraph.

 Number: 2 Author: hschmelt Subject: Sticky Note Date: 6/19/2015 4:41:48 PM -07'00'
This should clarify that local ordinances will be amended to include these measures and the ordinances will be followed.

 Number: 3 Author: hschmelt Subject: Highlight Date: 6/19/2015 4:38:27 PM -07'00'

construction support required for a project on a case-by-case basis. Construction support requirements are determined using current Department of Defense Explosives Safety Board (DDESB) requirements and site-specific conditions, including the probability of encountering MEC. To facilitate implementation of construction support, ¹FORA will develop procedure for construction support planning, including guidelines and requirements for determining appropriate levels of construction support, response to potential MEC finds, reporting and documentation. The procedures will include actions to be taken if evidence of MEC is encountered during ground disturbing activities regardless of the volume of displacement, including requirements for land owners or contractors to stop work and report MEC finds to local law enforcement and notification to regulatory agencies. Major elements of implementing the construction support include construction planning support, response to evidence of MEC during construction support activities, construction support reporting and documentation and determination of when constructions support is no longer necessary. Construction support is also a requirement of the local digging and excavation ordinance, deed restrictions, State CRUP, and FOSET EPP providing for redundancy in this LUC requirement. See Section 4.2 for details on the implementation of this LUC.

3.3 Restrictions Prohibiting Residential Use

Performance Objectives: ~~Ensure that any proposals to allow residential development or~~² modifications to residential restrictions are approved by EPA and Army in coordination with DTSC.








Implementation Strategy: Residential use is currently prohibited within the Group 3 MRAs by deed restriction, FOSET EPP and State CRUP. To ensure the residential use restriction is maintained, FORA and the Group 3 jurisdictions conducting annual inspections of the Group 3 MRAs, including review of property transfers and deed amendments, development activities and changes in land use. FORA and the Group 3 jurisdictions currently conduct annual monitoring and reporting on LUCs. Responsibility for annual monitoring and reporting of LUCs will transfer to the Group 3 jurisdictions at property transfer. A memorandum of agreement (MOA) is in place with the Group 3 jurisdictions outlining their obligation to maintain the LUCs, including the residential use restriction (Appendix C). The residential use restriction is also a provision of the deed restrictions, State CRUP, and FOSET EPP providing for redundancy in this LUC requirement. See Section 4.3 for details on the implementation of this LUC.

3.4 Long-term Management Measures

As part of the LUCIP/OMP, the following LTMM will also be implemented in the Group 3 MRAs:


Existing land use restrictions: The deeds to FORA for the Group 3 MRA parcels ³ restrict residential use. Residential use includes, but is not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12. ⁴ ⁵ ⁶ ⁷ should be noted that the CRUPs for the Group 3 MRA parcels restrict residential use.


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	Number: 1	Author: jhuang02	Subject: Comment on Text	Date: 6/8/2015 8:17:52 AM -07'00'
Need to be in the LUCIP				
	Number: 2	Author: jhuang02	Subject: Inserted Text	Date: 5/12/2015 9:40:16 AM -07'00'
Prohibit residential development unless				
	Number: 3	Author: hschmelt	Subject: Sticky Note	Date: 6/19/2015 4:46:30 PM -07'00'
"Prohibit" instead of restrict.				
	Number: 4	Author: hschmelt	Subject: Sticky Note	Date: 6/19/2015 4:51:10 PM -07'00'
	Number: 5	Author: hschmelt	Subject: Highlight	Date: 6/19/2015 4:44:45 PM -07'00'
	Number: 6	Author: jhuang02	Subject: Inserted Text	Date: 5/12/2015 9:42:14 AM -07'00'
Maintain				
	Number: 7	Author: hschmelt	Subject: Highlight	Date: 6/19/2015 4:46:39 PM -07'00'
	Number: 8	Author: hschmelt	Subject: Highlight	Date: 6/19/2015 4:51:15 PM -07'00'
This sentence should read: "In addition, CRUPs for the Group 3 MRA parcels prohibit residential use."				

Annual monitoring and reporting: FORA, or its successor entity under the ESCA and the AOC, will perform annual **monitoring** and reporting. FORA or its successor entity will notify the regulatory agencies, as soon as practicable, of any MEC-related data identified during use of the property, and report the results of monitoring activities annually.

Five-year review reporting: Five-year reviews will be conducted by the Army in accordance with CERCLA Section 121(c) and the Fort Ord FFA. The five-year review will evaluate the protectiveness of the selected remedy. Based on the evaluation, the selected land use controls may be modified or discontinued, with the approval of EPA and DTSC. See Section 4.9.2 for details on the implementation of this LTMM.

 Number: 1 Author: jhuang02 Subject: Inserted Text Date: 5/12/2015 9:42:33 AM -07'00'
Conduct

 Number: 2 Author: jhuang02 Subject: Comment on Text Date: 5/12/2015 9:44:01 AM -07'00'
What is the difference from inspection? What type of monitoring is FORA planning to conduct?

 Number: 3 Author: jhuang02 Subject: Inserted Text Date: 5/12/2015 9:42:41 AM -07'00'
Conduct

4.0 REMEDY IMPLEMENTATION ACTIONS

This section presents implementation actions to facilitate LUC remedy objectives. Implementation actions including monitoring, maintenance and reporting requirements are outlined. In addition, long-term execution responsibilities have been identified.


All applicable local Building Codes and permits apply to the Group 3 MRA properties. In addition, Monterey County (County) and the Cities of Del Rey Oaks and Monterey (Cities) have each adopted digging and excavation ordinances that specify special standards and procedures for ground disturbing activities on the former Fort Ord (“digging and excavation ordinances”). The intent of these ordinances is to ensure that site purchasers, developers or workers are aware of the potential that MEC may still be located on these properties, and are aware of the requirements for MEC precautions to be implemented prior to any ground disturbance.

The digging and excavation ordinances apply to all Group 3 MRA properties and are applicable to excavation, digging, development and ground disturbance that involve displacement of more than ten (10) cy. For purposes of the LUCIP/OMP, these intrusive actions will be referred to as “construction activities.” Elements of these digging and excavation ordinances include directives for: documentation of previous MEC excavation or removal; detailed project description and mapping; procurement of excavation permits; acknowledgments and permit fees; and procedures and requirements for MEC recognition and safety training, construction support, and after action reporting. As stated in the ordinances, DTSC shall be continually involved in the establishment of controls for these properties which shall be coordinated by the Group 3 jurisdictions.

1 **Most FORA land transfer, the County, Cities and MPC are required to implement LUC compliance monitoring and reporting.** On February 27, 2008, FORA, Monterey County, the Cities of Seaside, Monterey, Del Rey Oaks, and Marina, CSUMB, University of California Santa Cruz, and MPC (“jurisdictions”) entered into the Memorandum of Agreement Among the Fort Ord Reuse Authority, Monterey County and Cities of Seaside, Monterey, Del Rey Oaks and Marina, California State University Monterey Bay, University of California Santa Cruz, Monterey Peninsula College and the Department of Toxic Substance Control Concerning Monitoring and Reporting on Environmental Restrictions on The Former Fort Ord, Monterey California (MOA). As stated in the MOA, the jurisdictions are required to monitor and report LUC compliance, as outlined below. For reference, the MOA is provided in Appendix C. For purposes of the Group 3 LUCIP/OMP, “Group 3 jurisdictions” include Monterey County, Cities of Del Rey Oaks and Monterey, and MPC.

2 **3** **h 2014, Assembly Bill 1611** **2** as passed to extend FORA’s statutory authorities to June 30, 2020. The ESCA fully contemplated the eventual sunset of FORA and made provisions for a successor in interest to FORA’s LTO. For purposes of this LUCIP/OMP, the terminology of “FORA or its successor” refers to obligations or requirements that are currently assigned to FORA, but will eventually be transferred to FORA’s successor in interest.

 Number: 1 Author: jhuang02 Subject: Comment on Text Date: 5/12/2015 9:47:07 AM -07'00'
Confusing. I thought it is FORA that is responsible for monitoring and reporting?

 Number: 2 Author: hschmelt Subject: Sticky Note Date: 6/8/2015 12:59:04 PM -07'00'
Is this the correct citation --looks like the FORA bill was passed in 2012, not 2014? Might be more helpful to refer to the statutory provisions it amends, since there won't be a different one of those every legislative session: Section 67700 of, and to repeal Sections 67679.5 and 67686. The 2014 bill appears to be about child welfare payments: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1614

 Number: 3 Author: hschmelt Subject: Highlight Date: 6/8/2015 12:35:13 PM -07'00'

4.1 MEC Recognition and Safety Training

People involved in ground-disturbing or intrusive operations at these areas will be required to attend MEC recognition and safety training to increase their awareness of and ability to identify MEC items. Prior to conducting ground-disturbing or intrusive activities, the property owner will be required to notify FORA or its successor or the Presidio of Monterey Directorate of Environmental and Natural Resources Management to provide MEC recognition and safety training for all people performing ground-disturbing or intrusive activities. The actions to implement MEC recognition and safety trainings LUC are detailed below.

MEC recognition and safety training will be evaluated as part of the five-year review (see Section 4.4) process to determine if the training program should continue. If further evaluation indicates that this LUC is no longer necessary, the program may be discontinued upon regulatory approval.

4.1.1 Development of Training Materials and Procedures

Remedy Implementation Phase

- FORA will develop MEC recognition and safety training materials, including video and handouts, to fulfill the requirements for MEC recognition and safety training for people involved in ground-disturbing or intrusive operations.
- FORA MEC Recognition and Safety Training procedure to include: outlining process and tasks to periodically advertise availability of training including how to access Web based training materials; process for public to request training classroom and/or tailgate training, including minimum class size and timing expectations for scheduling live training; process to ensure materials are available to UXO professionals for use in conducting training, make training materials available to UXO professionals for use in conducting classroom or tailgate training, and provide access to web-based video training modules; and monitoring, reporting and audit systems.

Remedy Execution Phase

- FORA will develop procedures to ensure availability of training and provide public notification of the availability of training, to include process for public to request training, options for providing access to the training materials, and how to document and monitor training activities.

4.1.2 Providing Training

Remedy Implementation Phase

- Group 3 jurisdictions have established basic notification and training requirements per local digging and excavation ordinances which include a requirement that workers receive the Safety Alert – Ordnance and Explosives at former Fort Ord pamphlet, as


 Number: 1 Author: hschmelt Subject: Sticky Note Date: 6/19/2015 4:53:28 PM -07'00'
established

 Number: 2 Author: hschmelt Subject: Highlight Date: 6/19/2015 4:52:13 PM -07'00'

prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey, or its successor document, and explain to each such person the information set forth in that notice.

- The State CRUP recommends reasonable and prudent precautions be taken when conducting intrusive operations, including providing the Army's MEC recognition and safety training, or equivalent, to any persons conducting such activities.

Remedy Execution Phase

- MEC Recognition and Safety Training requirements are currently in place through existing deed restriction, State CRUP and local jurisdiction digging and excavation ordinance 
- Group 3 jurisdictions will execute training requirements and procedures, prior to issuing permits for construction activities, including MEC recognition and safety training as a condition of applicable digging and excavation ordinances.
- FORA will make training materials available to MEC professionals for use in conducting classroom or tailgate training, and will provide access to web-based video training modules.
- Directorate of Environmental and Natural Resources Management at the Presidio of Monterey will make accessible all available documentation, information, notices and training programs to Group 3 jurisdictions on the Army's Fort Ord Administrative Record.


4.1.3 Monitoring and Reporting of Training Activities

Remedy Implementation Phase

- FORA to develop reporting requirements for Group 3 jurisdictions to track training activities and monitor land owner and contractor compliance with training requirements at part of annual LUC monitoring reporting.
- Group 3 jurisdictions to establish procedures, as required in State CRUP and digging and excavation ordinances, to monitor and report MEC recognition and safety training requirements in the annual LUC monitoring report.

Remedy Execution Phase


- FORA will ensure MEC Recognition and Safety Training requirements remain in place through existing deed restriction, State CRUP, and local jurisdiction digging and excavation ordinance.
- FORA and Group 3 jurisdictions to track training activities and include in the annual LUC monitoring report (see Section 4.4.2).

 Number: 1 Author: hschmelt Subject: Sticky Note Date: 6/23/2015 10:47:00 AM -07'00'
ordinances - plural. See also the word ordinance under first bullet under Remedy Execution Phase under 4.1.3. Also plural.

4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities

Construction support by UXO-qualified personnel is required during any intrusive or ground-disturbing construction activities at the Group 3 MRAs to address potential MEC risks to construction and maintenance personnel. Construction support will be arranged through the Group 3 jurisdictions during the construction and maintenance planning stages of the project prior to the start of any “construction activities”. Requirements for construction support will be implemented consistent with digging and excavation ordinances. Construction activities are established in the digging and excavation ordinances and include excavation, digging, development and ground disturbance of any type that involves the displacement of more than ten (10) cy. Group 3 jurisdictions shall determine the level of construction support required on a case-by-case basis during the excavation permitting process. The level of construction support is determined based on the probability of encountering MEC.

The probability of encountering MEC in those portions of the MOUT Site MRA that did not receive full clearance to depth is considered moderate to high. The probability of encountering MEC in those portions of Laguna Seca Parking MRA that did not receive full clearance to depth is considered moderate to high. The probability of encountering MEC in the remaining areas of the MOUT Site MRA, Laguna Seca Parking MRA, and the entire DRO/Monterey MRA is considered to be low.

If the probability of encountering MEC is determined to be low, ¹UXO-qualified personnel must be contacted to ensure their availability, advised about the project, and placed “on call” to assist if suspected UXO are encountered during construction. Discoveries of MEC on such sites require reassessment of the level of support required. If the probability of encountering MEC is determined to be moderate to high, UXO-qualified personnel must attempt to identify and remove any explosive hazards in the construction footprint prior to any intrusive construction activities. 

If evidence of MEC is found during “construction activities”, the intrusive or ground-disturbing work will immediately cease, no attempt will be made to disturb, remove, or destroy the MEC, and the local law enforcement agency having jurisdiction on the property will be immediately notified so that appropriate EOD personnel can be dispatched to address the MEC, as required under applicable laws and regulations. Construction support requirements may be applicable in the short term during initial development of the reuse area, and/or in the long-term during reuse and redevelopment activities.

Construction support will be evaluated as part of the five-year review process to determine if the LUC should continue. If the MEC-related data collected during the development of the reuse areas indicate that this LUC is no longer necessary, construction support may be discontinued with regulatory approval.

4.2.1 Construction Support Planning

Remedy Implementation Phase

- FORA will provide references to information to support local jurisdictions in implementation of construction support requirements, including references that

 Number: 1 Author: hschmelt Subject: Highlight Date: 6/19/2015 4:55:19 PM -07'00'

 Number: 2 Author: hschmelt Subject: Sticky Note Date: 6/19/2015 4:59:17 PM -07'00'

This should explain how the determination of "low" is made on a caseby case basis, who makes it, who is called, and by whom. Same for moderate to high -- how is the identification and removal of explosive hazards going to take place? Protocol should be here.

identify current probability of encountering MEC within the MRAs and available mapping as appropriate, including the Group 3 ROD and other references in Section 6.0 of the LUCIP/OMP.

- Group 3 jurisdictions will implement requirements for construction support planning consistent with applicable digging and excavation ordinances as well as State CRUP restrictions.
- The Group 3 jurisdictions shall implement the special standards and procedures as defined in the adopted digging and excavation ordinances. Requirements include description of previous MEC activities, completion and submittal of all other appropriate permits, detailed description of site and proposed “construction activities”, excavation permits and plans for “construction activities”, construction support requirements including construction support, and preparation and submittal of after action reports.
- Group 3 jurisdictions shall provide notice of permit approval to the Army, DTSC and all property owners within 300 feet of impacted property.
- Director of Environmental and Natural Resource Management at Presidio of Monterey to make accessible all available documentation that identifies current probability of encountering MEC in Group 3 MRAs and available mapping, as appropriate on the Army’s Fort Ord Administrative Record.

Remedy Execution Phase

- Documents available on the Army’s Fort Ord Administrative Record (www.fortordcleanup.com).
- Group 3 jurisdictions to execute jurisdictional digging and excavation ordinances construction support planning requirements.

4.2.2 Construction Support Evidence of MEC

Remedy Implementation Phase

- **1** FORA will develop procedures for proper response to potential MEC finds and requirements for reporting and documentation, including actions to be taken if evidence of MEC is encountered during ground disturbing activities.
- FORA to develop procedure for reporting and documenting of potential MEC finds.

Remedy Execution Phase

- Excavation permits under digging and excavation ordinance require provision for land owners or contractors to stop work and report potential MEC finds to local law enforcement and notification to regulatory agencies.
- FORA or its successor will notify the regulatory agencies, as soon as practicable, of any potential MEC finds during “construction activities” or any other MEC finds, and report the potential MEC finds during monitoring activities annually.

Procedures should be detailed here.

4.8 Notification of MEC Item Discovery During Ground-Disturbing Activities

As required in the ROD and in accordance with the digging and excavation ordinances, the property owner shall stop work and notify the local law enforcement agency immediately if any unanticipated potential MEC items (known or suspected) are encountered during ground-disturbing activities. The standard procedure for reporting unanticipated encounters with a known or suspected MEC item in the transferred former Fort Ord property is to immediately call 911, which will transfer the call to the appropriate local law enforcement agency. The local law enforcement agency will promptly request DoD response support (e.g., an EOD Unit). FORA or Group 3 jurisdictions **1** will notify the regulatory agencies, as soon as practicable, of any MEC-related data identified during the incident. The incident results will be reported in the annual LUC monitoring report. The regulatory agencies may request additional investigation and/or follow-up actions based on the MEC-related data identified during the incident (see Section 4.9.1).

4.9 Additional Response or Remedy Modification


4.9.1 Additional Investigation or Follow-up Action


After the EOD response to unanticipated MEC finds, the Army and EPA **2** may assess the probability of encountering additional MEC based on guidance from the DDESB. The probability of encountering MEC and the resulting level of construction support will be determined jointly by the Army and EPA, in consultation with DTSC. If the probability of encountering MEC is low, construction activities may resume with construction support. If the probability of encountering MEC is determined to be different from originally estimated, EPA in consultation with DTSC will determine an appropriate follow-up action.

If EPA determines that additional investigation and/or action is required, EPA will advise the Army that it is obligated under the FFA to conduct the investigation and/or action. Additional action will be conducted in accordance with an approved work plan. EPA, in consultation with DTSC, will evaluate and approve the results of the investigation. The agency consultation process will be completed as expeditiously as practicable.

The Army will notify FORA if the investigation and/or action is within the scope of FORA's obligations under the ESCA and CRUP. The Army retains full responsibility for Army obligations pursuant to the ESCA "Army obligations". Nothing shall require FORA, or its successor, to assume responsibility for any Army Obligation, as contractor to the Army, under the terms of the ESCA.

Pursuant to the ESCA, the AOC and the FFA Amendment No.1, FORA or its successor assumes responsibility for completion of necessary CERCLA response actions for MEC, a CERCLA hazardous substance (except Army Obligations), which include implementing, maintaining, reporting, and enforcing the LUCs. Although the Army has already contracted for performance of its responsibilities to implement, maintain, monitor, and enforce LUCs, the Army retains the ultimate responsibility for remedy integrity.

 Number: 1 Author: jhuang02 Subject: Comment on Text Date: 6/8/2015 2:31:58 PM -07'00'
What does this mean? Please propose a time period. -- FROM HAS: for example "but no longer than within xx days"

 Number: 2 Author: jhuang02 Subject: Comment on Text Date: 6/8/2015 8:19:46 AM -07'00'
How is the reassessment triggered? How much do we have?



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

Barbara A. Lee, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Edmund G. Brown Jr.
Governor

July 8, 2015

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

DRAFT GROUP 3 LAND USE CONTROLS IMPLEMENTATION PLAN/OPERATION AND MAINTENANCE PLAN, DEL REY OAKS/MONTEREY, LAGUNA SECA PARKING, AND MILITARY OPERATIONS IN URBAN TERRAIN SITE MUNITIONS RESPONSE AREAS, FORMER FORT ORD MONTEREY COUNTY, CALIFORNIA
APRIL 24, 2015

Dear Mr. Cook:

The Department of Toxic Substances Control (DTSC) has reviewed the Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan (LUCIP) and provides the following comments.

General Comments

The Five-Year Review is repeatedly discussed as an opportunity for the Army to modify or terminate the land use control (LUC). Modification or termination of LUCs is not the purpose of the Five-Year Review. During the Five-Year Review, the Army will document an evaluation of the long-term effectiveness of the remedy. While a request to modify or terminate the LUC can be submitted any time, this is not the focus of the Five-Year review. Proper documentation of additional remediation will be required before institutional controls (IC) can be dropped or the LUC can be terminated. Further details should be included in the LUCIP on the process for modifying ICs or LUCs.

The LUCIP should describe events and activities in sufficient detail so they can be performed and reported. Various activities listed in Section 4 identify the entity who will develop events and activities. Please develop the events and activities, then document and describe them in the revised draft LUCIP.

All the ICs should be framed as requirements of the Covenant to Restrict Use of Property (CRUP) that will remain in place until further remediation is completed and documented, and a CRUP variance or termination has been approved by DTSC and U.S. Environmental Protection Agency. Please reference the CRUPS in place.

Mr. Stan Cook
July 8, 2015
Page 2

The LUCs discussed come with long-term financial responsibilities to various entities. Please provide a discussion on financial responsibilities that includes a discussion of how ongoing costs will be paid if, for whatever reason, one of these entities is no longer able to meet their obligations.

Specific Comments

Glossary. Please define "Depth of Detection"

Glossary, page vii. Define "10 U.S.C."

Section 1.4. Stipulations in the existing deeds are mentioned several times including in Section 1.4. Please include a copy of the deeds in the LUCIP.

Section 1.4, Paragraph 4. The purpose of the Five-Year Review is to determine if the remedy is still protective. Please explain in the LUCIP that if restrictions in the CRUP are no longer protective, additional remediation may be required. Modifications to the CRUP can be requested at any time but must be approved by EPA and DTSC.

Section 1.4.1 and 1.4.2. It is unclear that MEC Recognition and Safety Training and Construction Support are not Long-Term Management Measures. If these LUCs are not included in the long term management sections, then the LUCIP needs to clearly identify that these measure are intended to be implemented until such time that regulatory concurrence is achieved to remove them. The process for removing the LUCs should be identified.

Section 1.4.3. This section should mention the DTSC residential protocol which may be required before termination of the residential restriction. If residential development of a portion of the property is proposed, then a remedial work plan may be required by DTSC.

Section 1.4.4, Five-year Review Reporting. Further remedial activities will be required before termination of the LUCs can be approved. The LUCIP needs to provide details on the process for termination of LUCs.

Section 2.4. Please provide references for the documents referred to in this section.

Section 2.4.2, Last paragraph. Please specifically identify the areas where removal actions were not completed. Include a figure that identifies the areas. This should be one of the tools used in determining the level of construction support required by the LUCs.

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Section 3.1, Second paragraph. Implementation of MEC Recognition and Safety Training is discussed throughout the plan. Please provide further details on how this will be implemented. Please provide specific information on who this training will be available to and what agreements are in place for the training providers identified.

Section 3.2, Second paragraph. The development of a construction support plan requires Group 3 jurisdictions in consultation with DTSC, to determine the level of construction support required for a project on a case-by-case basis. Further detail is needed to define what data is used and how the case-by-case evaluation is performed.

Section 3.4, Third paragraph. Please provide details on what the annual monitoring and reporting consists of.

Section 4.0, Third paragraph. This section discusses directives for: documentation of previous MEC excavation or removal; detailed project description and mapping; procurement of excavation permits; acknowledgments and permit fees; and procedures and requirements for MEC recognition and safety training, construction support, and after action reporting. Please provide detailed guidance for jurisdictions to achieve these directives.

Section 4.1.1, Remedy Implementation Phase. Please rewrite the second bullet for clarity.

Section 4.1.2. This section discusses the Ordnance and Explosives at former Fort Ord pamphlet, as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey and The Army's MEC recognition and safety training. The LUCIP also discusses a plan for FORA to develop MEC awareness training. Please provide details on how these programs will be implemented and their relation to one another.

Section 4.2.3. Please work with the jurisdictions to identify a LUC monitoring plan for specific reporting and recording procedures for each jurisdiction.

Section 4.2.4. Please specify that the Army will evaluate the remedy and determine if it is still protective during the five-year review. Please discuss what happens if it is determined that the LUCs are not protective or no longer needed.

Section 4.3.2. Please specify that termination of the residential restriction will require additional remedial activities. Conditions for termination of the residential CRUP should identify that DTSC's Residential Protocol is a DTSC requirement that will need to be addressed prior to removing residential restrictions. Please include DTSC's Residential Protocol in the reference section.

Mr. Stan Cook
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Section 4.4.1. The inspection forms should be updated to be specific to each jurisdiction and include specific instructions related to MEC annual monitoring, please update the attached forms.

Section 5.2.1. The LUCIP needs to provide more details on process and procedure plan as discussed in the section.

We appreciate the opportunity to review the subject document. If there are any questions pertaining to the comments provided, please contact me at (916) 255-4988.

Sincerely,

Noel O Shrum for Ed Walker

Ed Walker
Project Manager
Military Sites and Corrective Action Unit
Brownfields and Environmental Restoration Program

cc: (By email)

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT ORD OFFICE, ARMY BASE REALIGNMENT AND CLOSURE
P.O. BOX 5008, BUILDING #4463 GIGLING ROAD
MONTEREY, CALIFORNIA 93944-5008

JUN 23 2015

Base Realignment and Closure

Stan Cook
ESCA Remediation Program Manager
Fort Ord Reuse Authority
920 2nd Avenue
Marina, CA 93933

Subject: Draft Group 3 Land Use Control Implementation Plan/Operation and Maintenance Plan, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, dated April 24, 2015.

Dear Mr. Cook:

Thank you for an opportunity to review the subject document. The Army's comments are enclosed. Please note our comments are focused on "big picture" issues such as the consistency with the Army's cleanup program. A copy of this letter will be furnished to U.S. Environmental Protection Agency (Judy Huang) and California Department of Toxic Substances Control (Ed Walker).

Sincerely,

A handwritten signature in cursive script that reads "William K. Collins".

William K. Collins
BRAC Environmental Coordinator
Fort Ord Field Office

Enclosure

**DRAFT Group 3 Land Use Controls Implementation Plan (LUCIP)/
Operation and Maintenance Plan (OMP), Del Rey Oaks (DRO)/Monterey,
Laguna Seca Parking, and Military Operations in Urban Terrain (MOUT)
Site Munitions Response Areas (MRAs)**

April 24, 2015

Army Comments

1. General comment. The document is unclear regarding the responsibilities and actions of various entities involved. Also there are some inconsistency in the descriptions of planned actions in different sections of the document. Please revise the document to clarify the responsibilities and actions of:
 - Fort Ord Reuse Authority (FORA) or its successor entity as a party to the Environmental Services Cooperative Agreement (ESCA) and Administrative Order on Consent (AOC).
 - FORA as the current property owner and subsequent property owners.
 - Group 3 jurisdictions as municipal jurisdictions (not as a property owner).
 - EPA, DTSC and the Army.

The current document is organized in such a way that the Group 3 jurisdictions become responsible for conducting some of the remedy implementation actions at the time of the transfer of the underlying property. The organization is likely helpful for the Group 3 jurisdictions who have roles as municipal jurisdictions and as future property owners. However, those requirements and reasons for the requirements should be clearly described in the document.

The document should be revised to clearly demonstrate the actions and responsibilities of FORA or its successor entity as a party to the ESCA. Under the ESCA, FORA or its successor is responsible for all actions necessary to achieve Site Closeout, including implementation of the selected remedy and any Long-Term Obligations. The ESCA does not authorize any assignment of ESCA responsibilities from FORA (or its successor) to a third party without the prior approval by the Army. Further, the Group 3 Record of Decision (ROD) documents that FORA assumes full responsibility for completion of necessary response actions (except Army Obligations) which include implementing, maintaining, reporting, and enforcing the land use controls. The Group 3 ROD does not provide for any transfer of remedy implementation responsibilities from FORA (or its successor) to another party.

2. In the acknowledgment of sponsorship, insert “for” to read “the Assistant Chief of Staff for Installation Management.”

Section 1.0 Introduction

3. Page 1-1. Section 1.0 Introduction. Second paragraph. It provides the date of the Group 3 ROD is October 27, 2014. The signature process was completed on November 25, 2014, which is considered as its effective date and used in the Administrative Record. Please update. Please check the other portions of the document for similar updates.
4. Page 1-1. Section 1.0 Introduction. Third paragraph. First two sentences are difficult to read. Please revise to “The selected remedy addresses risks to human health and the environment from munitions and explosives of concern (MEC) that potentially remains in the Group 3 MRAs.

Munitions responses (MEC removals) have been completed at the Group 3 MRAs.” (Using the text of the Group 3 ROD.)

5. Page 1-2. Section 1.2 FORA ESCA Regulatory Framework and Responsibilities. First sentence. Fort Ord Reuse Authority is currently performing environmental services under the ESCA. Therefore, the sentence should be in the present: “FORA is performing....”
6. Page 1-5. Section 1.4 Description of Selected Remedy. Final paragraph. In this section, the description of the selected remedy should be consistent with the Group 3 ROD. The second and third sentences provide a description of the covenants to restrict the use of property (CRUPs), which is not part of the ROD-definition of the remedy. They should be deleted from this section.
7. Page 1-5. Section 1.4.2 Construction Support. First paragraph. In this section, the description of the selected remedy should be consistent with the Group 3 ROD. The second and fourth sentences read: “Construction activities are defined as any activity that involves disturbance of 10 cubic yards (cy) or more.” and “Group 3 jurisdictions in consultation with DTSC, shall determine the level of construction support required on a case-by-case basis.” We understand FORA intends to utilize the local excavation ordinances to implement the construction support-component of the remedy. However, these statements are not part of the ROD-definition of the remedy, therefore, should be deleted from this section.
8. Page 1-7. Section 1.4.5 Other Long-Term Management Measures. This subsection discusses matters that are not the selected remedy or their associated long-term implementation and management actions. It is not appropriate to present the information as part of the “description of the remedy” section. Since the topic is outside the scope of the remedy implementation plan, it should be deleted.

Section 2.0 Site Description

9. Page 2-1. Section 2.0 Site Description. Much of the information in this section is extraneous to the purposes of this document and could be deleted or abbreviated. It is also noted that this information is provided in the Group 3 ROD, which is attached to this document.
10. Page 2-1. Section 2.0 Site Description. Second paragraph. Please consider rounding the approximate site acreage to the nearest acre.
11. Page 2-1. Section 2.0 Site Description. Fifth paragraph. Second sentence. Revise the statement to be consistent with the Group 3 ROD, page 1: “...FORA is responsible for completion of CERCLA response actions, except for those responsibilities retained by the Army...”
12. Page 2-3. Section 2.3 Group 3 MRAs Munitions Response Site Summaries. Please consider revising the section title since a section with the same title appears at Section 2.5 containing information from the Group 3 ROD Section 2.8 (same section title).
13. Page 2-3. Section 2.3 Group 3 MRAs Munitions Response Site Summaries. First paragraph. Delete the second sentence indicating that the section provides a summary of the remedial investigation. Remedial investigation summary is provided in the next section, Section 2.4.
14. Page 2-12. Section 2.6 Potential Future Land Use and Resources Uses. Subsections that follow only list the areas. Suggestion to revise the subsections to actually describe the expected reuses.

Section 3.0 Land Use Control Implementation Strategies

15. Page 3-1. Section 3.1 MEC Recognition and Safety Training. Performance Objectives. Delete “and their contractors” as this text is not part of the performance objective specified in the Group 3 ROD, Section 2.14.3.
16. Page 3-1. Section 3.1. MEC Recognition and Safety Training. Implementation Strategy. Sixth sentence reads: “Training is also required under the deed restrictions, State CRUP, and Finding of Suitability for Early Transfer (FOSET) Environmental Protection Provisions (EPP) providing for redundancy in this LUC requirement.”

The FOSET is a document that summarizes the basis of conditions of property transfer, but it does not impose any requirements. Listing of the FOSET along with the deed and CRUP is not appropriate. The deeds for the Group 3 MRA properties include an Excavation Restriction that requires compliance with respective city or county excavation ordinance, and the CRUPs require compliance with the ordinances. The ordinance includes a requirement for MEC recognition and safety training. Therefore, the sentence should be revised to “The current deeds and CRUPs prohibit activities in violation of the local excavation ordinance.”

17. Page 3-2. Section 3.2 Construction Support. Implementation Strategy. Second to the final sentence. Delete the reference to the FOSET EPP.
18. Page 3-2. Section 3.2 Construction Support. Implementation Strategy. Fifth sentence of the paragraph describes that the construction support procedures will include notification to the regulatory agencies if MEC item is discovered during a construction activity (an excavation permit would have been issued for the activity). The local excavation ordinances include a requirement for notification of DTSC and the Army. Please revise to include notification to the Army of any MEC that may be discovered during construction projects.
19. Page 3-2. Section 3.3 Restrictions Prohibiting Residential Use. Implementation Strategy. First and sixth sentences. Delete the reference to the FOSET EPP.
20. Page 3-2. Section 3.3 Restrictions Prohibiting Residential Use. Implementation Strategy. Second sentence is incomplete. Suggestion to revise to “FORA and the Group 3 jurisdictions will conduct annual inspections....”
21. Page 3-2. Section 3.3 Restrictions Prohibiting Residential Use. Implementation Strategy. Please clarify if Monterey Peninsula College (MPC) is a “Group 3 jurisdiction” for the purpose of this paragraph (it appears that MPC is not a “Group 3 jurisdiction” in the discussion of administration of local excavation ordinance.)
22. Page 3-2. Section 3.3 Restrictions Prohibiting Residential Use. Implementation Strategy. Third and fourth sentences contradict each other. If FORA and the Group 3 jurisdictions currently (pre-ROD) conduct annual monitoring and reporting in accordance with the Memorandum of Agreement (MOA) on the subject, why will they transfer the responsibility to the jurisdictions (themselves) at the time of the next property transfer? It is our understanding that the parties entered into the MOA as municipal jurisdictions (or equivalent), not as future property owners. Please clarify.

The fourth sentence should be deleted. Section C.5.2 of ESCA specifies, “The Recipient shall remain liable for performing its obligations under this Agreement, without regard to the potential

for portions of the ACES to be transferred to future owners or tenants, in furtherance of the Site redevelopment objectives of the ACES and without regard to the possible transfer of portions of the Recipient's liability under the AOC. Nothing in this Agreement shall be construed to authorize the Recipient to assign any of its responsibilities or obligations under this Agreement or all or substantially all of the Recipient's obligations under the AOC to a third party without prior approval of the Army or make any subsequent owners or occupants of the ACES a successor or assign under this Agreement." It is acceptable that the jurisdictions perform monitoring and reporting under the existing MOA, however, now that the remedy has been selected, the responsibility for monitoring and reporting of the Group 3 MRA properties as part of remedy implementation actions cannot be transferred to property recipients without prior approval of the Army. Such approval cannot be given without express acceptance by the transferee of such ESCA responsibilities. It is also noted that the Group 3 ROD does not provide for any transfer of remedy implementation responsibilities from FORA to another party.

23. Page 3-3. Section 3.4 Long-term Management Measures. Annual monitoring and reporting. The text describes that FORA or its successor entity will notify the regulatory agencies of any MEC-related data identified during use of the property. As commented earlier, the Army should be notified of discoveries of MEC during construction projects. In addition, to ensure adequate data collection for the purpose of the five-year reviews, the Army should also be notified of any other MEC discoveries when the regulatory agencies are notified. Please expand. Also, for completeness of the information, please add that copies of annual monitoring reports will be provided to the Army (stated on page 1-5).

Section 4.0 Remedy Implementation Actions.

24. Page 4-1. Section 4.0 Remedy Implementation Actions. Second paragraph. Second sentence. Future land users may not be able to find the excavation ordinances easily. Cite the specific municipal codes (e.g., Monterey County Code Chapter 16.10). This comment applies throughout the document.
25. Page 4-1. Section 4.0 Remedy Implementation Actions. Fourth paragraph. The first sentence indicates the County, the cities and MPC will be required to "implement LUC compliance monitoring and reporting" after the properties are transferred from FORA. The monitoring of the remedial LUCs should begin at the selection of the remedy, especially if FORA is already conducting annual LUC monitoring and reporting, and if ground-intrusive activities could occur prior to the transfer of the property. Please state that FORA will conduct LUC monitoring and reporting until such time as another party will conduct them. Also, as commented earlier, clarify that the County, the cities and MPC will be conducting the annual monitoring and reporting as "jurisdictions," not as property owners. Further, it should be stated that under the MOA, FORA is responsible for submitting the annual reports to DTSC, and that the County would act as the Coordinator after FORA ceases to exist.
26. Page 4-1. Section 4.0 Remedy Implementation Actions. Fifth paragraph. Suggestion to delete. The information was provided in Section 1.0.
27. Page 4-1. Section 4.0 Remedy Implementation Actions. In the subsections, current and future implementation actions are organized in two groups: "Remedy Implementation Phase" and "Remedy Execution Phase." Trying to distinguish between "implementation" and "execution" is awkward and redundant to some extent. Suggestion to delete the sub-divisions.

28. Page 4-2. Section 4.1 MEC Recognition and Safety Training. First paragraph. The description of the requirement for MEC recognition and safety training deviates from the Group 3 ROD and Section 1.4.1 of draft Group 3 LUCIP OMP. In addition, identification of U.S. Army Presidio of Monterey (POM) Directorate of Environmental and Natural Resources Management (DENR) as an alternative point of contact for arranging the training is not appropriate for the ESCA properties and under the Group 3 ROD. Delete the reference to POM DENR.
29. Page 4-2. Section 4.1 MEC Recognition and Safety Training. Second paragraph. It describes that the requirement for MEC recognition and safety training may be discontinued upon regulatory approval. Any such proposal that would modify the remedy or performance objectives of the selected remedy must also be coordinated with the Army. Please expand the text. This comment applies to other similar statements within this document.
30. Page 4-2. Section 4.1.1 Development of Training Materials and Procedures. Please include a statement describing how FORA currently provides the training, so that it does not have an appearance that the training is not available during the period of development of training materials described in this section.
31. Page 4-2. Section 4.1.2 Providing Training. Remedy Implementation Phase. First bullet. The Safety Alert is currently provided by U.S. Army Base Realignment and Closure (BRAC) office, and POM DENR currently does not exist due to reorganization. It would be appropriate to revise “as prepared by the Directorate of Environmental and Natural Resources Management at the Presidio of Monterey” to “as prepared by the Army.” Also, suggestion to provide the current version in an appendix.
32. Page 4-2. Section 4.1.2 Providing Training. Remedy Implementation Phase. Please describe how proponents of construction projects within the Group 3 MRA properties will obtain the training from FORA or its successor.
33. Page 4-3. Section 4.1.2 Providing Training. Remedy Execution Phase. Fourth bullet should be deleted. The Army BRAC Fort Ord office maintains the Administrative Record, and information contained in it is available to the public. There is no need to create a remedy implementation “task” for the Army to make Administrative Record available to the Group 3 jurisdictions. Also, the Army’s training materials are not maintained in the Administrative Record.
34. Page 4-3. Section 4.1.3 Monitoring and Reporting of Training Activities. Remedy Execution Phase. First bullet. Please describe how FORA intends to ensure the requirement for MEC recognition and safety training will remain in place through the cited documents.
35. Page 4-4. Section 4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities. First paragraph. The description of the requirement for construction support deviates from the Group 3 ROD and Section 1.4.2 of draft Group 3 LUCIP OMP. In this section, construction support is to be arranged “through the Group 3 jurisdictions” indicating that the jurisdictions would provide the UXO personnel. Please confirm that the Group 3 jurisdictions have agreed with this process.
36. Page 4-4. Section 4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities. The text in this section provides (a) FORA’s assessment of the probability of encountering MEC in the Group 3 MRA properties; and (b) the Group 3 jurisdictions would determine the level of construction support on a case-by-case basis. Please expand the discussion to clarify, in the event of a discovery of MEC, how the probability will be reassessed. The process

has previously been developed by FORA as part of the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166) in coordination with the Army and the regulatory agencies.

It is also critical that the Group 3 jurisdictions have the support of qualified personnel to make appropriate determination of the level of construction support since the decision will be site- and activity specific. Please expand.

37. Page 4-4. Section 4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities. Fourth paragraph. Second sentence. Revise "may be applicable" to "apply."
38. Page 4-4. Section 4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities. Final paragraph. It describes that the requirement for construction support may be discontinued upon regulatory approval. Any such proposal that would modify the remedy or performance objectives of the selected remedy must also be coordinated with the Army. Please expand the text. This comment applies to other similar statements within this document.
39. Page 4-5. Section 4.2.1 Construction Support Planning. Remedy Implementation Phase. Third bullet requires implementation of "special standards and procedures" defined in the local excavation ordinances. Please describe what the "special standards and procedures" are.
40. Page 4-5. Section 4.2.1 Construction Support Planning. Remedy Implementation Phase. Delete the fifth bullet. (See earlier comment.)
41. Page 4-5. Section 4.2.1 Construction Support Planning. Remedy Execution Phase. Delete the first bullet. (See earlier comment.) The Administrative Record is not a repository for the local excavation ordinances.
42. Page 4-5. Section 4.2.2 Construction Support Evidence of MEC. Remedy Execution Phase. First bullet. Please update the text to reflect that the local excavation ordinances state that excavation permits would include a requirement to notify the Army (as well as DTSC) in an event of a discovery of suspected MEC items.
43. Page 4-6. Section 4.2.2 Construction Support Evidence of MEC. Remedy Execution Phase. Final bullet. The text indicates that in the event that a MEC item is discovered, the probability of encountering MEC would be reassessed by the regulatory agencies and the Army. This is not consistent with the ESCA or the process developed by FORA under the ESCA as part of the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166) in coordination with the Army and the regulatory agencies. As described in that document (page 7), and in a FORA memorandum on the very subject dated March 24, 2009 (Administrative Record number: ESCA-0148), after the initial response to the item is completed, FORA will assess the probability of encountering MEC if within the scope of its obligations under the AOC and the ESCA. Please replace the bullet with the text used in the LUCIP OMP for the Parker Flats MRA Phase I and the FORA memorandum.
44. Page 4-6. Section 4.2.4 Determination Construction Support No Longer Necessary. Remedy Execution Phase. First bullet. Consistent with the Group 3 ROD, construction support will be evaluated as part of the five-year review process and the Army will conduct the five-year reviews. It should be added, consistent with the process agreed among FORA, EPA, DTSC and the Army in the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-

0166), page 9: "However, under the ESCA, FORA (or its successor) should provide an evaluation of the above-mentioned notification and permitting process for inclusion in the Army's five-year review reports. In order for such evaluation, and any recommendation for changes, to be incorporated into a five-year review, it must be submitted by FORA (or its successor) to the Army by February of the year of the review."

45. Page 4-6. Section 4.2.4 Determination Construction Support No Longer Necessary. Remedy Execution Phase. Second bullet. The process for any party to request regulatory agency review and approval to remove the construction support requirement from any of the Group 3 MRA properties must follow the CERCLA process and the Group 3 ROD, as such, any request must be coordinated with all signatories of the ROD. In addition, the bullet should be expanded to indicate that certain conditions must be met for the agencies to concur that a LUC is no longer needed. See the Group 3 ROD and Section 3.0 of the draft Group 3 LUCIP OMP, "LUCs will be maintained until EPA and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs. This concurrence may be based on: 1) new information (e.g., limited geophysical mapping, site development); or 2) where the depth of soil disturbance related to ground-disturbing or intrusive activities is sufficient to address the uncertainty of MEC remaining in the subsurface and any MEC encountered during such activities is removed."

46. Page 4-7. Section 4.3 Restrictions Prohibiting Residential Use. Property use restrictions can be documented in the deeds and also in CRUPs. They are subject to separate processes with different signatories and approval requirements. The section starts with the intention to maintain the residential use restrictions in the deeds. The final sentence describes a process to coordinate removal of the restriction with DTSC - we interpret the sentence applies to the CRUPs. To avoid confusion, it is suggested the CRUP modification process be discussed in a separate bullet from any discussion of deed restrictions or modification to deed restrictions.

Any changes to the residential restriction in the deed must be approved by the Army. In addition, as stated in the Group 3 ROD, page 28, any proposal to allow residential development or modifications to the residential restrictions must be approved by EPA and the Army in consultation with DTSC. Please expand the text. This comment applies to other similar statements within this document.

47. Page 4-7. Section 4.3.1 Maintaining Residential Land Use Restriction. Remedy Execution Phase. First bullet. The first sentence indicates FORA is conducting annual LUC monitoring, in addition to reporting. The Army has received copies of annual LUC monitoring reports previously compiled and submitted by FORA to DTSC under the MOA, however, none of the reporting forms were prepared by FORA. If FORA is conducting annual LUC monitoring within the Group 3 MRA parcels and will prepare reports separately from the MOA submittal, please provide a copy of past and future reports to the Army, EPA and DTSC.

48. Page 4-7. Section 4.3.1 Maintaining Residential Land Use Restriction. Remedy Execution Phase. First bullet. Second sentence. See earlier comment regarding transfer of remedy implementation actions.

49. Page 4-7. Section 4.3.1 Maintaining Residential Land Use Restriction. Remedy Execution Phase. The second bullet indicates the Group 3 jurisdictions are responsible for ensuring the residential deed restrictions remain on future property transfer deeds. For completeness, please also add that FORA will ensure the residential deed restrictions remain on the deeds when the Group 3 MRA properties are transferred out of FORA.

50. Page 4-7. Section 4.3.2 Process for Approval of Proposals to Remove Residential Use Restriction. Revise the paragraph in coordination with EPA, DTSC and the Army. The MOA, CRUP, ROD and deeds are subject to separate processes with different signatories and approval requirements. The current text indicates DTSC has an approval authority for changes to the ROD and the deeds, which is not appropriate. The requirement for the residential use restriction is a component of the CERCLA remedy for the Group 3 MRAs, therefore, the restriction cannot be removed from the deeds and CRUPs until the Army and EPA in consultation with DTSC agree that the land use may be conducted in a manner protective of human health and the environment without the LUC. Only when the requirement under CERCLA is removed, the property owner can initiate the administrative processes to remove the restriction from the deeds and CRUPs.
51. Page 4-8. Section 4.4.2 Annual LUC Monitoring Reports. This section describes that an annual report will be submitted within 90 days following inspection and record review. Please identify the inspection and monitoring period to be addressed in the reports.
52. Page 4-8. Section 4.4.2 Annual LUC Monitoring Reports. This section describes that a requirement for submitting annual reports will be included in deeds when the property is transferred out of FORA. It indicates FORA intends to transfer the remedy maintenance responsibilities to subsequent property owners. Please clarify if the proposed requirement for the subsequent property owner to submit annual reports is in addition to the reporting by the jurisdictions under MOA and reporting required by the Group 3 ROD. The proposal requires further examination.

In this section and elsewhere, the plan describes that under the MOA, the Group 3 jurisdictions (including MPC) will conduct annual monitoring and report results to FORA, and FORA will submit the reports to DTSC. It should be noted that Section 2.5 of the MOA states "FORA and the County have no responsibility for enforcement of this Agreement if a local jurisdiction fails to submit its annual reports to FORA or the County on time or at all. Local jurisdictions have no responsibility for enforcement of this agreement if FORA or the County fail to compile and submit their annual report to the Department. The Department is responsible for enforcing compliance with this Agreement." The Army will consult with EPA and DTSC if nonperformance of annual monitoring and reporting under the MOA would result in FORA being out of compliance with the monitoring and reporting requirement under the Group 3 ROD.

Under the Group 3 ROD, FORA or its successor entity under the ESCA and the AOC, will perform annual monitoring and reporting. It requires annual letter reports to EPA and DTSC summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC (page 3) (this is also stated in Section 1.4 of this LUCIP OMP). This "evaluation" element is lacking in the reporting process under the MOA, therefore, should be addressed in this section.

53. Page 4-8. Section 4.5.1 Compliance with LUCIP/OMP. This section describes the actions of the Group 3 jurisdictions as municipal entities, not as property owners. Therefore, the information contained in this section should be relocated elsewhere.
54. Page 4-9. Section 4.5.2 Property Conveyances. First sentence, the deeds require the current and future property owners (not the jurisdictions) to comply with the local excavation ordinances. Please revise.

55. Page 4-9. Section 4.5.2 Property Conveyances. Third sentence suggests that DTSC has an enforcement authority on the deed restrictions. The sentence should be revised to note that Army has authority to enforce deed restrictions.
56. Page 4-9. Section 4.5.3 Notice of Planned Property Conveyances. Please provide information regarding how the Army and the regulatory agencies will receive notices of planned property conveyances.
57. Page 4-9. Section 4.6 Army LUCIP OMP Inspections, Reporting, and Enforcement Responsibilities. Delete the third sentence. (See earlier comment.)
58. Page 4-9. Section 4.7 Notification Should Action(s) Interfere with LUCIP OMP Effectiveness. Second paragraph. Second sentence indicates that the MOA, which was signed prior to the Group 3 RI/FS and ROD, provides an agreement by the Group 3 jurisdictions to identify, evaluate and implement any necessary changes to avoid future noncompliance, when FORA ceases to exist. Please reexamine the sentence. The MOA contained a provision for the County to become the Coordinator for the MOA when FORA ceases to exist, but nothing indicates the jurisdictions have agreed to comply with the selected remedy of the Group 3 ROD.

Also, the MOA requires compliance with covenants, monitoring during state fiscal year, and reporting by September 1 of each year. However, no provision is made for any corrective actions or reporting of such actions within 45 days of discovery of any activity inconsistent with the Group 3 LUCIP OMP objectives. Please clarify.

59. Page 4-10. Section 4.8 Notification of MEC Item Discovery During Ground-Disturbing Activities. Fourth sentence provides that FORA or the Group 3 jurisdictions will notify the regulatory agencies of any discovery of MEC during construction activities. Under the Group 3 ROD, prompt notification of any MEC-related data to the regulatory agencies is a responsibility of FORA or its successor. It is not clear under what situations the Group 3 jurisdictions would provide the notification. Please expand on the process. See also earlier comment regarding reassessment of the probability of encountering MEC and comment on Section 4.9.1.
60. Page 4-10. Section 4.9.1 Additional Investigation or Follow-up Action. The first three paragraphs are not consistent with the ESCA or the process developed by FORA under the ESCA as part of the LUCIP OMP for the Parker Flats MRA Phase I (Administrative Record number: ESCA-0166) in coordination with the Army and the regulatory agencies. As described in that document (page 7), and in a FORA memorandum on the subject dated March 24, 2009 (Administrative Record number: ESCA-0148), after the initial response to the item is completed, FORA will assess the probability of encountering MEC if within the scope of its obligations under the AOC and the ESCA; conduct any additional investigations required under the AOC; and recommend appropriate level of UXO support. If warranted, FORA will also propose additional response action or modification of the remedy to be implemented by FORA. The process has been developed in close coordination with EPA, DTSC and the Army, and should be incorporated into the Group 3 LUCIP OMP.
61. Page 4-10. Section 4.9.1 Additional Investigation or Follow-up Action. Fourth paragraph. The statement has been modified from the text in the Group 3 ROD page 29. Revise to be consistent with the ROD: "...FORA or its successor assumes full responsibility for completion of necessary CERCLA response actions (except Army Obligations).... Although the Army has already transferred the responsibilities to implement, maintain, monitor, and enforce...."

62. Page 4-11. Section 4.9.1 Additional Investigation or Follow-up Action. Final paragraph. The statement regarding additional response should conform to the previously agreed text (used in the LUCIP OMP for the Parker Flats MRA Phase I) and/or the statement in the Group 3 ROD page 29: "If additional evaluation or work or modification of the selected remedy is proposed based on [five-year review], it will be implemented in accordance with Paragraph 34 of the AOC, and/or Section C4.1.7 of the ESCA."
63. Page 4-11. Section 4.9.2 Remedy Modification. First paragraph omits important statements from the previously agreed text (used in the LUCIP OMP for the Parker Flats MRA Phase I). Revise to: "If the Army and EPA, in consultation with DTSC, determine that the selected remedy is no longer protective, FORA will propose and the Army and EPA will jointly select, an additional response action or modification of the remedy to be implemented by FORA or its successor under the AOC if within the scope of its obligation under the AOC and the ESCA. ~~EPA will advise the Army that it is obligated under the FFA to conduct the investigation and/or response.~~ DTSC will be provided an opportunity to review and comment on the proposal. The additional actions required and their remedial objectives will be documented in an Explanation of Significant Difference or ROD Amendment, as appropriate."
64. Page 4-11. Section 4.9.2 Remedy Modification. Second paragraph. Delete the first sentence. As stated in the Group 3 ROD, if additional evaluation or work or modification of the selected remedy is proposed based on five-year review, it will be implemented in accordance with Paragraph 34 of the AOC, and/or Section C4.1.7 of the ESCA. Under the ESCA, Section C4.1.7, if EPA and DTSC determine that additional response is required, FORA shall conduct any additional response as required by EPA and DTSC pursuant to the AOC. The Army does not have an obligation to notify FORA of its responsibility under the AOC.

Section 5.0 Remedy Implementation Sequence.

65. Page 5-1. Section 5.1 General Administrative Sequence for Establishing LUC Remedy. First bullet. Delete the text "within 10 days of regulatory approval." Remove information repositories from the statement. The Army will place the final version of Group 3 LUCIP OMP and any correspondence of regulatory approval in the Administrative Record. The plan is approved when it is approved by EPA under the AOC, and its effective date does not depend on the date of its placement in the Administrative Record.
66. Page 5-1. Section 5.1 General Administrative Sequence for Establishing LUC Remedy. Second bullet. The detailed plans and processes, to be developed within 6 months, should also be subject to approval of the Army and EPA in consultation with DTSC. The Army and the regulatory agencies should have an opportunity to verify they sufficiently address ROD requirements.
67. Page 5-1. Section 5.2.1 Pre-Land Transfer from FORA to Group 3 Jurisdictions. Second bullet describes that FORA will be responsible for executing annual inspections and annual monitoring reports, and the reports should be provided to EPA and DTSC. Please update the text to be more complete and be consistent with the earlier statement (in Section 3.3) that FORA and the Group 3 jurisdictions currently conduct annual monitoring and reporting of LUCs, and (in Section 4.4.2) the annual monitoring reports will be submitted to the Army, EPA and DTSC within 90 days of inspection.
68. Page 5-1. Section 5.2.1 Pre-Land Transfer from FORA to Group 3 Jurisdictions. Fourth bullet. First sentence describes that the Group 3 jurisdictions will establish processes and procedures to implement the (existing) excavation ordinances. Also, Section 3.2 described several items that

FORA will develop to facilitate the implementation of construction support. These processes when developed, should be subject to approval of the Army and EPA in consultation with DTSC. The Army and the regulatory agencies should have an opportunity to verify they sufficiently address ROD requirements.

69. Page 5-1. Section 5.2.1 Pre-Land Transfer from FORA to Group 3 Jurisdictions. Fourth bullet. Second sentence describes that the Group 3 jurisdictions will establish processes and procedures to implement other requirements to execute the LUC remedy. Implementation of any remedy components by the Group 3 jurisdictions should be done under the oversight of FORA or its successor under the ESCA and AOC. Also, these processes when developed, should be subject to approval of the Army and EPA in consultation with DTSC. The Army and the regulatory agencies should have an opportunity to verify they sufficiently address ROD requirements.
70. Page 5-1. Section 5.2.1 Pre-Land Transfer from FORA to Group 3 Jurisdictions. Fourth bullet addresses implementation of the remedy, not “long-term operations and maintenance of LUC remedy.” Therefore, it should be relocated elsewhere.
71. Page 5-1. Section 5.2.1 Pre-Land Transfer from FORA to Group 3 Jurisdictions. Fifth bullet refers to Section 4.0 for information related to maintenance of LUCs. However, Section 4.0 is not very clear. Suggestion to provide more details under this bullet.
72. Page 5-2. Section 5.2.2 Post-Land Transfer from FORA to Group 3 Jurisdictions. As noted in an earlier comment, FORA or its successor entity will continue to have responsibilities for remedy implementation and performance after the underlying property is transferred out of FORA. Please update the section.
73. Page 5-2. Section 5.2.2 Post-Land Transfer from FORA to Group 3 Jurisdictions. Second bullet. Please update the text to be more complete and be consistent with the earlier statement (in Section 4.4.2) that the annual monitoring reports will be submitted to the Army, EPA and DTSC within 90 days of inspection.
74. Page 5-2. Section 5.2.2 Post-Land Transfer from FORA to Group 3 Jurisdictions. Fourth bullet describes “the County, City or MPC shall contact the Army, EPA, FORA (or its successor) and DTSC by email or written correspondence prior to granting the permit.” As recently discussed among FORA, EPA, DTSC and the Army, the process of consultation by the permitting agency with DTSC regarding the level of construction support should be further clarified in this plan. Please also clarify why MPC is required to contact the Army and the others when it does not administer any excavation ordinance.
75. Page 5-2. Section 5.2.2 Post-Land Transfer from FORA to Group 3 Jurisdictions. Fourth bullet. The final sentence starting with “as described in the digging and excavation ordinances...” the stated requirements are not included in the text of the related municipal codes. The sentence should be deleted.
76. Page 5-2. Section 5.2.2 Post-Land Transfer from FORA to Group 3 Jurisdictions. Fifth bullet refers to Section 4.0 for information related to periodic inspection and enforcement. However, Section 4.0 is not very clear. Suggestion to provide more details under this bullet.

Appendix B Survey Plats

77. Suggestion to add a text box to each legal description and map indicating the MRA in which the parcel lies.

Appendix D Land Use Control Inspection Methodology

78. The title of the appendix and introductory text suggest that this appendix is intended to describe annual review of LUC implementation actions, and reporting. It currently describes that (a) the inspection process consists of information check with the building department of the jurisdiction, and (b) reporting will occur in accordance with the MOA.

Several items were described in the body of the document that appeared to be intended to be included in the annual review. Please consider addressing them in the appendix:

- Section 4.1.1 “FORA MEC Recognition and Safety Training procedure to include...monitoring, reporting, and audit systems.”
- Section 4.1.1 “FORA will develop procedures...and how to document and monitor training activities.”
- Section 4.1.3 “FORA to develop reporting requirements for Group 3 jurisdictions to track training activities and monitor land owner and contractor compliance with training requirements as part of annual LUC monitoring reporting.”
- Section 4.1.3 “FORA and Group 3 jurisdictions to track training activities and include in the annual LUC monitoring report.”
- Section 4.2.3 “Construction support contractor documents project and reports per FORA or Group 3 jurisdiction requirements.”
- Section 4.3.1 “FORA to develop annual inspection procedures to ensure residential deed restrictions remain on property through future property transfer deeds.”
- Section 4.4.1 “On-site inspections and review of local building and planning department records and construction support potential MEC finds report review.”

79. The reporting process references a LUC evaluation checklist in Appendix D of the LUCIP OMP. It should refer to Appendix E.

80. Please consider addressing additional items that FORA or its successor under the ESCA and the AOC will report to the regulatory agencies and the Army:

- Section 1.4 “annual letter reports...summarizing any MEC found and changes in site conditions that could increase the possibility of encountering MEC.
- Section 4.2.2 “FORA or its successor will notify the regulatory agencies, as soon as practicable, of any potential MEC finds during “construction activities” or any other MEC finds, and report the potential MEC finds during monitoring activities annually.”

Appendix E 2014 Update to the Former Fort Ord Land Use Covenant Report Outline

81. Please clarify if the updated reporting form is intended to replace the current form in the MOA (to be used by all entities conducting monitoring) or if it is applicable only to the Group 3 MRA properties.

82. So that it may be clear which parcels are being addressed in each of the reports, identify the parcel numbers and/or map of parcels with which the monitoring report is associated.
83. Appendix D describes the annual monitoring period is July 1 to June 30. According to Section 4.4.2 FORA or its successor will submit annual monitoring report within 90 days following inspection. It is therefore interpreted that annual reports will be submitted to EPA, DTSC and the Army by September 30 following the end of the reporting period. The 2014 update to the report outline indicates "December 31" at the top of the form, indicating that the jurisdictions would not be required to provide their reports to FORA until 180 days following the end of the reporting period. Please update the form to support the intended timeline for reporting to the regulatory agencies and the Army.
84. Certain types of information were described in the body of the document that appeared to be intended to be included in annual reports. The 2014 update to the reporting outline (together with the methodology in Appendix D) may not be sufficiently clear to ensure desired information is captured. Please consider addressing them in the appendix:
- Section 3.1 "Training activities will be reported in the annual LUC monitoring report."
 - Section 4.1.3 "FORA to develop reporting requirements for Group 3 jurisdictions to track training activities and monitor land owner and contractor compliance with training requirements as part of annual LUC monitoring reporting."
 - Section 4.1.3 "Group 3 jurisdictions to establish procedures...to monitor and report MEC recognition and safety training requirements in the annual LUC monitoring report."
 - Section 4.1.3 "FORA and Group 3 jurisdictions to track training activities and include in the annual LUC monitoring report."
 - Section 4.2.3 "FORA to update annual LUC inspection checklist to include instructions for review of deeds, State CRUPs and local digging and excavation ordinances to verify construction support requirement continue to run with the land."
 - Section 4.2.3 "FORA and jurisdictions report construction support activities in the annual report."
 - Section 4.8 "The incident results will be reported in the annual LUC monitoring report."

If any of these items are not intended to be included in the annual reporting by the jurisdictions, provide information in a separate section in the document about annual reporting by FORA or its successor.

Chieko Nozaki (Chenega Support Services)
831-899-7372

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Acting Director



Michael Novo, AICP, Director of Planning
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June 26, 2015

Fort Ord Reuse Authority
Attn: Stan Cook, FORA ESCA Program Manager
920 2nd Avenue, Suite A
Marina, CA 93933
stan@fora.org

**Re: Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan
Comments**

Dear Ms. Cook:

Thank you for the opportunity to review the April 24, 2015 Draft Group 3 Land use Controls Implementation Plan/Operation and Maintenance Plan. Attached please find the County of Monterey's comments. Electronic copies of these comments (PDF and Excel) has been submitted to you as well.

Please contact me if you have any questions or require additional information at 831-755-5285 or berettim@co.monterey.ca.us.

Sincerely,

Melanie Beretti, Special Programs Manager

Cc
Carl Holm, RMA Acting Director
Wendy Strimling, County Counsel
John Guertin, RMA Interim Deputy Director
Bronwyn Nielsen, County Environmental Health Bureau
John Ramirez, Director of Environmental Health Bureau
Nick Nichols, RMA Special Projects Engineer

ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

<u>Chapter // Section</u>	<u>Comment Number</u>	<u>Comment</u>	<u>Source/Reviewer</u>	<u>Date</u>
Overall	1	It is critical that FORA-assigned activities discussed throughout this plan be completed prior to when FORA sunsets in 2020. It is also important that these activities be complete prior to transfer of lands covered by this LUCIP/OMP. Language such as "By 2020 and prior to transferring land to jurisdictions, FORA will..." should be added were relevant throughout the document. It is critical these responsibilities do not get pushed down the line to FORA's successor. The exception is clearly activities that relate to post-conveyance and on-going monitoring. It is critical that this document outline how the described activities are to be funded, is there existing funding or other mechanisms identified to pay for these activities. This is particularly important if the FORA-assigned activities are not required to be complete, or by some chance are not complete, prior to its 2020 sunset.	Melanie Beretti	6/17/2015
4.1 MEC Recognition and Safety Training; Entire Document	2	Clearly define "ground-disturbing and intrusive operations". Are these "construction activities" as defined in 4.0 Remedy Implementation Actions paragraph three (>10 cy material disturbed)? Use clear, consistent definitions and terminology throughout this document related to activities of concern	Melanie Beretti	6/17/2015
4.1.1 Development of Training Material, Remedy Implementation Phase, bullet 1 and 4.1.2 Providing Trainin, Remedy Execution Phase, bullet 3	3	This document should clearly identify minimum performance standard, topics and/or resources to be included in the MEC recognition and safety training cirriculum. (e.g. types of MECs/description/visual; who needs training; what to do/who to call in the event you encounter MEC-suspicious item, etc). In addition, there should be perhaps different levels of training materials for jursidictions/owners/contractors vs. general public/user groups. For the jurisdictions/owners/contractors, training materials should include parcel-specific map/history of clean-up, as one example.	Melanie Beretti	6/17/2015
4.1.1 Development of Training Material, Remedy Implementation Phase, bullet 2	4	Insert "will develop" so it reads "FORA will develop MEC..."	Melanie Beretti	6/17/2015
4.1.2 Providing Trainin, Remedy Execution Phase, bullet 3	5	Who are the referenced "MEC Professionals" and how do jurisdictions, contractors, or other access these professionals to conduct training. This document should be specific wherever possible, so it can stand alone.	Melanie Beretti	6/17/2015

ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

4.1.1 Development of Training Materials and Procedures	6	Any web-based training must include mechanisms to ensure participants are actually listening to or reading the materials. Common examples include minimum time limits for the training, section/concept questions that must be answered prior to advancing, a test at the end of the training, etc. Land owners, managers, or any person/group directly responsible for activities that could result in ground-disturbing activities must receive some form of verified training and that verification mechanism should be identified prior to FORA's sunset. This document should also state clearly who will be required to maintain the training verification documentation. Contractor maintain, copy to jurisdictions?	Melanie Beretti	6/17/2015
4.2 Construction Support by UXO-Qualified...4.2.1 Cosntruction Support Planning	7	This document should include a clear map of each parcel that identifies its level of clearance depth and probability of encountering a MEC, so there is no confusion as to what portions of the Group 3 lands have low, moderate or high probability of encountering a MEC. It is not sufficient to refer to other reports or documents for this critical information; it should be contained within.	Melanie Beretti	6/17/2015
4.2 Construction Support by UXO-Qualified..., paragraph 4 & 4.2.2	8	It will be most helpful if this document provides some clarification if 911 should be contacted, which would likely trigger a response from the bomb squad, or if the non-emergency line should be used. If non-emergency line should be used, this document should provide clear contact information. Document should also include clear language to use to describe the MEC encounter situation so as to trigger the appropriate law enforcement response. Then who to call. At the very least, it should be made clear that FORA will develop these procedures prior to conveyence of the land and prior to its sunset in 2020 (prior comment about completion of tasks).	Melanie Beretti	6/17/2015
4.2 Construction Support by UXO-Qualified..., paragraph 3	9	It should be clearly stated who is responsible for paying the UXO-qualified personnel. We feel this cost should be borne by the Army, not the local jursidictions or project proponents.	Melanie Beretti	6/17/2015
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ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

5.2.2 Post-Land Transer from FOR A to Group 3 Jurisdictions, bullet 4	11	This bullet implies the process is notification only. I do not think that is the case. It should be very clear if we will be waiting for a approval to proceed. Or for a permit, etc. Or if we really can just proceed once we've sent notification. Again, this should be clearly laid out here.	Melanie Beretti	6/17/2015
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ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

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4.1.3- Monitoring and Reporting of Training Activities -	19	Both bullet statements indicate jurisdictions will track training as part of the annual LUC monitoring report, but how are the jurisdictions going to report this information. There is no question in the updated Former Fort Ord Land Use Covenant Report in Appendix E referring to MEC training. Where will this be reported?	Bronwyn Nielson	6/25/2015

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

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July 2, 2015

Fort Ord Reuse Authority
Attn: Stan Cook, FORA ESCA Program Manager
920 2nd Avenue, Suite A
Marina, CA 93933
stan@fora.org

Re: Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan Comments - Updated

Dear Ms. Cook:

Thank you for the opportunity to review the April 24, 2015 Draft Group 3 Land use Controls Implementation Plan/Operation and Maintenance Plan. Attached please find the County of Monterey's updated comments. Electronic copies of these comments (PDF and Excel) has been submitted to you as well.

Please contact me if you have any questions or require additional information at 831-755-5285 or berettim@co.monterey.ca.us.

Sincerely,

A handwritten signature in blue ink that reads 'Melanie'.

Melanie Beretti, Special Programs Manager

Cc
Carl Holm, RMA Acting Director
Wendy Strimling, County Counsel
John Guertin, RMA Interim Deputy Director
Bronwyn Nielsen, County Environmental Health Bureau
John Ramirez, Director of Environmental Health Bureau
Nick Nichols, RMA Special Projects Engineer
John Akeman, County Parks Department

ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

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ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

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ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

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ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

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Overall	18	There are several locations throughout this document that indicate FORA will be developing plans, MEC training, inspection procedures etc. There is no mention when these plans or procedures will be completed. It should be indicated in this document that Group 3 properties will not transfer until FORA completes these plans and procedures. If these properties are transferred prior to these procedures how will the jurisdictions issue building permits (MEC training requirements, procedures for construction support, etc) ?	Bronwyn Nielson	6/25/2015
4.1.3- Monitoring and Reporting of Training Activities -	19	Both bullet statements indicate jurisdictions will track training as part of the annual LUC monitoring report, but how are the jurisdictions going to report this information. There is no question in the updated Former Fort Ord Land Use Covenant Report in Appendix E referring to MEC training. Where will this be reported?	Bronwyn Nielson	6/25/2015

ESCA LUCIP/OMP Group 3 Draft April 24, 2015 - Comment Tracking Matrix

General	20	If MEC are found, what are the permitting requirements and anticipated timelines. FORA should provide clarification and work with local agencies on a streamlined process with DTSC, etc.	J.Akeman	6/26/2015
3.2	21	Regarding construction support determined by DDES, and the procedure to be developed by FORA, plan should also clarify additional agency obligations, roles and responsibilities, including associated costs. As stated above, the County feels the cost of UXO-qualified personnel for construction support should be borne by the Army, not the local jurisdictions or project proponents.	J.Akeman	6/26/2015
3.0, 3.1	22	Plan should establish clarification on cost related to training and verification/certification. FORA should be the lead for all training, until they are no longer involved and at that time, a successor entity with appropriate qualifications should take the lead on training. Local jurisdictions should not be responsible for administering training and related costs.	J.Akeman	6/26/2015
General	23	Lands should not be conveyed until plan is final, approved and adopted.	J.Akeman	6/26/2015



June 26, 2015

Stan Cook
FORA ESCA Program Manager
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

RE: Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan – Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas (MRAs)

Dear Mr. Cook:

FORA recently released the draft Land Use Controls Implementation Plan and Operation and Maintenance Plan (LUCIP/OMP) for the Group 3 Munitions Response Areas to address munitions and explosives of concern (MEC) that potentially remain in these areas. The Military Operations in Urban Terrain (MOUT) site is included in the Group 3 MRAs. Monterey Peninsula College (MPC) will be the eventual land owner of the MOUT site and responsible for compliance with the LUCIP/OMP. The College's planned uses for the MOUT are essential to the educational mission of MPC. Consequently, the feasibility of implementation of the plan is of concern to us. The College submits the following comments regarding the plan:

Section 2.4.3 MOUT Site MRA, Page 2-6

Under the site evaluation section, the plan states, *"The MOUT Site MRA includes two areas: the MOUT training area, which encompasses approximately 51 acres and consists of a mock city training area that is currently used for tactical training of military, federal, and local law enforcement agencies, and emergency service providers by MPC."* To date, MPC is currently not using the MOUT under the agreement with FORA. MPC suggests the insertion of the words, "upon conveyance," before the wording, "emergency service providers ..." to clarify when MPC's use will begin.

Section 4.1.2 Providing Training, Pages 4-2 and 4-3

This section discusses the execution of training requirements and procedures. Under the Remedy Execution Phase, the plan states, *"Group 3 jurisdictions will execute training requirements and procedures, prior to issuing permits for construction activities, including MEC recognition and safety training as a condition of applicable digging and excavation ordinances."* MPC, as a subdivision of the state, is not subject to local building codes. MPC's construction activities proceed under the approval of the Division of the State Architect. However, MPC

acknowledges that the College is required to comply with the local digging/excavation ordinances regarding construction at Fort Ord. MPC seeks clarification and assurance that for the College, compliance with the training requirements is specific to these local digging/excavation ordinances and related permit issuance, and the plan does not require additional approval from the Division of the State Architect (DSA).

This section also references FORA providing access to web-based training modules. The issuance of a certificate as a part of the web-based training modules would be helpful to the College in demonstrating compliance.

Section 4.2 Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities – Page 4-4

This section states the level of construction support needed is based on the probability of encountering MEC. Further, the probability of encountering MEC is described as moderate to high in areas of the MOUT that received only surface clearance. The plan states, *“If the probability of encountering MEC is ... moderate to high, UXO-qualified personnel must attempt to identify and remove any explosive hazards in the construction footprint prior to any intrusive construction activities.”* This statement is vague and does not provide sufficient explanation or description regarding what actions by MPC are expected or necessary in order to identify any explosive hazards where construction activities are planned. MPC requests further detail regarding how this requirement would be satisfied and who would determine if the actions were sufficient. Also, UXO-qualified personnel are defined as persons who have successful performance in military explosive ordnance disposal positions. It would be useful if the plan included sources for qualified personnel.

Section 4.9.1 Additional Investigation or Follow-up Action – page 4-10

This section describes the process for determining if additional investigation or action is required. The agencies involved in the review are the Army, EPA, and DTSC. As the decision could have significant impact on future construction or educational uses by MPC, consultation with the College during this process is warranted.

Section 4.0

The plan states that construction support and the residential use restriction may be removed or discontinued as part of the Army’s five year review process or by request of the landowner. There is no description of the process or what would be required in requesting removal of these requirements. MPC requests more detail be added regarding the process for removal, where a request would be filed, what documents would be necessary, etc.

Section 5.2.2 Post-Land Transfer from FORA to Group 3 Jurisdictions – page 5-2

This section specifies that the County, Cities, and MPC shall contact the Army, EPA, FORA, and DTSC by email or written correspondence prior to granting a permit for excavation. This notification should be concurrent with and included as part of the permit issuance process to

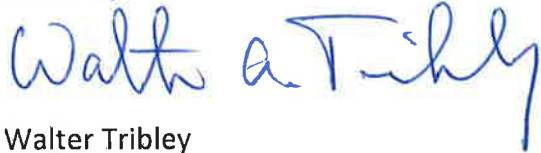
June 26, 2015

Page 3

avoid additional time delay. Also, since this would occur post-land transfer, is EPA notification still necessary?

Thank you for the opportunity to comment. We welcome further discussion of our concerns. If you have any questions, please contact Vicki Nakamura at 831-646-4114, email: vnakamura@mpc.edu.

Sincerely,

A handwritten signature in blue ink that reads "Walter Tribley". The signature is written in a cursive style with a large, stylized 'W' and 'T'.

Walter Tribley
Superintendent/President

/vn

June 26, 2015

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Ave. Suite A
Marina, CA 93933
Submitted electronically: Stan@fora.org

RE: Environmental Services Cooperative Agreement Remediation Program
DRAFT Group 3 Land Use Control Implementation Plan / Operations Plan (LUCIP/OMP)

Dear Mr. Cook;

Thank you for the opportunity to review the Fort Ord Reuse Authority (FORA) Environmental Services Cooperative Agreement Remediation Program (ESCA RP) DRAFT Group 3 Land Use Control Implementation Plan / Operations Plan (LUCIP/OMP). The purpose of this letter is to identify and address general issues which relate to the transfer of the property covered by ESCA including this document. It is not intended to provide detailed comments on specific language in the DRAFT LUCIP. The Group 3 LUCIP/OMP is the first of the ESCA RP LUCIPs to be prepared by FORA and covers only those areas addressed by the Group 3 Record of Decision(ROD), it should however, be structured in a manner which will facilitate subsequent LUCIP/OMPs.

The objective of the LUCIP should be to provide a bridge for the communities from the remedy selected in the ROD to the realities that they will face when the property is transferred by FORA. As described in the LUCIP, the remedy selected consisted of three related land use controls (LUCs). These measures are intended to assure that the reuse of the property meets the CERCLA requirement for protection of human health and the environment. The LUCIP should expand the ROD definitions of the three LUCs and include sufficient detail so that the regulators can be satisfied that the protectiveness standard has been met. That determination will allow the use of the property which is restricted under the terms of the federal deed. As noted below, it is important to distinguish between the three LUCs selected by the ROD and the array of Institutional Controls (CRUPs, deed restrictions, orders, agreements and local ordinances) which are intended to assure that the LUCs remain viable.

Land Use Controls

The three LUCs are described using the language of the ROD, but very little additional information is provided. FORA is committing to developing procedures for providing MEC recognition and safety training, but the DRAFT offers little more than the general objective. FORA is creating a role for itself beyond providing information or materials but it is unclear how it will enforce the notification requirements contained in the DRAFT LUCIP. There are references to certification requirements and to requirements under local ordinances, but the proposed training is not the same as what is required by many of the local jurisdictions. It should also be noted that the MEC recognition requirement applies to anyone who may be conducting ground disturbing activities, whether or not that work is part of a project which requires a permit from the local jurisdiction.

The DRAFT LUCIP provides little clarification or direction regarding what may be the most important of the three LUCs; Construction Support (CS). There are no proposed standards for CS and the suggestion that standards should be based on DDESB criteria does not take into account the extensive investigation and remediation conducted on these parcels. In most cases DDESB evaluates Construction Support for projects on military installations which involve activities conducted in areas such as ranges where substantial quantities of MEC is expected to be present and where little or no investigation or remediation has been undertaken. By contrast, most of the property covered by this document has been extensively remediated and all of it has been investigated to the satisfaction of the regulators. As discussed below, the complex issues regarding the enforcement of these LUCs make the need for clear direction to future landholders critical.

The specific CS requirements for a project must be determined on a site-specific basis, but the DRAFT LUCIP lacks a basic outline of the purpose/objectives of Construction Support or the tasks that CS should include such as:

1. Should CS include a detailed briefing on the history of MEC activities on or near the parcel (including the nature and extent of the remediation conducted) to provide site-specific information for the workers?
2. Are there areas where specialized CS tasks are required to address areas where previous investigations were limited by physical barriers, e.g. road surfaces?
3. Should CS include the evaluation of suspected MEC items to determine whether a stop work order is appropriate?
4. Should CS include the ability to identify specific MEC items and establish appropriate exclusion zones?
5. Should CS include the ability to identify those MEC related items that are safe to relocate or inert?
6. Should CS include the relocation of inert items and/or the safeguarding of items that cannot be safely moved until an EOD response team arrives?
7. Should CS include a follow-up investigation of the disturbed area (and adjacent areas) to determine if additional MEC items are present?

The answer to each of these questions has important resource implications and will depend on site specific and project-specific considerations. The answers may also have important implications for the cost of development and reuse, especially for major projects where delay costs are significant.

To meet the CERCLA protectiveness objective, the LUCIP should describe at least a required minimum level of CS so that the jurisdictions will have a standard approved by the regulators to use as a starting point for evaluating permit applications. It should also address the question of whether FORA's obligation under the AOC and ESCA to implement the remedy extends to providing CS or to making it available through a pre-approved contract mechanism.

The third LUC, prohibiting residential use of the property is more straightforward, but the LUCIP should also address a process for revisiting this restriction under certain circumstances. Because this LUC is embodied in more than one of the ICs, the language relating to modifications in each IC needs to be consistent.

Institutional Controls

The second component of the remedy is the series of legal mechanisms which are intended to assure that the LUCs remain effective. These Institutional Controls(ICs) were identified in the ROD and need to be discussed in the LUCIP because the effective enforcement of the LUCs depends in part on how the ICs relate to each other; how their language can be made consistent and how the parties having enforcement authority and enforcement obligations work together. There are at least four IC mechanisms at work:

- The State has authority to enforce the provisions of the CRUP against any person who acquires an interest in the property.
- The Army has the authority to enforce the provisions of the federal deed against anyone in the chain of title.
- EPA has the authority to enforce the requirements of the ROD against FORA under the AOC and against the Army under the FFA should the AOC be terminated.
- The local jurisdictions have the authority to enforce the requirements of their ordinances/permits.

Each of these enforcement authorities has a different set of triggers, administrative or legal procedures and penalties or sanctions. How will the parties determine if a project meets the requirements and what action should be taken if it does not??

As noted in the ROD and LUCIP, the Army has the ultimate responsibility for assuring protectiveness of the remedy but has agreed to fund certain of FORA's activities under the ESCA. Therefore, because FORA is obligated under the AOC to enforce the requirements of the ROD, FORA may have an obligation to enforce provisions of the subsequent deeds as long as the AOC is in effect..

At a minimum, the LUCIP needs to describe the relationships among these ICs, identify and address inconsistencies among the requirements and outline a process for establishing priorities for enforcing specific LUCs. In most cases inconsistencies can be addressed before property is transferred by FORA. Providing clear direction for persons who are interested in developing this property is important. Also, with this many parties having the authority to enforce, there is a potential for a breakdown in communication. The LUCIP should clarify roles and responsibilities.

I have submitted these comments electronically and would be happy to discuss them with you as FOR A prepares the next version of the Group 3 LUCIP.

Sincerely

Robert Carr
119 Estrella Drive
Santa Rosa, CA 95403

APPENDIX L

Response to Comments on Administrative Draft Final Group 3 LUCIP / OMP

Note: The Administrative Draft Final Group 3 LUCIP / OMP was provided by FORA on August 8, 2016, to the Army, EPA, DTSC, local jurisdictions, and Monterey Peninsula College for coordination and development purposes, therefore, the document was not submitted to the Fort Ord Administrative Record. This intermediate version of the document was a component of FORA's efforts to communicate and coordinate the requirements contained therein. As a result of this coordination, the Group 3 LUCIP/OMP has been revised to be more readily implementable for the entities that will participate in the long-implementation of the plan.

Response to Comments
 Administrative Draft Final Group 3 Land Use Controls Implementation Plan/Operation and
 Maintenance Plan, dated August 8, 2016
 Review Comments provided by City of Seaside, dated August 23, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: The DF LUCIP includes a new definition of Onsite Construction Support (OS CS) which requires an Explosive Safety Submission (ESS). The ESS is required except where probability of encountering MEC is “low” and must be approved by the Army and the Department of Defense Explosives Safety Board (DDESB). The requirements also include a MEC Removal Plan and require that the removal be conducted by the on-site UXO contractor. Some of the major City of Seaside concerns are summarized below.</p> <ul style="list-style-type: none"> i. Although most of the property that will be transferred to the City is expected to be designated “low” the LUCIP requires that each project be evaluated individually to determine if On-Call Construction Support (OC CS) is required and the risk of encountering MEC on a project must be reevaluated whenever a MEC item is found. There is no standard or guidance for determining when OC CS is no longer adequate, nor any alternative to full OS CS. Preparation and approval of an ESS in the middle of a project may significantly delay construction therefore impact the economic viability of a project. ii. The LUCIP should provide for an alternative approach to construction support which would include an on-site construction oversight or monitoring by certified UXO technician(s) but would not require an ESS. (See for example, the language in Appendix I MEC Find Notification to FORA Form) This alternative could address those situations where the risk is “low to moderate” because prior investigation was limited. One example would be existing roadways where investigation was completed adjacent to but did not include pavement removal; and where there is little reason to expect that MEC items will be found once the road surface is removed. If MEC items were encountered, they would be addressed by military EOD. iii. Under the terms of the DF LUCIP, the permittee is required to pay for MEC removal where OS CS is required. This requirement of the permittee is in conflict with the federal deed where the Army has committed to address any residual MEC at no cost to the owner. The DF LUCIP refers to the Notice, but does not acknowledge the Army’s commitment. For reference the full text from the federal deed is provided in italics below: <i>“Section 3 NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)”</i>

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 Review Comments provided by City of Seaside, dated August 23, 2016
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No.	Comment Type / Report Section	Comment/Response
		<p><i>C. After response actions are completed, if the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the local law enforcement agency having jurisdiction on the Property so that appropriate explosive ordnance disposal (EOD) personnel can be dispatched to address such MEC as required under applicable laws and regulations and at no expense to the Grantee. The Grantee hereby acknowledges receipt of the “Ordnance and Explosives Safety Alert” pamphlet.”</i></p> <p>iv. Although an ESS was part of the investigation conducted by the ESCA team, there is nothing in the ROD which suggests that compliance with DDESB/ESS requirements is an element of the selected remedial action. The DF LUCIP provides no basis for the assertion that DDESB requirements are applicable to development activities on parcels that have already been reviewed and cleared by DDESB and are no longer federal property. DDESB safety standards should be the basis for MEC removal plans, but no justification is provided for requiring DDESB <u>approval</u> of an ESS.</p> <p>Response:</p> <p>i. Determining when OC CS is no longer adequate will be conducted during the MEC find assessment. The MEC find assessment process is described in Section 4.3.5. FORA will assess the probability of encountering additional MEC based on guidance from DDESB. The FORA MEC Finds Assessment Form included in Appendix I presents the factors to be considered during the assessment. FORA will propose to the Army, EPA, and DTSC an appropriate probability of encountering MEC and the recommendation for the level of construction support appropriate for the site condition. The probability of encountering MEC and the resulting level of construction support will be jointly determined by the Army and EPA, in consultation with DTSC.</p> <p>Ground-disturbing or intrusive activities in areas with a moderate to high probability of encountering MEC are required to follow DDESB requirements for on-site construction support or anomaly avoidance. In some cases, anomaly avoidance techniques, used to avoid any subsurface anomalies during ground-disturbing or intrusive activities, may be an appropriate alternative to “full OS CS”. In the unlikely</p>

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 Review Comments provided by City of Seaside, dated August 23, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p>event that an area is re-categorized to moderate or high probability of encountering MEC, projects are likely to be impacted.</p> <p>ii. Requirements for on-site construction support are site-specific and project-specific. If the circumstances of a project are such that the probability of encountering MEC is low, on-call construction support may be appropriate, if approved by the Army, EPA and DTSC. The LUCIP/OMP is written to allow flexibility in implementation. The intent of the construction support LUC requirement is to ensure that reuse of the Group 3 properties is conducted in a manner that is protective of human health and the environment. It is the prerogative of the project proponent to develop a construction support plan exceeding the minimum requirements of the LUCIP/OMP, including use of construction “oversight” or “monitoring” at the site by UXO qualified personnel (referred to as “certified UXO technician[s]” by the commenter) but not contain an ESS provided the plan is approved by the Army, EPA, and DTSC.</p> <p>iii. The requirement for construction support is part of the selected remedy for the ESCA Group 3 MRAs. Under the ESCA, FORA is responsible for implementation of the selected remedy, and has developed the LUCIP/OMP to describe the way that the requirement can be implemented by FORA and the reuse communities in the long-term, based on stakeholder participation approach while prioritizing safety. The LUCIP/OMP utilizes the existing local excavation permit programs to implement the requirement for construction support and attempts to place more control on the part of the project proponent and the jurisdictions over project schedule and implementation. When required, DDESB-approval of an ESS and other processes are part of the DoD explosives safety standards that must be adhered to as part of a construction support to incorporate safety.</p> <p>iv. An on-site construction support plan must be reviewed and approved by the Army, EPA, and DTSC. DoD explosives safety standards specify that a DDESB-approved ESS is required for construction support where the probability of encountering MEC is considered moderately or highly probable (however, if anomaly avoidance technique is used, an ESS is not required). The requirement for construction support is part of the selected remedy for the ESCA Group 3 MRAs, therefore, its implementation must be consistent with the DoD explosives safety standards.</p>
2	General Comment	<p>Comment: The DF LUCIP addresses de minimis activity (disturbing less than 10 cubic yards) for the first time. The definition would cover all soil disturbance activity, including landscape or habitat maintenance. Although no permit</p>

Response to Comments
 Administrative Draft Final Group 3 Land Use Controls Implementation Plan/Operation and
 Maintenance Plan, dated August 8, 2016
 Review Comments provided by City of Seaside, dated August 23, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p>mechanism is proposed, OS CS is required in any area where risk is not “low”. For areas where the risk is “low” the DF LUCIP imposes a specific training requirement on all such activities. These training requirements are similar to the existing annual notice requirements contained in the City’s ordinance. Instead of relying on the annual notice, the DF LUCIP makes the training a requirement of each “activity”. Tracking compliance with the training requirements for each “activity” presents a major challenge for the City which is required to summarize de minimis activities in its Annual Report.</p> <p>Response: The intent of the provisions included in the LUCIP/OMP are not to track, monitor, or report training for projects involving less than ten (10) cy of soil disturbance, except those conducted in areas with moderate to high probability of encountering MEC.</p> <p>Provisions included in the digging and excavation ordinances and the LUCIP/OMP require the County and the Cities to annually 1) provide a copy of the Army Safety Alert pamphlet to property owners; and 2) notify property owners of the requirement to distribute the Army Safety Alert pamphlet to workers. There is no requirement for tracking or reporting of compliance with distribution of the MEC safety pamphlets to workers involved in soil disturbing or intrusive activities resulting in less than ten (10) cy of soil disturbance in areas with low probability of encountering MEC.</p>
3	General Comment	<p>Comment: The expanded description of MEC safety training also requires clarification. It is not clear whether the requirement is satisfied by the distribution of the two pamphlets, or whether the eLearning training program proposed by FORA is an additional requirement.</p> <p>Response: Section 4.2.1 has been revised to clarify that munitions recognition and safety training through the web-based eLearning platform is required for projects that require an excavation permit. However, training through the eLearning website is available to anyone that would like to complete the training. For projects that do not require an excavation permit, only distribution of the Army Safety Alert pamphlet and MEC Safety Guide is required.</p>
4	General Comment	<p>Comment: The DF LUCIP provides for an extensive coordination process for Construction Support Plans, but does not present a workable approval process; either for determining whether OS CS or OC CS is required or determining whether a project specific Construction Support Plan is adequate.</p>

Response to Comments
 Administrative Draft Final Group 3 Land Use Controls Implementation Plan/Operation and
 Maintenance Plan, dated August 8, 2016
 Review Comments provided by City of Seaside, dated August 23, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p>As written, the process requires approval of Army, EPA and DTSC for on call construction support and, in addition, approval by DDESB where on site construction support is required. Why are so many approvals required where the LUCIP establishes detailed requirements for all aspects of the process? Can authority be delegated to one of the agencies to act as the lead approver?</p> <p>Response: Sections 4.2 through 4.3.4.2 have been revised to include detailed discussion of the process for determining construction support levels and requirements, including coordination and approvals. The construction support plan review and approval process described in the LUCIP/OMP, without a specified lead agency, is the preferred process of the Army, EPA, and DTSC.</p>
5	General Comment	<p>Comment: The City and each of the other jurisdictions have specific requirements for digging and excavation permits, but none of them are as detailed as the requirements in the DF LUCIP. The implementation of the LUCIP requirements depends, in large part, on the local ordinances/permit process. Will FORA work with the jurisdictions to assure that the local ordinances are modified to incorporate the requirements set forth in the LUCIP?</p> <p>Response: The requirements specified in the LUCIP/OMP are intended to be consistent with the requirements included in the local digging and excavation ordinances. FORA does not contemplate a request for modification of the digging and excavation ordinances.</p>
6	General Comment	<p>Comment: The DF LUCIP acknowledges that the need for construction support may be affected by on-going development activity and that areas which initially required OS CS may no longer require that level of review. The LUCIP should provide a process for reevaluating construction support requirements, based upon evolving site conditions.</p> <p>Response: As described in Section 4.3.3, during on-site construction support, once explosive hazards, if present, have been removed and Army, EPA, and DTSC agree that the probability of encountering MEC has been reduced to low, on-call construction support may be provided, as appropriate, during construction activities. The process for determining when on-site construction support has been successfully completed and transitioning to on-call construction support is project specific and will be documented in the on-site construction support plan.</p>
7	General	<p>Comment:</p>

Response to Comments
 Administrative Draft Final Group 3 Land Use Controls Implementation Plan/Operation and
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 Review Comments provided by City of Seaside, dated August 23, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
	Comment	<p>The language at section 4.3.1.1 includes the following statement that the property owner is responsible for determining the required level of construction support.</p> <p><i>“The assessment of the level of risk, if any, and the need for support, on-site or on-call, is ultimately the responsibility of the landowner after giving careful consideration to DDESB explosives safety requirements and site-specific conditions, including (1) the nature and scope of the ground disturbing activity; (2) the historical uses of the property; (3) information available concerning discovery of MEC after the completion of FORA’s environmental work; and (4) the professional judgement of the property landowner’s contractors and engineers.”</i></p> <p>This language does not seem to be consistent with the rest of the DF LUCIP which assigns this decision to the regulators.</p> <p>Response: The intent of the cited text is to convey that landowners are ultimately responsible for the safety of people on their property. The level of construction support is to be evaluated and then proposed by the property owner in consultation with a qualified UXO contractor. The EPA, DTSC, and Army review and approve the proposed level of construction support as appropriate based on the information provided in a construction support plan.</p>
8	General Comment	<p>Comment: The DF LUCIP does not include adequate definitions for the following terms in the Glossary.</p> <p><i>Explosive Safety Submission</i> The DF LUCIP states that an ESS is required for any activity in an area with moderate to high risk, but there is no description of the type of activity which trigger the ESS requirements. The term is not defined except by reference to DDESB Guidance which does not address situations where a CERCLA remedial action has been implemented and DDESB has signed off. There is one sentence, at section 4.3.3.1, that seems to limit the ESS requirement to subsurface MEC removal, but that limitation is not included in any of the general provisions of the DF LUCIP.</p> <p><i>Anomaly avoidance</i> is defined and referred to as an alternative to OS CS but its role is not clear. As described, it appears to be an alternative to MEC removal which could only be utilized after an on-site investigation by a UXO contractor identified an anomaly. Does a plan which relies on anomaly avoidance require the same level of ESS review and approval as a plan which included MEC removal?</p>

Response to Comments
 Administrative Draft Final Group 3 Land Use Controls Implementation Plan/Operation and
 Maintenance Plan, dated August 8, 2016
 Review Comments provided by City of Seaside, dated August 23, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p>Response: A definition for Explosives Safety Submission has been added to the Glossary.</p> <p>Section 4.3.3.1 has been revised to clarify that construction support plans for projects requiring on-site construction support shall include all procedures for identifying and removing explosive hazards that may be present and an ESS, in compliance with DDESB guidance for required safety submission. Use of anomaly avoidance techniques during construction support does not require an ESS (DDESB 2008; DOD 6055.09-M V7.E4.5.3.6). Related revisions have been made to Sections 4.3.1.2 and 4.3.3.</p> <p>Section 4.3.1.3 has been expanded to include discussion of how anomaly avoidance may be used to fulfill the requirements for on-call construction support.</p> <p>Also see response to City of Seaside Comment 1 (bullet iv).</p>
9	General Comment	<p>Comment: Section 5.3.5 of the DF LUCIP requires prior notification of all future property transfers to Army EPA and DTSC. This notice is intended to assure that the restriction are including in the deeds. This requirement imposes a very significant burden on future property owners without any corresponding benefit to the protection of human health and the environment. The requirement to provide notice of future transfers would be important if the restrictions were not already incorporated in the State CRUP and the Federal deed. As noted elsewhere in the DF LUCIP, these restrictions run with the land and are enforceable against all future property owners. They can be modified only with the approval of the regulators and the Army. There is nothing that a property owner could do to eliminate the restrictions, even if they were omitted from a future deed. Equally important, the local permitting process is the mechanism for implementing the restrictions, therefore requirements for MEC safety training and construction support will remain regardless of the language in a deed.</p> <p>5.3.5 Notice of Planned Property Conveyances <i>At least 60 days prior to conveyance of the property to any other agency, person, or entity, the property owner shall provide notice to the Army, EPA, and DTSC of such intended conveyance. The notice shall describe the mechanism by which LUCs will continue to be implemented, maintained, inspected, reported, and enforced.</i></p>

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No.	Comment Type / Report Section	Comment/Response
		<p>Response: The provision requiring the property owner to provide notice to the Army, EPA, and DTSC prior to conveyance of property has be removed from the LUCIP/OMP. Provisions requiring FORA to notify the Army, EPA, and DTSC of property conveyance to MPC, the County, and the Cities has been retained.</p>

Response to Comments
 Administrative Draft Final Group 3 Land Use Controls Implementation Plan/Operation and
 Maintenance Plan, dated August 8, 2016
 Review Comments provided by Monterey County, dated September 1, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	De Minimis Ground Disturbing or Intrusive Activities	<p>Comment:</p> <ul style="list-style-type: none"> • De Minimis activities should be more clearly and narrowly defined. As presently defined, the requirements for de minimis activities seem unreasonably burdensome to landowners/jurisdictions. • Since de minimis activities by definition do not trigger a grading/excavation permit, please provide clarity on how it is envisioned de minimis activities would be handled by the jurisdictions/owners. Enforcing, tracking and reporting on de minimis activities as described in the document will create a significant burden on the County. • The process for coordination with FORA-Army-DTSC-EPA for de minimis activities should be presented, including timelines for coordination with and participation by agencies. • How do the de minimis requirements apply to future property owners and/or post-project conditions. • Consider developing typical de minimis activities, scenarios and corresponding remedies that could be used, rather than leaving all de minimis activities to be determined on a case-by-case basis. <p>Response:</p> <p>Occurrences of the term “de minimis” throughout the Group 3 LUCIP/OMP have been revised to instead specify ground disturbing or intrusive activities involving less than ten (10) cubic yards (cy) of soil disturbance. As presented in the revised Section 4.3, ground-disturbing or intrusive activities involving disturbance of less than ten (10) cy of soil are not required to obtain an excavation permit. However, for projects involving less than ten (10) cy of soil disturbance in areas with a low probability of encountering MEC, the property owner is required to provide the two safety pamphlets to construction personnel prior to start of ground-disturbing or intrusive activities. Projects involving less than ten (10) cy of soil disturbance in areas with a moderate to high probability of encountering MEC (i.e., limited portions of the MOUT Site MRA and Laguna Seca Parking MRA) require an approved on-site construction support plan, and must follow appropriate Army and DDESB explosive safety requirements for on-site construction support, including anomaly avoidance.</p> <p>Section 4.3 has been revised to further clarify requirements for projects involving less than ten (10) cy of soil disturbance, including administrative requirements and construction support requirements for minimal projects in areas with moderate to high probability of encountering MEC. Section 4.3 has also been expanded to include descriptions of processes for</p>

Response to Comments
 Administrative Draft Final Group 3 Land Use Controls Implementation Plan/Operation and
 Maintenance Plan, dated August 8, 2016
 Review Comments provided by Monterey County, dated September 1, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p>coordination with FORA, the Army, EPA and DTSC. Requirements for projects involving less than ten (10) cy of soil disturbance apply to current and future property owners.</p> <p>The revised Section 4.3.1.3 includes examples of activities that are likely to result in less than ten [10] cy soil disturbance, such as landscape maintenance, tree and shrub planting, road maintenance, fence and sign post installation, and soil sampling.</p>
2	Munitions Encounter	<p>Comment:</p> <ul style="list-style-type: none"> • Greater specificity is desired regarding the process and associated timeline for FORA-Army-DTSC-EPA consultation, reporting, and acceptance process. The lack of clear process and timing presents unreasonable challenges to the County and project proponents. Rather than stopping all work on the entire ESCA parcel for an undefined time period while clean up, assessment, and regulatory acceptance is conducted, it seems prudent to develop a procedure to establish a "stop work radius" or other mechanisms that help avoid unreasonable project delays while the munitions clean up and assessment is conducted. • Please clarify if the FORA MEC clean up assessment of the probability of encountering a MEC will: 1) result in the site being re-categorized for all future ground disturbing and intrusive activities, or 2) is it just in reference to likelihood of encountering more MEC at that particular location on this particular project? <p>Response:</p> <p>Section 4.3.1.2 has been revised to include description of the process for consultation, review and approval of construction support plans. It is the objective of FORA, the Army, EPA and DTSC to complete consultations and the review and approval process for construction support plans as expeditiously as practicable.</p> <p>Revisions have been made throughout the LUCIP/OMP to clarify that ground-disturbing or intrusive activities in the immediate vicinity of a suspect munitions item, or as specified in a construction support plan, must be stopped until the MEC find assessment is completed.</p> <p>It is unlikely that a FORA MEC find assessment would result in re-categorization of the probability of encountering MEC for an entire MRS. If re-categorization were to occur, it would likely be limited to specific portions of the particular project site; however, it is possible that the re-categorized area may extend beyond the boundary of the particular project.</p>

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3	Annual Site Inspections	<p>Comment: Conducting annual site inspections of the parcels places a burdensome requirement on the landowner/jurisdiction. Please clarify why these inspections are desired (what is to be gained) and consider other, less burdensome ways in which the jurisdictions could acquire and provide the desired information.</p> <p>Response: Annual site inspections are a component of annual LUC monitoring and reporting requirements and are intended to verify that no un-permitted ground disturbing or intrusive activities have been performed on the Group 3 properties. The information collected during the site inspections is used to assess the continued protectiveness of the LUC remedy. Annual site inspections are currently required by the Memorandum of Agreement (Appendix E) and not a new requirement.</p>
4	Redundancy in Document	<p>Comment: The document is redundant. While redundancy was useful in many cases, it lead to confusion in some instances. Some specific examples where redundancy (or lack of repetition) is confusing are:</p> <ul style="list-style-type: none"> • When referring to FORA throughout the document, on occasion you called out "or its successor" and "the County" after FORA ceases to exist. Be clear and consistent throughout the entire document where "FORA or its successor" or "FORA or the County" after FORA ceases to exist VS. FORA (obligations are FORA alone, will not transfer to a successor of any kind). • In a couple of place in the document it is specifically called out that a certain item pertains to "Group 3" properties. Doesn't everything within this particular document apply only to Group 3? If that is the case, either make that clear very explicitly up front and don't call out Group 3 later OR call out Group 3 everywhere in the document where applicable. <p>Response: As stated in Section 1.2.1, for purposes of this LUCIP/OMP, the terminology of "FORA" refers to obligations or requirements that are currently assigned to FORA, but will eventually be transferred to FORA's successor in interest. Revisions have been made throughout the text to avoid confusion. The phrase "FORA or the County when FORA ceases to exist" is used only in discussion of reporting requirements under the Memorandum of Agreement with DTSC.</p>

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		Revisions have been made throughout the document to clarify that requirements described in the LUCIP/OMP apply to the "Group 3 MRAs".
5	Timelines	<p>Comment:</p> <ul style="list-style-type: none"> • Procedures that require coordination, review and/or approval by FORA or the regulatory agencies should include timelines to avoid unreasonable, unpredictable project delays. • Regarding property conveyance notification, does this pertain to only sale or deed transfers, or would conveyance of easement trigger notification need? If applicable to easements too, notification seems to place a high burden on the landowner/jurisdiction. Also, in one place property conveyance notification was required 90 days, while in others 60; please review to ensure consistency. <p>Response: It is the objective of FORA, the Army, EPA and DTSC to complete consultations and the review and approval process for construction support plans as expeditiously as practicable.</p> <p>The provision for property owners to notify the Army, EPA, and DTSC prior to property conveyance has been removed.</p>
6	Other Items	<p>Comment: The cost of clean-up of MECs is to be paid by the Army, and the Plan should clearly reflect this.</p> <p>Response: MEC response actions in the Group 3 MRAs have been completed for the intended uses of the properties and approved by the EPA and DTSC. It is the responsibility of the landowner to comply with construction support requirements, including subsurface MEC evaluation, if necessary.</p>
7	Other Items	<p>Comment: Please define the ESS.</p> <p>Response: The definition of Explosives Safety Submission (ESS) has been added to the Glossary and is discussed in Section 4.3.1.2.</p>
8	Other Items	<p>Comment: The Plan should define a process or provide guidelines for when and how it would be determined that a remedy is no longer required for a parcel. The "when and why" a jurisdiction could consider removing remedies from a parcel is not identified in the Plan.</p>

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		<p>Response: Details regarding remedy modification, including discontinuing portions of the LUC remedy components (i.e., removal of construction support requirement), are presented in Section 4.7.3. As specified in the ROD, LUCs identified in the Group 3 ROD will be maintained until Army, EPA, and DTSC concur that the land use may be conducted in a manner protective of human health and the environment without the LUCs. If MEC-related data collected during the development of the reuse areas indicate that the construction support component of the remedy is no longer necessary, the ROD requirement for construction support may be discontinued for the developed reuse areas with Army, EPA, and DTSC approval.</p>

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 Review Comments provided by California State University Monterey Bay, dated August 30, 2016
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	Ordinance	<p>Comment: CSUMB acknowledges that the University is required to comply with the local digging/excavation requirements for construction on its Track II ESCA parcel. However, as a state agency, CSUMB is not subject to project review or permitting by the local jurisdictions (also referenced in our July 2015 letter). We continue to seek clarification as to how these requirements will be met and carried out for the University.</p> <p>Response: Section 4.3.1.2 has been expanded to include administrative requirements, including “MPC Parcel Consultation and Approvals.” This process is expected to also apply to CSUMB in the Group 2 LUCIP/OMP.</p>
2	MEC Removal Timing	<p>Comment: Throughout the Plan there are several deadlines set for reporting information to and between different agencies. However, there is no timeline described for MEC removal and the associated reopening of a construction site. There is also no discussion of the staffing resources required by EPA, DTSC, FORA or the Army that will be required to clear a construction site (mid project) once MEC are discovered. Please clarify or provide a projected schedule if MEC are discovered.</p> <p>Response: Section 4.3.1.2 has been revised to include description of the process for consultation, review and approval of construction support plans. It is the objective of FORA, the Army, EPA and DTSC to complete consultations and the review and approval process for construction support plans as expeditiously as practicable.</p>
3	Cost of UXO Support	<p>Comment: There should be some discussion of the costs associated with complying with these requirements. CSUMB is discovering this with the planning of the Roundabout at 8th Avenue and Inter-Garrison Road.</p> <p>Response: Costs associated with LUC implementation, operation, and maintenance is outside the scope of the LUCIP/OMP. However, FORA has continued to gather information and costs associated with activities comparable to LUCIP/OMP requirements and is willing to discuss these details separately, if desired.</p>
4	Repetitiveness	<p>Comment: In general, the Plan is highly repetitive and some details are only clarified mid-way through the plan.</p>

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		<p>Response: The LUCIP/OMP has been revised to consolidate repetitive text where possible.</p>
5	UXO and MEC Removal	<p>Comment: At different points the Plan indicates that either UXO-qualified contractors or military explosive ordnance disposal personnel can dispose of items. Please clarify who can dispose of which items.</p> <p>Response: If MEC items are encountered during on-site construction support, the item may be disposed of by UXO-qualified personnel under an Army and DDESB approved ESS.</p> <p>If a suspect munitions item is encountered during an unpermitted project (i.e., involving less than ten [10] cy soil disturbance in an area with low probability of encountering MEC) or during on-call construction support, military EOD personnel may dispose of the item.</p> <p>Sections 1.4.2, 4.3.1.3, and 4.3.4 have been revised to clarify the response procedures for encounters with suspect munitions items.</p>

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1	General Comment	<p>Comment: While this Final Draft has addressed many of MPC's earlier comments on the plan, the feasibility of implementation of the plan is still of concern to us. MPC has also reviewed comments submitted by the City of Seaside (dated 8/23/2016), CSUMB (dated 8/30/2016), and Monterey County (dated 9/1/2016), and concurs with the issues and concerns raised by all three agencies.</p> <p>Response: This comment has been acknowledged. See responses to comments received from City of Seaside, CSUMB, and Monterey County also included in this Appendix L.</p>
2	De Minimus Ground Disturbing or Intrusive Activities	<p>Comment: As the City of Seaside noted, the Final Draft addressed de minimus activities (disturbance of less than ten cubic yards of soil) for the first time. Landscape, habitat, or fuel break maintenance activities would appear to be included in this definition. While a permit is not required, there must be coordination with FORA, the Army, EPA, and DTSC to ensure compliance with MEC safety requirements (section 3.2). The Final Draft further specifies that on-site construction support is required for all soil disturbance activities occurring in areas where the risk of encountering MEC is moderate to high, whether de minimus or 10 cubic yards or more (section 4.3). The entire MOUT Site has been identified as such an area. On-site construction support includes many requirements, such as an on-site construction support plan and explosive safety submission (ESS).</p> <p>MPC is concerned that the de minimus requirements cited above would also apply to MPC public safety training activities and students. The Final Draft states in section 2.4.3, describing the potential uses of the MOUT Site MRA,</p> <p style="text-align: center;"><i>"the western portion of the MRA is designated as a training facility for tactical/law enforcement training and, upon conveyance, emergency service provider training by MPC. The MOUT trainees may participate in minor ground-disturbing or intrusive activities during training activities. It is anticipated that old buildings may be destroyed, new buildings may be constructed, or underground utilities may be installed in the area."</i></p> <p>The de minimus requirements, if applied to MPC's public safety training activities at the MOUT site, would be problematic or infeasible, and unreasonably burdensome. Also, regarding 2.4.3, MPC suggests insertion of the words "and related improvements" after "new buildings" to include other</p>

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		<p>structures, such as fencing.</p> <p>Response: The revised Section 4.3.1.2 includes clarification that continued like uses (i.e., MPC's public safety training activities) at the MOUT site portion of the MOUT Site MRA do not trigger construction support requirements.</p> <p>Section 2.4.3 has been revised to include “and related improvements”, as requested.</p>
3	On-Site Construction Support Plan	<p>Comment: The Final Draft provides a template for the on-call construction support plan and a template for the on-site construction support plan would be equally helpful to simplify completion. A template would also provide standardization that may be helpful in facilitating timely approval by FORA and the regulatory agencies.</p> <p>Response: Because on-site construction support plans are project-specific and site-specific, a template is not practical and therefore not included in the LUCIP/OMP. The on-site construction support plan is prepared by the UXO support contractor in accordance with applicable Army and DDESB explosives safety guidance and requirements.</p>
4	Timelines	<p>Comment: To avoid unreasonable and unpredictable project delays, timelines should be included in all processes requiring coordination or approval by FORA, the Army and the regulatory agencies.</p> <p>Response: It is the objective of FORA, the Army, and regulatory agencies to complete consultations and the review and approval process for construction support plans as expeditiously as practicable.</p>
5	Remedy Modification	<p>Comment: In section 4.7.3, the Final Draft describes circumstances where the land use controls and residential use restriction may be removed for from the Group 3 MRAs. An appendix providing a flow chart and more detail regarding the removal process and the documents required would be helpful.</p> <p>Response: Circumstances for modifying or removing LUCs are location- and circumstance-specific, therefore, a step-by-step process is not included in the LUCIP/OMP.</p>

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1	Page 1-5, Section 1.4, Description of Selected Remedy	<p>Comment: As we previously commented on the draft version, the section titled “Description of the Selected Remedy” should be consistent with the remedy description in the ROD. Additional explanations etc. should be provided in other sections. Examples of items that are not in the remedy description in the ROD are:</p> <ol style="list-style-type: none"> a. Second paragraph (top of page 1-5): Third sentence, text "Should MPC, the County or the Cities wish to change the prohibition" should be deleted. The ROD did not specify that these entities will be the ones who can propose. Also, in Sec 4.4 and 5.2.3, these entities "coordinate" proposals by the landowner. b. Second paragraph (top of page 1-5): Fourth sentence reads “The DTSC may require additional remediation equivalent to the DTSC residential protocol before termination of residential use restrictions in the State CRUPs.” The sentence should be relocated to elsewhere in the document since the ROD did not discuss the DTSC’s residential protocol. Also, the ROD did not discuss DTSC potentially requiring additional remediation – suggestion to change the word to “verification.”. <p>Response: Section 1.4 has been reviewed and revised to be consistent with the Group 3 ROD.</p>
2	Page 4-5, Section 4.2.1.2, Web-based MEC Recognition and Safety Training Resources	<p>Comment: Fourth paragraph discusses that MEC safety training records “must be maintained on-site, or readily accessible, and made available for inspection upon request....” Does the statement apply only to the duration of a construction project supported by construction support? It is unclear (here and in Sec 5.3.1) how long a property owner is expected to maintain training records.</p> <p>Response: Sections 4.2.1.2, 4.2.3, and 5.3.1 have been revised to specify that MEC safety training records must be maintained on-site or readily accessible through the duration of the construction support project.</p>
3	Page 4-9, Section 4.3, Construction Support for Ground-disturbing or Intrusive Activities	<p>Comment: The paragraph after the bullets starts with “if a suspect munitions item is found during de minimis construction activities on a project site determined to have low probability....” If the information in the paragraph applies only to de minimis/low probability projects, then it should be put in a bullet form. If the information is about suspected munitions item during low probability projects, then the qualification for “de minimis” should be</p>

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		<p>deleted.</p> <p>Response: Section 4.3 has been revised and the cited text has been deleted.</p>
4	Page 4-10, Section 4.3.1, Determining Construction Support Levels and Requirements	<p>Comment: Sixth paragraph, first sentence should be modified to “A ‘moderate to high’ determination may be applicable to those areas...” (instead of “has been assigned.”)</p> <p>Response: Section 4.3.1 has been revised and the cited text has been deleted.</p>
5	Page 4-11, Section 4.3.1.1, Probability of Encountering MEC on Group 3 MRAs	<p>Comment: Second paragraph states the property owner has the responsibility for determining the probability of encountering MEC. But in Sec 4.3.1, the County and the Cities in consultation with DTSC make the determination. Please resolve the apparent discrepancy.</p> <p>Response: See response to City of Seaside Comment 7.</p>
6	Page 4-17, Section 4.3.2.1, On-Call Construction Support Plan	<p>Comment: Third bullet on page 4-17. Revise “Response to Incidental MEC Items” to “Response to Suspect Munitions Items” to be consistent with Sec 4.3.1.2.</p> <p>Response: The cited text in Section 4.3.2.1 has been revised.</p>
7	Page 4-22, Section 4.3.3.1, On-Site Construction Support Plan	<p>Comment: Second bullet on page 4-22. Final sentence. Delete “Subsurface.”</p> <p>Response: The cited text in Section 4.3.3.1 has been revised.</p>
8	Page 4-25, Section 4.3.3.6, On-site Construction Support After Action Reporting	<p>Comment: First paragraph. Clarify when construction activities can begin after the on-site construction support contractor has addressed the explosives hazard (and submitted the construction support after-action report).</p> <p>Response: Section 4.3.3.4 has been revised to include that timing with respect to the implementation of on-call construction support and initiation of construction activities on the project site is site-specific and will be specified in the construction support plan.</p>
9	Page 4-25, Section 4.3.3.6,	<p>Comment: First paragraph. In this section and elsewhere, the landowner (or his/her</p>

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	On-site Construction Support After Action Reporting	<p>UXO support contractor) would submit the after-action report to the permitting agency, FORA, Army, EPA and DTSC within 30 days of completion of the construction project supported by the construction support. This should be identified as a property owner responsibility in Sec 5.3.2. The expected distribution should also be made consistent in the construction support after action report form in Appendix I.</p> <p>Response: Section 5.3.2 has been revised as suggested and the distribution instructions in the Construction Support After Action Report Form have been revised to be consistent with Sections 4.3.3.6 and 5.3.2.</p>
10	Page 4-26, Section 4.3.4.1, Confirmed MEC Item Response during On-call Construction Support	<p>Comment: Third paragraph states that when probability of encountering MEC is reassessed by FORA, work may resume when EPA and DTSC confirm the “low” determination. But in Sec 4.3.5 the probability is to be jointly determined by the Army and EPA, in consultation with DTSC. Resolve the discrepancy.</p> <p>Response: Section 4.3.4.1 has been revised to be consistent with Section 4.3.5. Related revisions have also been made to Section 5.1.2.</p>
11	Page 4-31, Section 4.7.1, Additional Investigation or Follow-up Action	<p>Comment: Is this section intended to address a situation in which the agencies require additional investigation outside of the reassessment process during on-call construction support? It is unclear what it is “following up” on. Also, second paragraph, final two sentences, if the Army is to conduct additional investigation the agency consultation process and timelines will be per the FFA.</p> <p>Response: Section 4.7.1 applies to any situation that results in a determination by the Army and EPA, in consultation with DTSC, that additional investigation is necessary within a Group 3 MRA. The section is intended to provide general requirements for “follow-up” of such situations, which includes response to reassessment due to a MEC find during on-call construction support.</p> <p>Section 4.7.1 has been revised to specify that, if the Army is to conduct additional investigation, the agency consultation process and timelines will be per the FFA.</p>
12	Page 4-29, Section 4.4, Restrictions	<p>Comment: Sec 4.4 and the annual LUC report outline indicate that the annual monitoring of residential use restriction LUC includes physical inspection</p>

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	Prohibiting Residential Use	<p>of the properties. For consistency and clarity, Sec 5.2.3 and Sec 5.2.5 should include a mention of it, such as "MPC, the County, and the Cities will conduct annual inspections of property deeds and annual physical inspections of the properties to verify residential use restrictions remain in place...."</p> <p>Response: Sections 5.2.3 and 5.2.5 have been revised as suggested.</p>
13	Page 5-5, Section 5.1.6, Notification Should Action(s) Interfere with LUCIP/OMP Effectiveness	<p>Comment: Sec 5.1.6 includes "within 45 days of identifying a LUCIP/OMP inconsistency, FORA...shall identify the LUCIP/OMP inconsistency cause, and evaluate and implement any necessary changes..." and "The evaluation and any recommended changes...will be reviewed and approved by the Army, EPA, and DTSC before implementation." Please clarify when the recommended changes will be provided to the Army, EPA and DTSC and how long they will have to review them, to support FORA in completing the implementation within the 45 days.</p> <p>Response: Section 5.1.6 has been revised to clarify that FORA, in consultation with the County, Cities, and/or MPC, shall identify the cause of an inconsistency with the LUCIP/OMP within forty-five (45) days of identifying the inconsistency.</p>
14	Page 5-8, Section 5.2.2, Construction Support	<p>Comment: Sec 5.2.2 includes a statement, "the County and the Cities will consult with Army, EPA, and DTSC on (construction) project and site-specific construction support requirements prior to issuance of excavation permits, including review and approval of construction support plans..." We understand FORA and the ESCA RP Team intend to "test" the construction support and excavation permitting processes by implementing them for the CSUMB 8th Avenue roundabout project, and appreciate FORA's willingness to make future adjustments to the LUCIPs based on experience gained from an actual project. While that project is still underway, some of the early experiences are that the issuance of a County excavation permit did not follow an approval by EPA, DTSC and the Army of a construction support plan; and that the draft construction support plan was coordinated by FORA instead of the County (permitting agency). If possible, please look for ways that can increase the awareness by the participants of the desired processes and sequence of actions/events.</p> <p>Response: The revised Section 4.3.1.2 includes details regarding coordination with FORA and construction support plan consultation and approval.</p>

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15	Page 5-12, Section 5.3.5, Notice of Planned Property Conveyances	<p>Comment: Sec 5.3.5, first paragraph, describes a requirement for future/subsequent property owners to provide to the Army, EPA and DTSC of an advance notice of planned property transfer. The federal deeds do not include such a notification requirement, Therefore, delete the Army from the statement.</p> <p>Response: The provision requiring the property owner to provide notice to the Army, EPA, and DTSC prior to conveyance of property has be removed from the LUCIP/OMP. Provisions requiring FORA to notify the Army, EPA, and DTSC of property conveyance to MPC, the County, and the Cities has been retained.</p>
16	Page 5-13, Section 5.4.3, Residential Use Restriction	<p>Comment: Sec 5.4.3 includes an Army responsibility to "review property transfer notices. The Army will verify the notices reference residential use restrictions and other environmental protection provision in the federal deeds and that property conveyance notification requirements will pass to future property owners." Delete this bullet. The federal deeds clearly indicate the deed restrictions run with the land. There is no need for the Army to verify the continuation of the restrictions prior to future property transfers.</p> <p>Response: The cited bullet has been deleted.</p>
17	Appendix J, Former Fort Ord Land Use Covenant Report Outline [Revised]	<p>Comment: It suggests future updates to Table 3-1 (the list of parcels and associated LUCs). Who will be responsible for maintaining the current/up-to-date version? Please indicate.</p> <p>Response: The maintenance of Table 3-1 of the Memorandum of Agreement (MOA) is outside the scope of this LUCIP/OMP. FORA will likely be responsible for updating Table 3-1 as part of their obligations under the MOA.</p>

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Public Works Division

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August 23, 2016

Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933
Submitted electronically via stan@fora.org

Subject: Group 3 Draft Final Land Use Control Implementation Plan (LUCIP)

Dear Mr. Cook

The City of Seaside has undertaken a high level review of the Administrative Draft Final (DF) Group 3 LUCIP and has identified a number of issues which are of concern. In light of the limited time available, we have focused on major issues and describe our concerns rather than proposing specific language changes. We would appreciate an opportunity to discuss these issues and would like to provide specific language to address them at a future date.

1. The DF LUCIP includes a new definition of Onsite Construction Support (OS CS) which requires an Explosive Safety Submission (ESS). The ESS is required except where probability of encountering MEC is “low” and must be approved by the Army and the Department of Defense Explosives Safety Board (DDESB). The requirements also include a MEC Removal Plan and require that the removal be conducted by the on-site UXO contractor. Some of the major City of Seaside concerns are summarized below.

i. Although most of the property that will be transferred to the City is expected to be designated “low” the LUCIP requires that each project be evaluated individually to determine if On-Call Construction Support (OC CS) is required and the risk of encountering MEC on a project must be reevaluated whenever a MEC item is found. There is no standard or guidance for determining when OC CS is no longer adequate, nor any alternative to full OS CS. Preparation and approval of an ESS in the middle of a project may significantly delay construction therefore impact the economic viability of a project.

ii. The LUCIP should provide for an alternative approach to construction support which would include an on-site construction oversight or monitoring by certified UXO technician(s) but would not require an ESS. (See for example, the language in Appendix I MEC Find Notification to FORA Form) This alternative could address those situations where the risk is “low to moderate” because prior investigation was limited. One example would be existing roadways where investigation was completed adjacent to but did not include pavement removal; and where there is little reason to expect that MEC items will be found once the road

surface is removed. If MEC items were encountered, they would be addressed by military EOD.

iii. Under the terms of the DF LUCIP, the permittee is required to pay for MEC removal where OS CS is required. This requirement of the permittee is in conflict with the federal deed where the Army has committed to address any residual MEC at no cost to the owner. The DF LUCIP refers to the Notice, but does not acknowledge the Army's commitment. For reference the full text from the federal deed is provided in italics below:

“Section 3 NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

*C. After response actions are completed, if the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the local law enforcement agency having jurisdiction on the Property so that **appropriate explosive ordnance disposal (EOD) personnel can be dispatched to address such MEC as required under applicable laws and regulations and at no expense to the Grantee.** The Grantee hereby acknowledges receipt of the “Ordnance and Explosives Safety Alert” pamphlet.”*

iv. Although an ESS was part of the investigation conducted by the ESCA team, there is nothing in the ROD which suggests that compliance with DDESB/ESS requirements is an element of the selected remedial action. The DF LUCIP provides no basis for the assertion that DDESB requirements are applicable to development activities on parcels that have already been reviewed and cleared by DDESB and are no longer federal property. DDESB safety standards should be the basis for MEC removal plans, but no justification is provided for requiring DDESB approval of an ESS.

2. The DF LUCIP addresses de minimus activity (disturbing less than 10 cubic yards) for the first time. The definition would cover all soil disturbance activity, including landscape or habitat maintenance. Although no permit mechanism is proposed, OS CS is required in any area where risk is not “low”. For areas where the risk is “low” the DF LUCIP imposes a specific training requirement on all such activities. These training requirements are similar to the existing annual notice requirements contained in the City's ordinance. Instead of relying on the annual notice, the DF LUCIP makes the training a requirement of each “activity”. Tracking compliance with the training requirements for each “activity” presents a major challenge for the City which is required to summarize de minimus activities in its Annual Report.

3. The expanded description of MEC safety training also requires clarification. It is not clear whether the requirement is satisfied by the distribution of the two pamphlets, or whether the eLearning training program proposed by FORA is an additional requirement.

4. The DF LUCIP provides for an extensive coordination process for Construction Support Plans, but does not present a workable approval process; either for determining whether OS CS or OC CS is required or determining whether a project specific Construction Support Plan is adequate. As written, the process requires approval of Army, EPA and DTSC for on call construction support and, in addition, approval by DDESB where on site construction support is required. Why are so many approvals required where the LUCIP establishes detailed

requirements for all aspects of the process? Can authority be delegated to one of the agencies to act as the lead approver?

5. The City and each of the other jurisdictions have specific requirements for digging and excavation permits, but none of them are as detailed as the requirements in the DF LUCIP. The implementation of the LUCIP requirements depends, in large part, on the local ordinances/permit process. Will FORA work with the jurisdictions to assure that the local ordinances are modified to incorporate the requirements set forth in the LUCIP?

6. The DF LUCIP acknowledges that the need for construction support may be affected by on-going development activity and that areas which initially required OS CS may no longer require that level of review. The LUCIP should provide a process for reevaluating construction support requirements, based upon evolving site conditions.

7. The language at section 4.3.1.1 includes the following statement that the property owner is responsible for determining the required level of construction support.

“The assessment of the level of risk, if any, and the need for support, on-site or on-call, is ultimately the responsibility of the landowner after giving careful consideration to DDESB explosives safety requirements and site-specific conditions, including (1) the nature and scope of the ground disturbing activity; (2) the historical uses of the property; (3) information available concerning discovery of MEC after the completion of FORA’s environmental work; and (4) the professional judgement of the property landowner’s contractors and engineers.”

This language does not seem to be consistent with the rest of the DF LUCIP which assigns this decision to the regulators.

8. The DF LUCIP does not include adequate definitions for the following terms in the Glossary.

Explosive Safety Submission The DF LUCIP states that an ESS is required for any activity in an area with moderate to high risk, but there is no description of the type of activity which trigger the ESS requirements. The term is not defined except by reference to DDESB Guidance which does not address situations where a CERCLA remedial action has been implemented and DDESB has signed off. There is one sentence, at section 4.3.3.1, that seems to limit the ESS requirement to subsurface MEC removal, but that limitation is not included in any of the general provisions of the DF LUCIP.

Anomaly avoidance is defined and referred to as an alternative to OS CS but its role is not clear. As described, it appears to be an alternative to MEC removal which could only be utilized after an on-site investigation by a UXO contractor identified an anomaly. Does a plan which relies on anomaly avoidance require the same level of ESS review and approval as a plan which included MEC removal?

9. Section 5.3.5 of the DF LUCIP requires prior notification of all future property transfers to Army EPA and DTSC. This notice is intended to assure that the restrictions are including in the deeds. This requirement imposes a very significant burden on future property owners without any corresponding benefit to the protection of human health and the environment. The requirement to provide notice of future transfers would be important if the restrictions were not already incorporated in the State CRUP and the Federal deed. As noted elsewhere in the DF LUCIP, these restrictions run with the land and are enforceable against all future property owners. They can be modified only with the approval of the regulators and the Army. There is

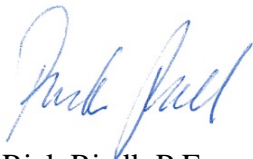
nothing that a property owner could do to eliminate the restrictions, even if they were omitted from a future deed. Equally important, the local permitting process is the mechanism for implementing the restrictions, therefore requirements for MEC safety training and construction support will remain regardless of the language in a deed.

5.3.5 Notice of Planned Property Conveyances

At least 60 days prior to conveyance of the property to any other agency, person, or entity, the property owner shall provide notice to the Army, EPA, and DTSC of such intended conveyance. The notice shall describe the mechanism by which LUCs will continue to be implemented, maintained, inspected, reported, and enforced.

If you require further clarification or wish to discuss in further detail, I may be reached at 831-899-6884 or riedl@ci.seaside.ca.us.

Sincerely,



Rick Riedl, P.E.
City Engineer

Cc: Scott Ottmar, Assistant Civil Engineer

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



Carl P. Holm, AICP, Director
John Guertin, Acting Deputy Director
Daniel Dobrilovic, Building Official
Carl P. Holm, AICP, Director of Planning
Benny J. Young, Interim Director of Public Works & Facilities

168 W. Alisal Street, 2nd Floor
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(831)755-4800
www.co.monterey.ca.us/rma

MEMORANDUM

Date: September 1, 2016

To: Stan Cook, FORA ESCA

From: Melanie Beretti, Special Programs Manager *MB*

Subject: Review comments of Administrative Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan

cc: Carl Holm, Ricardo Encarnacion

Thank you for providing the County with the opportunity to review the Draft Final Group 3 LUCIP/OMP dated August 8, 2016 ("Plan"). Please accept this letter summarizing the County's comments and concerns.

The County has provided a high level review of the Plan, and hopes to have the opportunity to discuss our comments and questions with the FORA. Overall the Plan addresses many of the concerns raised by the County during the Draft LUCIP/OMP review. In particular, the document is more clearly organized and does a much better job describing procedures (e.g. Flow Charts are helpful), definitions, and roles. The additional maps and description related to the probabilities of MEC encounters on each parcel are very helpful.

While many improvements have been accommodated in the document, the County feels a number of items need additional consideration and clarification in the Plan. The County has also reviewed the City of Seaside's letter (dated 8/23/16) and CSUMB's letter (dated 8/30/16) providing comments to the Plan, and concurs with the issues raised by Seaside and CSUMB. The County offers the following comments for consideration:

De Minimus Ground Disturbing or Intrusive Activities -

- De Minimus activities should be more clearly and narrowly defined. As presently defined, the requirements for de minimus activities seem unreasonably burdensome to landowners/jurisdictions.
- Since de minimus activities by definition do not trigger a grading/excavation permit, please provide clarity on how it is envisioned de minimus activities would be handled by the jurisdictions/owners. Enforcing, tracking and reporting on de minimus activities as described in the document will create a significant burden on the County.
- The process for coordination with FORA-Army-DTSC-EPA for de minimus activities should be presented, including timelines for coordination with and participation by agencies.
- How do the de minimus requirements apply to future property owners and/or post-project conditions?
- Consider developing typical de minimus activities, scenarios and corresponding remedies that could be used, rather than leaving all de minimus activities to be determined on a case-by-case basis.

Munitions Encounter -

- Greater specificity is desired regarding the process and associated timeline for FORA-Army-DTSC-EPA consultation, reporting, and acceptance process. The lack of clear process and timing presents unreasonable challenges to the County and project proponents. Rather than stopping all work on the entire ESCA parcel for an undefined time period while clean up, assessment, and regulatory acceptance is conducted, it seems prudent to develop a procedure to establish a “stop work radius” or other mechanisms that help avoid unreasonable project delays while the munitions clean up and assessment is conducted.
- Please clarify if the FORA MEC clean up assessment of the probability of encountering a MEC will: 1) result in the site being re-categorized for all future ground disturbing and intrusive activities, or 2) is it just in reference to likelihood of encountering more MEC at that particular location on this particular project?

Annual Site Inspections -

- Conducting annual site inspections of the parcels places a burdensome requirement on the landowner/jurisdiction. Please clarify why these inspections are desired (what is to be gained) and consider other, less burdensome ways in which the jurisdictions could acquire and provide the desired information.

Redundancy in Document -

- The document is redundant. While redundancy was useful in many cases, it lead to confusion in some instances. Some specific examples where redundancy (or lack of repetition) is confusing are:
 - When referring to FORA throughout the document, on occasion you called out “or its successor” and “the County” after FORA ceases to exist. Be clear and consistent throughout the entire document where “FORA or its successor” or “FORA or the County” after FORA ceases to exist VS. FORA (obligations are FORA alone, will not transfer to a successor of any kind).

- In a couple of place in the document it is specifically called out that a certain item pertains to “Group 3” properties. Doesn’t everything within this particular document apply only to Group 3? If that is the case, either make that clear very explicitly up front and don’t call out Group 3 later OR call out Group 3 everywhere in the document where applicable.

Timelines -

- Procedures that require coordination, review and/or approval by FORA or the regulatory agencies should include timelines to avoid unreasonable, unpredictable project delays.
- Regarding property conveyance notification, does this pertain to only sale or deed transfers, or would conveyance of easement trigger notification need? If applicable to easements too, notification seems to place a high burden on the landowner/jurisdiction. Also, in one place property conveyance notification was required 90 days, while in others 60; please review to ensure consistency.

Other items -

- The cost of clean-up of MECs is to be paid by the Army, and the Plan should clearly reflect this.
- Please define the ESS.
- The Plan should define a process or provide guidelines for when and how it would be determined that a remedy is no longer required for a parcel. The “when and why” a jurisdiction could consider removing remedies from a parcel is not identified in the Plan.

Thank you for your consideration. Please don’t hesitate to contact me should you have any questions or require further explanation.

Sincerely,

Melanie Beretti, Special Programs Manager



August 30, 2016

Mr. Stan Cook
FORA ESCA Program Manager
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

Re: *Draft Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan (LUCIP/OMP) Del Rey Oaks / Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas (August 8, 2016)*

Dear Mr. Cook:

CSU Monterey Bay has reviewed the *Draft LUCIP/OMP* referenced above and the comment letter submitted by the City of Seaside (August 23, 2016) in relation to the Plan. We share the concerns laid out in Seaside's letter and look forward to hearing the responses to their issues. In addition, we offer the following global comments:

1. **Ordinance** - CSUMB acknowledges that the University is required to comply with the local digging/excavation requirements for construction on its Track II ESCA parcel. However, as a state agency, CSUMB is not subject to project review or permitting by the local jurisdictions (also referenced in our July 2015 letter). We continue to seek clarification as to how these requirements will be met and carried out for the University.
2. **MEC removal timing** – Throughout the Plan there are several deadlines set for reporting information to and between different agencies. However, there is no timeline described for MEC removal and the associated reopening of a construction site. There is also no discussion of the staffing resources required by EPA, DTSC, FOR A or the Army that will be required to clear a construction site (mid project) once MEC are discovered. Please clarify or provide a projected schedule if MEC are discovered.
3. **Cost of UXO support** – There should be some discussion of the costs associated with complying with these requirements. CSUMB is discovering this with the planning of the Roundabout at 8th Avenue and Inter-Garrison Road.
4. **Repetitiveness** – In general, the Plan is highly repetitive and some details are only clarified mid-way through the plan.
5. **UXO and MEC removal** – At different points the Plan indicates that either UXO-qualified contractors or military explosive ordnance disposal personnel can dispose of items. Please clarify who can dispose of which items.

Thank you for considering our comments.

Sincerely,

Christopher O. Placco, AIA
Associate Vice President, Campus Planning & Development



September 13, 2016

Stan Cook
FORA ESCA Program Manager
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

RE: Group 3 Draft Final Land Use Controls Implementation Plan/Operation and Maintenance Plan – Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas (MRAs)

Dear Mr. Cook:

Monterey Peninsula College (MPC) has completed a high level review of the recently released Administrative Draft Final Land Use Controls Implementation Plan and Operation and Maintenance Plan (LUCIP/OMP) for the Group 3 Munitions Response Areas. The Military Operations in Urban Terrain (MOUT) site is included in the Group 3 MRAs. MPC will be the eventual land owner of the MOUT site and responsible for compliance with the LUCIP/OMP. The College's planned uses for the MOUT are essential to the educational mission of MPC. While this Final Draft has addressed many of MPC's earlier comments on the plan, the feasibility of implementation of the plan is still of concern to us. MPC has also reviewed comments submitted by the City of Seaside (dated 8/23/2016), CSUMB (dated 8/30/2016), and Monterey County (dated 9/1/2016), and concurs with the issues and concerns raised by all three agencies. The College submits the following comments regarding the Final Draft:

De Minimus Ground Disturbing or Intrusive Activities

As the City of Seaside noted, the Final Draft addressed de minimus activities (disturbance of less than ten cubic yards of soil) for the first time. Landscape, habitat, or fuel break maintenance activities would appear to be included in this definition. While a permit is not required, there must be coordination with FORA, the Army, EPA, and DTSC to ensure compliance with MEC safety requirements (section 3.2). The Final Draft further specifies that on-site construction support is required for all soil disturbance activities occurring in areas where the risk of encountering MEC is moderate to high, whether de minimus or 10 cubic yards or more (section 4.3). The entire MOUT Site has been identified as such an area. On-site construction support includes many requirements, such as an on-site construction support plan and explosive safety submission (ESS).

September 13, 2016

Page 2

MPC is concerned that the de minimus requirements cited above would also apply to MPC public safety training activities and students. The Final Draft states in section 2.4.3, describing the potential uses of the MOU Site MRA,

*“the western portion of the MRA is designated as a training facility for tactical/law enforcement training and, upon conveyance, emergency service provider training by MPC. **The MOU trainees may participate in minor ground-disturbing or intrusive activities during training activities.** It is anticipated that old buildings may be destroyed, new buildings may be constructed, or underground utilities may be installed in the area.”*

The de minimus requirements, if applied to MPC’s public safety training activities at the MOU site, would be problematic or infeasible, and unreasonably burdensome. Also, regarding 2.4.3, MPC suggests insertion of the words “and related improvements” after “new buildings” to include other structures, such as fencing.

On-Site Construction Support Plan

The Final Draft provides a template for the on-call construction support plan and a template for the on-site construction support plan would be equally helpful to simplify completion. A template would also provide standardization that may be helpful in facilitating timely approval by FORA and the regulatory agencies.

Timelines

To avoid unreasonable and unpredictable project delays, timelines should be included in all processes requiring coordination or approval by FORA, the Army and the regulatory agencies.

Remedy Modification

In section 4.7.3, the Final Draft describes circumstances where the land use controls and residential use restriction may be removed for from the Group 3 MRAs. An appendix providing a flow chart and more detail regarding the removal process and the documents required would be helpful.

Thank you for the opportunity to comment. We welcome further discussion of our concerns. If you have any questions, please contact me at 831-646-4114, email: vnakamura@mpc.edu.

Sincerely,



Vicki Nakamura
Assistant to the President

Thompson, Jane

From: Thompson, Jane
Sent: Wednesday, January 4, 2017 10:32 AM
To: Thompson, Jane
Subject: FW: [Non-DoD Source] For your use: Administrative Draft Final LUCIP-OMP (UNCLASSIFIED)
Attachments: cmt_admin_esca_gp3lucip_20160823.pdf

From: Nozaki, Chieko CTR (JA) [mailto:chieko.nozaki.ctr@mail.mil]
Sent: Tuesday, August 23, 2016 5:59 PM
To: Stan Cook <Stan@fora.org>
Cc: Thompson, Jane <Jane.Thompson@arcadis.com>; Collins, William K CIV (US) <william.k.collins.civ@mail.mil>
Subject: RE: [Non-DoD Source] For your use: Administrative Draft Final LUCIP-OMP (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Stan:
Thank you for sharing the administrative draft ESCA Group 3 LUCIP with us. We identified a few items for your consideration. If they can be addressed during this go-around that would be great; if not, the Army would identify them as comments to the draft-final version. If you have any questions please call me. Thank you.

Chieko Nozaki
(Chenega Support Services)
831-899-7372

23 August 2016

Review of Administrative Draft ESCA Group 3 LUCIP dated August 9, 2016.

Comments

1. Sec 4.4. As we previously commented on the draft version, the section titled "Description of the Selected Remedy" should be consistent with the remedy description in the ROD. Additional explanations etc. should be provided in other sections. Examples of items that are not in the remedy description in the ROD are:
 - a. Second paragraph (top of page 1-5): Third sentence, text "Should MPC, the County or the Cities wish to change the prohibition" should be deleted. The ROD did not specify that these entities will be the ones who can propose. Also, in Sec 4.4 and 5.2.3, these entities "coordinate" proposals by the landowner.
 - b. Second paragraph (top of page 1-5): Fourth sentence reads "The DTSC may require additional remediation equivalent to the DTSC residential protocol before termination of residential use restrictions in the State CRUPs." The sentence should be relocated to elsewhere in the document since the ROD did not discuss the DTSC's residential protocol. Also, the ROD did not discuss DTSC potentially requiring additional remediation – suggestion to change the word to "verification."
2. Sec 4.2.1.2. Fourth paragraph discusses that MEC safety training records "must be maintained on-site, or readily accessible, and made available for inspection upon request...." Does the statement apply only to the duration of a construction project supported by construction support? It is unclear (here and in Sec 5.3.1) how long a property owner is expected to maintain training records.
3. Sec 4.3. Page 4-9 the paragraph after the bullets starts with "if a suspect munitions item is found during de minimis construction activities on a project site determined to have low probability...." If the information in the paragraph applies only to de minimis/low probability projects, then it should be put in a bullet form. If the information is about suspected munitions item during low probability projects, then the qualification for "de minimis" should be deleted.
4. Sec 4.3.1. Sixth paragraph, first sentence should be modified to "A 'moderate to high' determination may be applicable to those areas..." (instead of "has been assigned.")
5. Sec 4.3.1.1. Second paragraph states the property owner has the responsibility for determining the probability of encountering MEC. But in Sec 4.3.1, the County and the Cities in consultation with DTSC make the determination. Please resolve the apparent discrepancy.
6. Sec 4.3.2.1. Third bullet on page 4-17. Revise "Response to Incidental MEC Items" to "Response to Suspect Munitions Items" to be consistent with Sec 4.3.1.2.
7. Sec 4.3.3.1. Second bullet on page 4-22. Final sentence. Delete "Subsurface."
8. Sec 4.3.3.6. First paragraph. Clarify when construction activities can begin after the on-site construction support contractor has addressed the explosives hazard (and submitted the construction support after-action report).

9. Sec 4.3.3.6. First paragraph. In this section and elsewhere, the landowner (or his/her UXO support contractor) would submit the after-action report to the permitting agency, FORA, Army, EPA and DTSC within 30 days of completion of the construction project supported by the construction support. This should be identified as a property owner responsibility in Sec 5.3.2. The expected distribution should also be made consistent in the construction support after action report form in Appendix I.
10. Section 4.3.4.1. Third paragraph states that when probability of encountering MEC is reassessed by FORA, work may resume when EPA and DTSC confirm the "low" determination. But in Sec 4.3.5 the probability is to be jointly determined by the Army and EPA, in consultation with DTSC. Resolve the discrepancy.
11. Sec 4.7.1. Is this section intended to address a situation in which the agencies require additional investigation outside of the reassessment process during on-call construction support? It is unclear what it is "following up" on. Also, second paragraph, final two sentences, if the Army is to conduct additional investigation the agency consultation process and timelines will be per the FFA.
12. Sec 4.4 and the annual LUC report outline indicate that the annual monitoring of residential use restriction LUC includes physical inspection of the properties. For consistency and clarity, Sec 5.2.3 and Sec 5.2.5 should include a mention of it, such as "MPC, the County, and the Cities will conduct annual inspections of property deeds and annual physical inspections of the properties to verify residential use restrictions remain in place...."
13. Sec 5.1.6 includes "within 45 days of identifying a LUCIP/OMP inconsistency, FORA...shall identify the LUCIP/OMP inconsistency cause, and evaluate and implement any necessary changes..." and "The evaluation and any recommended changes...will be reviewed and approved by the Army, EPA, and DTSC before implementation." Please clarify when the recommended changes will be provided to the Army, EPA and DTSC and how long they will have to review them, to support FORA in completing the implementation within the 45 days.
14. Sec 5.2.2 includes a statement, "the County and the Cities will consult with Army, EPA, and DTSC on (construction) project and site-specific construction support requirements prior to issuance of excavation permits, including review and approval of construction support plans...." We understand FORA and the ESCA RP Team intend to "test" the construction support and excavation permitting processes by implementing them for the CSUMB 8th Avenue roundabout project, and appreciate FORA's willingness to make future adjustments to the LUCIPs based on experience gained from an actual project. While that project is still underway, some of the early experiences are that the issuance of a County excavation permit did not follow an approval by EPA, DTSC and the Army of a construction support plan; and that the draft construction support plan was coordinated by FORA instead of the County (permitting agency). If possible, please look for ways that can increase the awareness by the participants of the desired processes and sequence of actions/events.
15. Sec 5.3.5, first paragraph, describes a requirement for future/subsequent property owners to provide to the Army, EPA and DTSC of an advance notice of planned property transfer. The federal deeds do not include such a notification requirement, Therefore, delete the Army from the statement.

16. Sec 5.4.3 includes an Army responsibility to "review property transfer notices. The Army will verify the notices reference residential use restrictions and other environmental protection provision in the federal deeds and that property conveyance notification requirements will pass to future property owners." Delete this bullet. The federal deeds clearly indicate the deed restrictions run with the land. There is no need for the Army to verify the continuation of the restrictions prior to future property transfers.
17. Appendix J LUC report outline. It suggests future updates to Table 3-1 (the list of parcels and associated LUCs). Who will be responsible for maintaining the current/up-to-date version? Please indicate.

Chieko Nozaki (Chenega Support Services)
831-899-7372

APPENDIX M

Response to Comments on Draft Final Group 3 LUCIP / OMP

Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by Maeve Clancy of the EPA, dated March 9, 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	Section 4	<p>Comment: This is the most important and detailed part of the LUCIP/OMP. FORA should consider providing a more structured introduction and identifiers (page breaks, heading type changes) to delineate between sub-sections.</p> <p>Response: The introduction to Section 4.0 has been revised to more clearly outline the contents of the section and the location of each implementation action. Page breaks have been inserted to add delineation between subsections.</p>
2	Section 4.6	<p>Comment: Typo in the first sentence, FORA is not capitalized.</p> <p>Response: The cited sentence, which now appears in Section 4.7, has been revised such that FORA is capitalized.</p>

Response to Comments
Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
dated February 10, 2017
Review Comments provided by Maeve Clancy of the EPA, dated March 9, 2017
General Comments

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Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by William K. Collins of the Army, dated March 9, 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	Page 4-25, Section 4.3.3.4, On-site Construction Support Explosive Hazard Removal Requirements	<p>Comment: Second paragraph. First sentence reads “Subsurface MEC evaluation is conducted to confirm that no explosive hazards remain within the construction footprint...” It has been recognized that it is difficult to achieve complete removal of munitions and explosives of concern (MEC) in a manner that eliminates all uncertainties. Based on the information provided elsewhere regarding the steps involved in the on-site construction support scenario, it is suggested the statement be revised to “to address explosives safety hazards identified within the construction footprint” to a point that the probability of encountering MEC could be reassessed to be “low.”</p> <p>Response: The cited sentence, which now appears in Section 4.3.3.3, has been revised as follows:</p> <p style="text-align: center;">“Subsurface MEC evaluation is conducted to <i>address</i> confirm that no explosive hazards remain <i>identified</i> within the construction footprint either prior to or during construction <i>such that the probability of encountering MEC can be reassessed to be low.</i>”</p>
2	Page 5-2, Section 5.1.2, Construction Support (FORA Responsibilities)	<p>Comment: Second paragraph concerns actions of Fort Ord Reuse Authority (FORA) “in the unlikely event that MEC is found during construction support.” The final portion, “completing the annual reporting of construction support activities as part of the annual LUC status report,” should be separated from the current sentence since the annual monitoring and reporting is not conditioned on having any discovery of MEC.</p> <p>Response: The cited sentence has been revised as suggested.</p>
3	Page 5-3, Section 5.1.3, Residential Use Restriction (FORA Responsibilities)	<p>Comment: Second bullet describes the advance notice of property transfers and includes a statement, “Property conveyance notification requirements will pass to future property owners.” However, Response 15 to the Army’s comments on the Administrative Draft version of the document indicates that the provision requiring future property owners to provide advance notice of property transfer was removed from the plan. The sentence should be deleted or clarified.</p> <p>Response: The cited statement has been deleted.</p>
4	Page 5-7,	<p>Comment:</p>

Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by William K. Collins of the Army, dated March 9, 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
	Section 5.2.1, Munitions Recognition and Safety Training	<p>First bullet describes that the County and the Cities will provide annual notification of the safety training requirement to the land owners. For consistency with earlier description in Section 4.2, please add “and other land users (related to utilities).”</p> <p>Response: The first sentence of the cited bullet has been revised as follows:</p> <p style="padding-left: 40px;">“The County and the Cities will provide annual notification to Group 3 MRA landowners property owners and other land users (related to habitat management and utilities serving the property) of the obligation to follow the County and Cities digging and excavation ordinances, including requirement to provide MEC Safety Guide to every worker conducting ground-disturbing or intrusive activities.”</p>
5	Appendix I	<p>Comment: The Army’s MEC Recording Form provided in this appendix should be replaced with the current version. The current version is available in Munitions Response Site Security Program, March 2016 (Administrative Record number: OE-0422P).</p> <p>Response: Appendix I has been updated to include the Army’s July 2017 Fort Ord MEC Incident Recording Form.</p>
6	Appendix L	<p>Comment: The appendix provides FORA’s responses to comments it received from the jurisdictions on the Administrative Draft version of the document. It demonstrates that FORA has been coordinating the plan with, and addressing the concerns expressed by, the local jurisdictions and Monterey Peninsula College who would participate in the long-implementation of the plan. It is suggested to add a note to Appendix L (or another appropriate portion of the document) that describes the extensive effort FORA has applied to communicate and coordinate the plan with these entities, and how the plan has been revised to be more readily implementable for these partners. Please also note that the Administrative Draft version was not provided for inclusion in the Administrative Record.</p> <p>Response: A note has been added to the Appendix L index page to include the suggested information.</p>

Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by Vicki Nakamura of Monterey Peninsula College, dated March 30,
 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	Page 4-2, Section 4.1.3, Covenants to Restrict Use of Property	<p>Comment: Section 4.1.3 in the Final Draft includes an explanation of the process for MPC to comply with local digging and excavation ordinances. The first paragraph states, <i>“The MPC is not bound by local building regulations when they act in their higher education capacity and is not subject to project review or permitting by the County or Cities. The MPC is not required to obtain an excavation permit under the local digging and excavation ordinances. However, MPC has agreed to comply with the local digging and excavation ordinances, including requirements for munition recognition and safety training, ...”</i> To provide further clarity, MPC suggests the following language revisions. <i>“The MPC is not bound by local building regulations when they act in their higher education capacity/<u>role</u> and is not subject to project review or permitting by the County or Cities. The MPC is not required to obtain an excavation permit under the local digging and excavation ordinances. However, MPC has agreed to comply with the local digging and excavation ordinances, <u>specifically the including</u> requirements for munition recognition and safety training, ...DTSC.”</i> MPC seeks to clarify that MPC's training activities are not subject to local ordinances (per MPC's comments of September 13, 2016) and to specify the extent of MPC's compliance with the local excavation/digging ordinances.</p> <p>Also, in this section and elsewhere in the document, "the MPC" is used. We suggest "the" be deleted.</p> <p>Response: The cited text, which now appears in Section 4.3.1.2, has been revised as follows:</p> <p style="padding-left: 40px;"><i>“The MPC is not bound by local building regulations when they act in their higher education capacity/<u>role</u> and is not subject to project review or permitting by the County or Cities. The MPC is not required to obtain an excavation permit under the local digging and excavation ordinances. However, MPC has agreed to comply with the local digging and excavation ordinances, <u>including specifically the</u> including requirements for munitions recognition and safety training, construction support, notifications, and monitoring and reporting, under the MOA in place with FORA, MPC, the County, the Cities and DTSC (Appendix E).”</i></p> <p>Based on FORA’s coordination efforts with MPC, the following statements have been added to the paragraph for clarity:</p>

Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by Vicki Nakamura of Monterey Peninsula College, dated March 30,
 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p><i>“MPC concurred with the excavation permitting requirements described in this LUCIP/OMP in a Confirmation of Agreement between MPC and FORA (Appendix D). In addition, MPC, as property owner, is prohibited from activities in violation of the digging and excavation ordinance under the State CRUP and Federal deed; therefore, excavation permits are required. The requirement for excavation permits, as described in this LUCIP/OMP, were coordinated with FORA, MPC, the County, and Cities.”</i></p>
2	Page 4-21, Section 4.3.3, On-Site Construction Support	<p>Comment: The Final Draft specifies that on-site construction support or anomaly avoidance is required for all soil disturbance activities occurring in areas where the risk of encountering MEC is moderate to high, regardless of the level of soil disturbance (section 4.3.3). The entire MOUT Site has been identified as such an area. On-site construction support includes many requirements, including an on-site construction support plan and an explosive safety submission (ESS). These plans must be approved by the Army, EPA, and DTSC before any soil can be removed.</p> <p>As with the previous version, the Final Draft includes specific discussion of projects involving disturbance of less than ten cubic yards of soil, such as <i>“landscape maintenance, tree and shrub planting, road maintenance, fence and sign post installation, and soil sampling.”</i> While an excavation permit is not required, there must be coordination with FORA, the Army, EPA, and DTSC to ensure compliance with MEC safety requirements (section 3.2). Although the Final Draft states in several places that on-site construction support <u>is required</u> for projects with minimal soil disturbance on areas such as the MOUT site (sections 4.2.1.1, page 4-5; 4.3.1, pages 4-9-4-10; 4.3.1.3, page 4-15; 4.3.3, page 4-21), section 4.3.1.2 states in two places that minimal soil disturbing activities in areas with a moderate to high probability of encountering MEC <u>may require</u> use of anomaly avoidance techniques or on-site construction support. The Final Draft goes on to state that FORA will coordinate with the appropriate entities to determine appropriate construction support requirements. This inconsistency appears to imply flexibility regarding the requirement for on-site construction support and the associated plans and signoffs. Is our interpretation correct? If so, please provide clarification. MPC would support flexibility in the determination rather than a strict requirement for on-site construction support for soil disturbance of less than 10 cubic yards, based on the project specific and site specific activity.</p>

Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by Vicki Nakamura of Monterey Peninsula College, dated March 30,
 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p>MPC understands the LUCIP/OMP is to address the risk to human health and safety from any remaining MEC at the MOUT. However, if on-site construction support with the associated plans and approvals is strictly required for activities with any level of soil disturbance, necessary maintenance completed in a timely manner to address safety or operational issues would seem infeasible.</p> <p>Response: Section 4.3.1.2 has been revised to clarify that on-site construction support is required for projects with minimal soil disturbance in areas with a moderate to high probability of encountering MEC. To minimize time associated with Construction Support Plan coordination and review, a general Construction Support Plan may be prepared by the property owner to include anticipated maintenance and operational activities at the site.</p>
3	General Comment	<p>Comment: FORA has a critical and valuable role in the LUCIP/OMP and MPC recognizes FORA's unique expertise and charge in coordinating with property owners, Army, EPA, and DTSC on the appropriate construction support requirements. Although the Final Draft indicates FORA's responsibilities will be transferred to FORA's successor in interest, MPC is concerned that FORA's successor will not have the comparable expertise or resources to effectively fulfill this role and responsibilities.</p> <p>Response: The ESCA and AOC contemplated the eventual sunset of FORA and made provisions for a successor in interest to perform FORA's Long-Term Obligations. The ESCA states that the successor should be able to meet the technical obligations and responsibilities required under the ESCA and the AOC. The AOC limits the successor to Monterey County, City of Seaside, City of Marina, or a joint powers agency comprised of two or more public authorities created for the purpose of succeeding FORA's obligations, liabilities, and duties.</p>
4	Page 4-30, Section 4.4, Restrictions Prohibiting Residential Use	<p>Comment: Section 4.4 notes the residential use restrictions in force for the Group 3 properties and states residential reuse includes "any type of educational purpose for children or young adults in grades kindergarten through 12." Does the scope of the residential use restrictions include any activity involving children or young adults, i.e., are children in grades K-12 prohibited from being present at the MOUT site? Would this restriction include educational tours of the MOUT?</p>

Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by Vicki Nakamura of Monterey Peninsula College, dated March 30,
 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p>Response: As specified in the EPPs included as Exhibit D of the federal deed for the property, the property shall not be used for residential purposes, including, but not limited to: single family or multi-family residences; childcare facilities; nursing homes or assisted living facilities; and any type of educational purpose for children or young adults in grades kindergarten through 12. Paragraph 4.02 (b) of the State CRUP states that use of the property for a public or private school for persons under the age of 21, except for post-secondary schools is prohibited. It is FORA's understanding that the restrictions prohibit the development of educational facilities.</p>
5	Page 4-32, Section 4.7.1, Additional Investigation or Follow-up Action	<p>Comment: In section 4.7.1, the Final Draft describes the process when additional investigation or action is required. All development activities are to cease. As the decision for further investigation or action could have significant impacts on MPC's use of the MOUT, MPC noted in a prior comment letter that consultation with the College was warranted. The response was that FORA would coordinate with the property owner during the assessment of munitions found and any additional actions; however, there is no mention of coordination or notification of the property owner in this section or in section 4.3.5. MPC requests this section explicitly state FORA will coordinate with the property owner regarding any additional actions.</p> <p>Response: The following statement has been added to Section 4.3.5:</p> <p style="text-align: center;"><i>“FORA will coordinate with the property owner during the reassessment.”</i></p> <p>The following statement has been added to Section 4.8.1:</p> <p style="text-align: center;"><i>“FORA will notify the property owner of the additional investigation and will coordinate with the property owner during additional actions.”</i></p>
6	General Comment	<p>Comment: The LUCIP/OMP is a complex implementation plan that will be challenging to implement at the MOUT site. MPC plans to construct a new firing range facility at the MOUT site requiring soil disturbance. MPC will also need to install fencing, requiring soil disturbance. In addition, maintenance of existing roads, structures, and fuel breaks will be required to ensure safe and practical use for MPC's public safety training programs, and by the military and local agencies. Accomplishment of these projects will enhance the</p>

Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by Vicki Nakamura of Monterey Peninsula College, dated March 30,
 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
		<p>effective reuse of the MOUT site. However, as the assessed risk of encountering MEC is moderate to high at the MOUT site, MPC will be required to provide on-site construction support for most, if not all, of these projects. This construction support will necessitate preparation of all of the associated plans, submissions, and approvals, at MPC's cost. Expeditious review in all processes requiring coordination or approval by FORA, the Army and the regulatory agencies will be necessary to avoid project delays and additional construction or operational costs. As the implementation plan brings a new set of procedures for the former Fort Ord area, MPC is concerned about how the LUCIP/OMP processes will actually work in practice, what the actual timelines and costs will be, and if improvements or adjustments to the process will be considered.</p> <p>Response: It is the objective of FORA, the Army, and regulatory agencies to complete consultations and the review process as expeditiously as practicable.</p> <p>The LUCIP/OMP may be modified to incorporate improvements or adjustments during remedy implementation. Changes to the LUCIP/OMP must be coordinated between the property owner and FORA, or its successor, and are subject to review by the Army and regulatory agencies.</p>

Response to Comments
 Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
 dated February 10, 2017
 Review Comments provided by Melanie Beretti of the Monterey County Resource Management
 Agency, dated March 24, 2017
 General Comments

No.	Comment Type / Report Section	Comment/Response
1	General Comment	<p>Comment: The County has reviewed the document and has no new comments. In our review of the final draft we noted that many of our prior submitted comments have been addressed. Staff also noted that some of our prior submitted concerns regarding Federal commitments and funding/cost for compliance are not addressed by the document; we assume they were not disregarded and were simply unable to be addressed within the scope of this document.</p> <p>Response: The County's assumption described in the comment is correct. Costs associated with LUC implementation, operation, and maintenance is outside the scope of the LUCIP/OMP. However, FORA has continued to gather information and costs associated with activities comparable to LUCIP/OMP requirements and is willing to discuss these details separately, if desired.</p>

Response to Comments
Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan,
dated February 10, 2017
Review Comments provided by Melanie Beretti of the Monterey County Resource Management
Agency, dated March 24, 2017
General Comments

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 9, 2017

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

Re: Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, Former Fort Ord Monterey County, California, February 2017

Dear Stan:

EPA has received the February 10, 2017 *Draft Final Group 3 Land Use Controls Implementation Plan/Operation and Maintenance Plan, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas Former Fort Ord Monterey County, California*. We have reviewed the plan and have the following minor comments:

1. Section 4—This is the most important and detailed part of the LUCIP/OMP. FORA should consider providing a more structured introduction and identifiers (page breaks, heading type changes) to delineate between sub-sections.
2. Section 4.6—typo in the first sentence, FORA is not capitalized.

If you have any questions, please do not hesitate to call me at (415) 947-4105 or e-mail me at clancy.maeve@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Maeve Clancy".

Maeve Clancy
Remedial Project Manager

cc: (via email)

Vlado Arsov, CalEPA Department of Toxic Substances Control
William K. Collins, BRAC Environmental Coordinator, Fort Ord BRAC Office
Noel Shrum, CalEPA Department of Toxic Substances Control
Christopher Spill, ARACDIS



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT ORD OFFICE, ARMY BASE REALIGNMENT AND CLOSURE
P.O. BOX 5008, BUILDING #4463 GIGLING ROAD
MONTEREY, CALIFORNIA 93944-5008

MAR 09 2017

Base Realignment and Closure

Stan Cook
ESCA Remediation Program Manager
Fort Ord Reuse Authority
920 2nd Avenue
Marina, CA 93933

Subject: *Draft Final Group 3 Land Use Control Implementation Plan/Operation and Maintenance Plan, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, Environmental Services Cooperative Agreement (ESCA) Remediation Program, dated February 10, 2017.*

Dear Mr. Cook:

Thank you for an opportunity to review the subject document. The Army's comments are enclosed. Please note our comments are focused on "big picture" issues such as the consistency with the Army's cleanup program. A copy of this letter will be furnished to U.S. Environmental Protection Agency (Maeve Clancy) and California Department of Toxic Substances Control (Vlado Arsov).

Sincerely,

A handwritten signature in cursive script that reads "William K. Collins".

William K. Collins
BRAC Environmental Coordinator
Fort Ord Field Office

Enclosure

DRAFT FINAL Group 3 Land Use Controls Implementation Plan (LUCIP)/
Operation and Maintenance Plan (OMP), Del Rey Oaks (DRO)/Monterey,
Laguna Seca Parking, and Military Operations in Urban Terrain (MOUT) Site
Munitions Response Areas (MRAs)

February 10, 2017

Army Comments

1. Page 4-25. Section 4.3.3.4 On-site Construction Support Explosive Hazard Removal Requirements. Second paragraph. First sentence reads “Subsurface MEC evaluation is conducted to confirm that no explosive hazards remain within the construction footprint...” It has been recognized that it is difficult to achieve complete removal of munitions and explosives of concern (MEC) in a manner that eliminates all uncertainties. Based on the information provided elsewhere regarding the steps involved in the on-site construction support scenario, it is suggested the statement be revised to “to address explosives safety hazards identified within the construction footprint” to a point that the probability of encountering MEC could be reassessed to be “low.”
2. Page 5-2. Section 5.1.2 Construction Support (FORA Responsibilities). Second paragraph concerns actions of Fort Ord Reuse Authority (FORA) “in the unlikely event that MEC is found during construction support.” The final portion, “completing the annual reporting of construction support activities as part of the annual LUC status report,” should be separated from the current sentence since the annual monitoring and reporting is not conditioned on having any discovery of MEC.
3. Page 5-3. Section 5.1.3 Residential Use Restriction (FORA Responsibilities). Second bullet describes the advance notice of property transfers and includes a statement, “Property conveyance notification requirements will pass to future property owners.” However, Response 15 to the Army’s comments on the Administrative Draft version of the document indicates that the provision requiring future property owners to provide advance notice of property transfer was removed from the plan. The sentence should be deleted or clarified.
4. Page 5-7. Section 5.2.1 Munitions Recognition and Safety Training. First bullet describes that the County and the Cities will provide annual notification of the safety training requirement to the land owners. For consistency with earlier description in Section 4.2, please add “and other land users (related to utilities).”
5. Appendix I. The Army’s MEC Recording Form provided in this appendix should be replaced with the current version. The current version is available in Munitions Response Site Security Program, March 2016 (Administrative Record number: OE-0422P).
6. Appendix L. The appendix provides FORA’s responses to comments it received from the jurisdictions on the Administrative Draft version of the document. It demonstrates that FORA has been coordinating the plan with, and addressing the concerns expressed by, the local jurisdictions and Monterey Peninsula College who would participate in the long-implementation of the plan. It is suggested to add a note to Appendix L (or another appropriate portion of the document) that describes the extensive effort FORA has applied to communicate and coordinate the plan with these entities, and how the plan has been revised to be more readily implementable for these partners. Please also note that the Administrative Draft version was not provided for inclusion in the Administrative Record.

Chieko Nozaki (Chenega Support Services)
831-899-7372



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

Barbara A. Lee, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Edmund G. Brown Jr.
Governor

March 17, 2017

Mr. Stan Cook
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

REVIEW OF THE DRAFT FINAL, GROUP 3, LAND USE CONTROLS
IMPLEMENTATION PLAN/OPERATION AND MAINTENANCE PLAN,
DEL REY OAKS/MONTEREY, LAGUNA SECA PARKING, AND MILITARY
OPERATIONS IN URBAN TERRAIN SITE MUNITIONS RESPONSE AREAS,
FORMER FORT ORD, CALIFORNIA, FEBRUARY 10, 2017

Dear Mr. Cook:

The Department of Toxic Substances Control (DTSC) has reviewed the Draft Final, Group 3, Land Use Controls Implementation Plan/Operation and Maintenance Plan, Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas, Former Fort Ord, California, February 10, 2017.

DTSC appreciates the opportunity to review the subject document. DTSC reviewed the report including responses to comments, and has no additional comments.

If you would like to discuss this further, please contact me at (916) 255-4988, or via email at vlado.arsov@dtsc.ca.gov.

Sincerely,

Vlado Arsov, P.E.
Project Manager
Military and Corrective Action Unit
Brownfields and Environmental Restoration Program

cc: See next page.

Mr. Stan Cook
March 17, 2017
Page 2

cc: (Via email)

Ms. Maeve Clancy
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
Mail Code: SFD-8-3
San Francisco, California 94105
clancy.maeve@epa.gov

Mr. Noel Shrum, Chief
Military and Corrective Action Unit
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
noel.shrum@dtsc.ca.gov

Mr. Roman A. Racca, P.G.
Senior Engineering Geologist
State-Wide Munitions Response Coordinator
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
roman.racca@dtsc.ca.gov



March 30, 2017

Stan Cook
FORA ESCA Program Manager
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

RE: Group 3 Draft Final Land Use Controls Implementation Plan/Operation and Maintenance Plan – Del Rey Oaks/Monterey, Laguna Seca Parking, and Military Operations in Urban Terrain Site Munitions Response Areas (MRAs)

Dear Mr. Cook:

Monterey Peninsula College (MPC) has completed a review of the recently released Draft Final Land Use Controls Implementation Plan and Operation and Maintenance Plan (LUCIP/OMP) for the Group 3 Munitions Response Areas. The Military Operations in Urban Terrain (MOUT) site is included in the Group 3 MRAs. MPC will be the eventual land owner of the MOUT site and responsible for compliance with the LUCIP/OMP. The College's planned use of the MOUT site for public safety officer training is essential to the educational mission of MPC. While this Final Draft has addressed some of MPC's earlier comments on the plan, the feasibility of implementation of the plan remains a significant concern to us. The College submits the following comments regarding the Final Draft:

MPC Parcel Consultation, and Approvals

Section 4.1.3 in the Final Draft includes an explanation of the process for MPC to comply with local digging and excavation ordinances. The first paragraph states, *"The MPC is not bound by local building regulations when they act in their higher education capacity and is not subject to project review or permitting by the County or Cities. The MPC is not required to obtain an excavation permit under the local digging and excavation ordinances. However, MPC has agreed to comply with the local digging and excavation ordinances, including requirements for munition recognition and safety training, ..."* To provide further clarity, MPC suggests the following language revisions. *"~~The~~ MPC is not bound by local building regulations when they act in their higher education capacity/role and is not subject to project review or permitting by the County or Cities. ~~The~~ MPC is not required to obtain an excavation permit under the local digging and excavation ordinances. However, MPC has agreed to comply with the local digging and excavation ordinances, specifically the including requirements for munition recognition and safety training, ...DTSC."* MPC seeks to clarify that MPC's training activities are not subject to local ordinances (per MPC's comments of September 13, 2016) and to specify the extent of MPC's compliance with the local excavation/digging ordinances.

Also, in this section and elsewhere in the document, “the MPC” is used. We suggest “the” be deleted.

Ground Disturbing or Intrusive Activities

The Final Draft specifies that on-site construction support or anomaly avoidance is required for all soil disturbance activities occurring in areas where the risk of encountering MEC is moderate to high, regardless of the level of soil disturbance (section 4.3.3). The entire MOUT Site has been identified as such an area. On-site construction support includes many requirements, including an on-site construction support plan and an explosive safety submission (ESS). These plans must be approved by the Army, EPA, and DTSC before any soil can be removed.

As with the previous version, the Final Draft includes specific discussion of projects involving disturbance of less than ten cubic yards of soil, such as “*landscape maintenance, tree and shrub planting, road maintenance, fence and sign post installation, and soil sampling.*” While an excavation permit is not required, there must be coordination with FORA, the Army, EPA, and DTSC to ensure compliance with MEC safety requirements (section 3.2). Although the Final Draft states in several places that on-site construction support is required for projects with minimal soil disturbance on areas such as the MOUT site (sections 4.2.1.1, page 4-5; 4.3.1, pages 4-9-4-10; 4.3.1.3. page 4-15; 4.3.3. page 4-21), section 4.3.1.2 states in two places that minimal soil disturbing activities in areas with a moderate to high probability of encountering MEC may require use of anomaly avoidance techniques or on-site construction support. The Final Draft goes on to state that FORA will coordinate with the appropriate entities to determine appropriate construction support requirements. This inconsistency appears to imply flexibility regarding the requirement for on-site construction support and the associated plans and signoffs. Is our interpretation correct? If so, please provide clarification. MPC would support flexibility in the determination rather than a strict requirement for on-site construction support for soil disturbance of less than 10 cubic yards, based on the project specific and site specific activity.

MPC understands the LUCIP/OMP is to address the risk to human health and safety from any remaining MEC at the MOUT. However, if on-site construction support with the associated plans and approvals is strictly required for activities with any level of soil disturbance, necessary maintenance completed in a timely manner to address safety or operational issues would seem infeasible.

FORA’s Responsibilities

FORA has a critical and valuable role in the LUCIP/OMP and MPC recognizes FORA’s unique expertise and charge in coordinating with property owners, Army, EPA, and DTSC on the appropriate construction support requirements. Although the Final Draft indicates FORA’s responsibilities will be transferred to FORA’s successor in interest, MPC is concerned that FORA’s successor will not have the comparable expertise or resources to effectively fulfill this role and responsibilities.

Restrictions Prohibiting Residential Use

Section 4.4 notes the residential use restrictions in force for the Group 3 properties and states residential reuse includes “any type of educational purpose for children or young adults in grades kindergarten through 12.” Does the scope of the residential use restrictions include any activity

March 30, 2017

Page 3

involving children or young adults, i.e., are children in grades K-12 prohibited from being present at the MOUT site? Would this restriction include educational tours of the MOUT?

Remedy Modification

In section 4.7.1, the Final Draft describes the process when additional investigation or action is required. All development activities are to cease. As the decision for further investigation or action could have significant impacts on MPC's use of the MOUT, MPC noted in a prior comment letter that consultation with the College was warranted. The response was that FORA would coordinate with the property owner during the assessment of munitions found and any additional actions; however, there is no mention of coordination or notification of the property owner in this section or in section 4.3.5. MPC requests this section explicitly state FORA will coordinate with the property owner regarding any additional actions.

Implementation Concerns

The LUCIP/OMP is a complex implementation plan that will be challenging to implement at the MOUT site. MPC plans to construct a new firing range facility at the MOUT site requiring soil disturbance. MPC will also need to install fencing, requiring soil disturbance. In addition, maintenance of existing roads, structures, and fuel breaks will be required to ensure safe and practical use for MPC's public safety training programs, and by the military and local agencies. Accomplishment of these projects will enhance the effective reuse of the MOUT site. However, as the assessed risk of encountering MEC is moderate to high at the MOUT site, MPC will be required to provide on-site construction support for most, if not all, of these projects. This construction support will necessitate preparation of all of the associated plans, submissions, and approvals, at MPC's cost. Expedient review in all processes requiring coordination or approval by FORA, the Army and the regulatory agencies will be necessary to avoid project delays and additional construction or operational costs. As the implementation plan brings a new set of procedures for the former Fort Ord area, MPC is concerned about how the LUCIP/OMP processes will actually work in practice, what the actual timelines and costs will be, and if improvements or adjustments to the process will be considered.

Thank you for the opportunity to comment. We welcome further discussion of our concerns. If you have any questions, please contact me at 831-646-4114, email: vnakamura@mpc.edu.

Sincerely,



Vicki Nakamura
Assistant to the President

c: Dr. Walter Tribbley, Superintendent/President

From: Beretti, Melanie x5285 [<mailto:BerettiM@co.monterey.ca.us>]

Sent: Friday, March 24, 2017 9:54 AM

To: Stan Cook <Stan@fora.org>; Elizabeth Caraker <caraker@monterey.org>

Cc: Craig Malin <CMalin@ci.seaside.ca.us>; Vicki Nakamura <vnakamura@mpc.edu>; Laura Vidaurri <Laura@fora.org>; Jen Simon <Jen@fora.org>; Spill, Chris <Chris.Spill@arcadis.com>

Subject: RE: Status of your review? : Draft Final ESCA Group 3 LUCIP-OMP is out for comment: Comments due by March 15th, 2017.

Stan –

The County has reviewed the document and has no new comments. In our review of the final draft we noted that many of our prior submitted comments have been addressed. Staff also noted that some of our prior submitted concerns regarding Federal commitments and funding/cost for compliance are not addressed by the document; we assume they were not disregarded and were simply unable to be addressed within the scope of this document.

Kindly,
Melanie

Melanie Beretti
Resource Management Agency
831-755-5285

From: Elizabeth Caraker [<mailto:caraker@monterey.org>]

Sent: Thursday, March 23, 2017 4:38 PM

To: Stan Cook <Stan@fora.org>

Cc: Beretti, Melanie x5285 <BerettiM@co.monterey.ca.us>; Craig Malin <CMalin@ci.seaside.ca.us>;

Vicki Nakamura <vnakamura@mpc.edu>; Laura Vidaurri <Laura@fora.org>; Jen Simon <Jen@fora.org>;

Spill, Chris <Chris.Spill@arcadis.com>

Subject: Re: Status of your review? : Draft Final ESCA Group 3 LUCIP-OMP is out for comment:
Comments due by March 15th, 2017.

I have reviewed and have no comments Stan. Thanks.

--

Elizabeth Caraker, AICP
Principal Planner
City of Monterey
831-646-1739

APPENDIX N
Distribution List

Print	Electronic	Name	Organization	Address	City and State	Zip
1	1	Stan Cook	Fort Ord Reuse Authority	920 2 nd Avenue, Suite A	Marina, CA	93933
1	1	Michael Houlemard	Fort Ord Reuse Authority	920 2 nd Avenue, Suite A	Marina, CA	93933
1	1	John Chesnutt	U.S. Environmental Protection Agency	75 Hawthorne Street, Mail SFD-8-3	San Francisco, CA	94105
0	1	Tom Hall	TechLaw, Inc.	7 Shore Point Road	North Little Rock, AR	72116
0	1	Robert Young	TechLaw, Inc.	235 Montgomery St, Suite 717	San Francisco, CA	94104
1	1	Noel Shrum	California Department of Toxic Substances Control	8800 California Center Drive	Sacramento, CA	95826
2	2	William K. Collins	Department of the Army	BRAC, Bldg. #4463 Gigling Road	Seaside, CA	93955
1	1	Administrative Record Coordinator	Fort Ord Administrative Record	BRAC, Bldg. #4463 Gigling Road	Seaside, CA	93955
1	1	Mike Weaver	Fort Ord Community Advisory Group	52 Corral de Tierra Road	Salinas, CA	93908
0	1	LeVonne Stone	Fort Ord Environmental Justice Network	P.O. Box 361	Marina, CA	93933
1	1	Carl Holm	Monterey County Resource Management Agency	1441 Schilling Place, South Wing, Second Floor	Salinas, CA	93901
1	1	Craig Malin	City of Seaside	440 Harcourt Avenue	Seaside, CA	93955
1	1	Hans Uslar	City of Monterey	580 Pacific Street	Monterey, CA	93940
1	1	Dino Pick	City of Del Rey Oaks	650 Canyon Del Rey Road	Del Rey Oaks, CA	93940
1	1	Walter Tribley	Monterey Peninsula College	Administration Building, 980 Fremont Street	Monterey, CA	93940
0	1	Project File	ARCADIS, Attention: Jane Thompson	100 Smith Ranch Road, Suite 329	San Rafael, CA	94903

Approved:



Christopher G. Spill, P.G.
ESCA Remediation Program Manager
Arcadis U.S., Inc.