Prepared by



United States Army Fort Ord Base Realignment and Closure Office

April 2005



DEPARTMENT OF THE ARMY FORT ORD OFFICE, ARMY BASE REALIGNMENT AND CLOSURE P.O. BOX 5008, BUILDING #4463 GIGLING ROAD MONTEREY, CALIFORNIA 93944-5008 MAY 1 1 2005

Fort Ord Base Realignment and Closure Office

Fort Ord Munitions Response Site Security Program Committee

Reference: Fort Ord Munitions Response Site (MRS) Security Program

Dear Fort Ord MRS Security Program Committee Member:

The FORT ORD MRS SECURITY PROGRAM ANNUAL REPORT 2004 is provided to you within as Appendix B to the MUNITIONS RESPONSE SITE (MRS) SECURITY PROGRAM (FORMERLY ORDNANCE AND EXPLOSIVES (OE) SITE SECURITY 2002 PROGRAM SUMMARY) FORMER FORT ORD, CALIFORNIA in accordance with the Fort Ord MRS Security Program. Comments and recommendations concerning the contents of this report may be directed to the Fort Ord Base Realignment and Closure Office, Attn: Site Security Manager, P.O. Box 5008, Monterey, CA 93944.

Your interest in the security of Fort Ord munitions response sites is appreciated. We remain available to respond to your recommendations or concerns throughout the year. If you have questions or concerns, please contact Lyle Shurtleff at (831) 242-7919.

Sincerely,

aunchlood Gail Youngblood

BRAC Environmental Coordinator



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Encl Fort Ord Munitions Response Site Security Program

Prepared by



United States Army Fort Ord Base Realignment and Closure Office

April 2005

Change 2

The attached is updated text for incorporation into the subject document.

INSTRUCTIONS

Replace current text pages with the change text pages as described below:

OLD	replace with	NEW
Page Number(s)		Page Number(s)
17-18		chg 2 17-18
Levels of Site S	ecurity Plate 1	chg 2 Plate 1
Appendix E		chg 2 Appendix E
Appendix H 4		chg 2 Appendix H 4
Appendix N (Jan	nuary 2004)	Appendix N (June 2007)

Place this page and Summary of Changes page next under behind the the title page of the document for reference.

The electronic version of this document maintained at <u>www.fortordcleanup.com</u> has been updated as described above.

The point of contact for this document is Lyle Shurtleff, (831) 242-7919.

Change 2

Summary of Changes

- Changes regional Explosives Ordnance Disposal (EOD response unit from 787th Ordnance Company (EOD) to 60th Civil Engineer Squadron (EOD).
- Updates the Levels of Security of Restricted Munitions Response Sites (MRS)
- Updates the Status of Fort Ord Military Munitions Response Program (MMRP) by Munitions Response Site (MRS)
- Updates reference phone numbers for Contingency Security Operations. Responsibilities and Equipment.
- Updates the Fort Ord Munitions and Explosives of Concern (MEC) Incident Reporting Form.

Change 3

May 2008

The attached is updated text for incorporation into the subject document.

INSTRUCTIONS

Replace current text pages with the change text pages as described below:

OLD	replace with	NEW
Page Number(s)	-	Page Number(s)
5-14		chg 3 5-14
Levels of Site Securi		
Appendix F		chg 3 Appendix F

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The point of contact for this document is Lyle Shurtleff, (831) 242-7919.

Change 3

May 2008

Summary of Changes

- Changes references to Imjin Road/Parkway to reflect recent construction.
- Updates the MRS Security of Restricted Munitions Response Sites (MRS)
- Eliminates MRS-16 as a restricted MRS.
- Updates identification requirements and procedures for authorized vehicles and personnel operating on controlled roadways and within restricted MRS.

Change 4

June 2009

The attached is updated text for incorporation into the title document.

INSTRUCTIONS

Replace current text pages with the change text pages as described below:

OLD	replace with	NEW
Page Number	r(s)	Page Number(s)
i through ii		i through ii chg 4
1 through 20		1 through 25 chg 4
Plate 1		Plate 1 chg 4 and Plate 2 chg 4
		Appendix B add Annual Report 2008
Appendix L.		Appendix L chg 4

Place this page and Summary of Changes page next under the title page of the document for reference.

The electronic version of this document maintained at <u>www.fortordcleanup.com</u> has been updated as described above.

The point of contact for this document is Lyle Shurtleff, (831) 242-7919.

Change 4

Summary of Changes

- Adds a detailed graphic (plates 1&2) to describe roadways potentially impacted by MRS security measures.
- Updates the projected term for completion of the MEC cleanup.
- Describes area security measures that may be implemented during future possible MEC work in public lands.
- Clarifies the program review process.
- Described specific responsibilities for incident data collection and management.
- Adds Annual Report 2008
- Updates procedures for requesting Ordnance Recognition and Safety Training.

1.0 INTRODUCTION	1
1.1 Background	1
1.1.1Changes to Terminology	1
1.2 Program Objective	1
1.3 Challenges	1
1.4 Munitions Response (MR) Site Security Program Organization.	2
1.5 Security Program Improvement Process	2
1.6 Annual Reports	$\frac{1}{2}$
1.7 Distribution	3
1.8 Data Management.	3
To Dua Mangement	5
2.0 Military Munitions Response Program (MMRP)	4
2.1 History of MEC Use	4
2.2 MMRP Program Summary	4
3.0 Munitions Response Site Security Measures	6
3.1 Public Access to Fort Ord Lands	6
3.1.1 Open Areas	6
3.1.2 Roadways	6
3.2 Munitions Response Sites (MRS)	7
3.2.1 MEC Security Measures	7
3.2.2 MEC Removal	7
3.2.3 MRS Access and Area Restrictions.	8
3.2.3.1 Roadway Restrictions.	8
3.2.3.2 Access Control – Restricted MRS	9
3.2.3.2.1 Restricted MRS.	9
3.2.3.2.2 Controlled MRS.	9
3.2.3.2.3 Unrestricted MRS.	9
3.2.3.3 Access Authorization to Restricted MRS.	9
3.2.3.4 Fencing and Gates	10
3.2.3.4.1 Fencing MRS Outside of the Impact Area	10
3.2.3.4.2 Fence Maintenance.	11
3.2.3.4.3 Temporary Fencing	11
3.2.3.4.4 Fencing of Transferred and/or Leased Parcels	11
3.2.3.5 Security Patrols.	11
3.2.3.6 Other Related Security Measures	12
3.2.3.6.1BLM Lands	12
3.2.3.6.2 Fort Ord Reuse Authority Lands	12
3.2.4 Management Controls.	12
3.2.4.1 Management Controls by Parcel Recipients	13
3.2.4.2 Management Controls for Track 1 MRS	13
3.3 Public Education/Community Relations	13
3.3.1 Danger/Warning Signs	14
3.3.2 Brochures, Pamphlets and Fact Sheets	15
3.3.3 School/Community MEC Safety Program	15
3.3.4 Public Meetings/Events	16

TABLE OF CONTENTS

TABLE OF CONTENTS (Continued)

3.3.5 Display Boards	17
3.3.6 Ordnance Recognition and Safety Training	17
4.0 Area Access, Incident Reporting, and Response Procedures	19
4.1 Background	19
4.2 Procedures to Access the Impact area	19
4.3 Incident Reporting	19
4.3.1Trespassing Incident Reporting	19
4.3.1.1 Trespassing Incident Report Form	20
4.3.2 MEC Incident Reporting.	20
4.3.2.1 MEC Incidents on Federal Property	21
4.3.2.2 MEC Incidents on Non-Federal Property	21
4.3.2.3 MEC Incident Report Form.	22
4.3.2.4 Records Maintenance.	22
5.0 Program Review	23
5.1 Annual Review	23
5.2 Munitions Response Site Security Program Committee	23
6.0 Program Updates	25

PLATES

Plate 1	Boundary Roads Fort Ord MRS
Plate 2	Restricted MRS-BLM

APPENDIXES

Appendix A	Terminology Changes
Appendix B	Annual Reports
Appendix C	Distribution List, Program Updates and Reports
Appendix D	Safety Alert
Appendix E	Munitions Response Site (MRS) Status
Appendix F	Identification of Authorized Vehicles and Personnel Operating on Controlled
	Roadways, and Within Restricted Munitions Response Sites (MRS) on the
	Former Fort Ord.
Appendix G	Procedures for Routine and Emergency access into the Fort Ord Impact area and
	Other Restricted Munitions Response Sites (MRS)
Appendix H	Guidance for Contingency Security Operations, Responsibilities, and Equipment -
	Fort Ord Impact area, Other Restricted Munitions Response Sites (MRS) and/or
	Controlled Roadways
Appendix I	Fort Ord News (example)
Appendix J	Example of Invitation to Participate in the Munitions and Explosives of Concern
	(MEC) School Safety Program
Appendix K	Bureau of Land Management (BLM) Brochure
Appendix L	Ordnance Recognition Safety Training (flyer)

ACRONYM LIST

AR	Army Regulation
ASR	Archive Search Report
BCT	Base Realignment and Cleanup Team
BLM	Bureau of Land Management
BRAC	Base Realignment and Closure
CSUMB	California State University, Monterey Bay
CFR	Code of Federal Regulations
DENR	Directorate of Environmental and Natural Resources Management
DLIFLC	Defense Language Institute Foreign Language Center
DTSC	Department of Toxic Substances Control
EOD	Explosive Ordnance Disposal
EPA	Environmental Protection Agency
FBI	Federal Bureau of Investigation
GIS	Geographical Information System
HFO	Hampton Field Office
HE	High Explosives
MEC	Munitions and Explosives of Concern (formerly OE)
MMRP	Military Munitions Response Program
MOUT	Military Operations Urban Terrain
MPO	Monterey Project Office
MR	Munitions Response
MR RI/FS	Munitions Response Remedial Investigation/Feasibility Study
OSS	Ordnance safety specialist
POM	Presidio of Monterey
RAC	Risk Assessment Code
SH	State Highway
SMART	Strategic Management Analysis Requirement Technology
USACE	U.S. Army Corps of Engineers
UXO	Unexploded Ordnance

1.0 INTRODUCTION

1.1 Background: As a result of the Base Closure and Realignment Act of 1988 (Public Law 100-526) and the Defense Base Closure and Realignment Act of 1990 (Public Law 100-510), Fort Ord is now closed. The process of disposal and reuse of the installation property began in 1994. As part of the disposal and reuse process, the Army began work to remove Munitions and Explosives of Concern (MEC) from the former Fort Ord to reduce the explosive threat to the community and to support property transfer after base closure. Areas containing MEC will be eligible for reuse when the area has been cleaned up suitably for the designated reuse

1.1.1 Changes in Terminology: Changes were made in many definitions related to actions and items associated with the Department of Defense Military Munitions Response (MMRP) Program in 2003. This document as well as annual reports and updates to the Fort Ord MRS Security Program will incorporate the new terminology where applicable (Appendix A).

1.2 Objectives: The objectives of this program are:

- to document existing measures that have been implemented to inform the public about the possible hazards of MEC;
- to document existing MRS security measures that prohibit/restrict public access to those MRS that pose an explosive threat to the community;
- to document a process for periodically reviewing and updating the program.

1.3 Challenges: The task of effectively reducing the explosive threat to the community provides several challenges:

- **Multiple Entry Points:** There are multiple roadway and trail entry points providing access to a large area of the former Fort Ord.
- **Topography:** Rolling hills and thick vegetation obscure the vision of security patrols. The patrols can only see a short distance into the Impact area.
- Fences are less than 100% effective: Fencing prevents individuals from unwittingly entering the Impact area. However, those individuals truly desiring to get into the Impact area can trespass beyond any fence with some effort.
- Adjacent Populated Areas: Many people live in close proximity to restricted MRS, either on former Fort Ord property or adjacent to the boundary of the former Fort Ord.
- **Ongoing Land Use:** People also utilize Bureau of Land Management Lands adjacent to the former Fort Ord for biking, hiking, jogging, and horseback riding.
- **MMRP is a long term project:** The cleanup of MEC is projected to occur over the next 10 12 years. Three factors limit the amount of acreage that can be cleaned up annually: worker safety procedures, habitat management requirements and annual funding as available.

1.4 Munitions Response Site Security Program Organization: The Munitions Response Program is organized as follows:

- Section 1.0 Introduction. This section identifies program objectives and presents information on program update and distribution of annual reports.
- Section 2.0 Military Munitions Response Program (MMRP). This section discusses the status of the MEC cleanup program.
- Section 3.0 Munitions Response Site Security Measures. This section discusses existing MRS security measures including access control, fencing, patrolling and management controls.
- Section 4.0 Site Access, Incident Reporting, and Response Procedures. This section describes procedures for obtaining access to the impact area. In addition, incident reporting procedures for trespass and the discovery of suspected MEC are identified.
- Section 5.0 Program Review. This section describes the program review process.
- Section 6.0 Program Updates. This section describes the process for updating this and other site security publications.

1.5 Program Improvement Process: The Army continually reviews the MRS security program to ensure that the explosive risk to the community is being effectively reduced (see Section 5, Program Review). At any time, the Army welcomes comments and/or suggestions on how to improve this program. Written comments may be sent to:

Ms. Gail Youngblood, BRAC Environmental Coordinator U.S. Army Presidio of Monterey Fort Ord Base Realignment and Closure Office P.O. Box 5008 Monterey, CA 93944-5008

or submitted at the community involvement workshops. Verbal or email comments may be submitted to:

Mr. Lyle Shurtleff, MMRP Site Security Program Manager (831) 242-7919 victor.l.shurtleff@us.army.mil

1.6 Annual Reports: Annual reports will be published in May each calendar year covering events of the previous year (Appendix B). Annual reports will include the following:

- a summary of trespassing incident reports, an evaluation of past-year trespassing incidents to determine if there are trends, and recommendations, if warranted, for additional control measures;
- a summary of MEC discovery incident reports, an evaluation of past-year MEC incident reports to determine if MEC discoveries are clustered together in a

decernable area and a determination if further cleanup work needs to be conducted for that particular MRS;

• a summary of new control measures implemented during the year to increase MRS security and planned actions, if any, for the next calendar year.

1.7 Distribution: The distribution list for organizations to receive the updates to the MRS Security Program and annual reports is at Appendix C:

1.8 Data Management: Incidental data collected as part of this plan will be incorporated into the existing Geographical Information System (GIS). The data collected will include, but is not limited to, topography, details of trespassing incidents, date, type, location and disposition of MEC incidents, damage to barriers discovered on inspections, current and changes to area security levels, and changes in site security status. No information subject to the "Privacy Act" will be maintained on the database. The USACE project manager will provide quality assurance of the database.

2.0 MILITARY MUNITIONS RESPONSE PROGRAM (MMRP) SUMMARY

2.1 History of Military Munitions Use: Military training on Fort Ord began in 1917 and continued until base closure in 1994. At its founding in 1917, Fort Ord served primarily as a training and staging facility for infantry troops. From 1947 to 1974, the installation was a basic training center. After 1974, the 7th Infantry Division occupied the installation. The 7th Infantry Division was converted to a light division in 1983; light infantry troops operate without heavy tanks or armor. Fort Ord was included on the 1991 Base Realignment and Closure (BRAC) list and officially closed in September 1994.

From 1917 until closure in 1994, infantry units used portions of the installation for maneuvers, target ranges, and other military activities. Military munitions that have been fired into, fired upon, or used on the facility include artillery and mortar projectiles, rockets, rifle and hand grenades, land mines, pyrotechnics (flares, signals, simulators and smoke screening devices), bombs and demolition materials. Experience indicates that a portion of those munitions, when used, malfunctioned and remain potentially dangerous as unexploded ordnance. In addition, unfired ordnance has also been found intentionally buried.

Unexploded ordnance (UXO) is defined as military munitions that contain an explosive or pyrotechnic charge and has been primed, fuzed, armed or otherwise prepared for action, and which has been fired, placed, dropped, launched, projected and remains unexploded by design or malfunction. These can be, but are not limited to, highexplosive warheads, rocket motors, practice munitions with spotting charges, artillery and mortar ammunition, grenades, incendiary munitions, electric explosive devices and propellant-actuated devices. Fuzes with live explosive boosters or detonation cord are also classified as UXO (Appendix A). All UXO is potentially dangerous and poses an explosive threat to the community (Appendix D Safety Alert).

Munitions debris is defined as a military munition or component thereof which contains no energetic material. These can be, but are not limited to, practice munitions without spotting charges, drill rounds, inert training munitions, or expended ejection munitions. Fragments of military munitions, which have functioned as designed or were recovered from areas where munitions were intentionally destroyed, are ordnance scrap if they have no explosive, pyrotechnic or chemical filler. **Munitions debris poses no explosive threat to the community.**

2.2 Site Status Summary: Since 1994 the Army has been conducting an MMRP that consists of implementing and documenting removal actions in areas that posed explosive threats to the community. In 1998, the Army began a Munitions Response Remedial Investigation/Feasibility Study (MR RI/FS) to identify long-term remedies. The best MRS security measure is a removal action because it reduces or eliminates the immediate explosive threat to the community. Removal actions have not only reduced immediate

explosive threats but have provided information about the type of MEC and level of explosive threat at each of the sites for use in the MR RI/FS (Appendix E).

3.0 MUNITIONS RESPONSE SITE SECURITY MEASURES

3.1 Public Access to Fort Ord: There is a long history of public access to Fort Ord. When the 28,000 acre base was active it was home to more than 7,000 people and more than 6,000 soldiers and civilians commuted to work on the base. Many people use the open lands and waters on the installation for recreation. After the closure of Fort Ord in 1994, public use of former Fort Ord property continued but at a reduced level. As the environmental cleanup of the former Fort Ord property has progressed some of the land has transitioned to community, business, and other uses. Public use of former Fort Ord property is again expanding.

3.1.1 Open Areas: When Fort Ord was an active Army base, many areas were designated for recreational use including fishing, biking, hiking, running and other activities. Weapon ranges were off-limits. Access to training areas was controlled, however public use was common. When Fort Ord was closed use or off-road transit of the property was restricted to authorized personnel unless otherwise posted. The use or transit of federal property of the former Fort Ord remains restricted to authorized personnel unless otherwise posted or described below. Authorization for use of federal property on the former Fort Ord is controlled through the Fort Ord BRAC Real Estate Office, Bldg. 4463 Gigling Road, Phone 831-242-7900.

3.1.2 Roadways: An extensive road network continues to develop on the former Fort Ord (Plate 1). The main entrance, located west of the Main Garrison, is accessed from the four-lane Highway 1 via Lightfighter Drive. Coe Avenue and the Broadway Avenue approach the former Fort Ord from the community of Seaside. On the southern boundary of the installation, Commuters and residents use Ragsdale Road off of State Highway (SH) 68 and General Jim Moore Boulevard (formerly North-South Road) to transit or access former Fort Ord property via South Boundary Road from the south or to enter Laguna Seca Raceway during scheduled events.

The Bureau of Land Management (BLM) provides trail access to the Fort Ord Public Lands at trailheads along SH 68. Reservation Road connects the community of Marina to the city of Salinas bisecting the former Fort Ord property near the Marina Airport (former Fritzsche Army Airfield). Imjin Road/Parkway has been improved and extended to the 12th Street intersection at Highway 1 providing a major east-west route through the former base and to the City of Marina via California Avenue, and the Marina Airport. Other east-west routes through former Fort Ord property include Gigling Road and Eucalyptus Road. Inter-Garrison Road, is the main connection between the Main Garrison and the East Garrison areas.

General Jim Moore Boulevard provides north-south transit of the western portion of the former Fort Ord. Other north-south routes include Watkins Gate Road, Barloy Canyon Road, Pilarcitos Canyon Road, Skyline Road, and Oil Well Road.

3.2 Munitions Response Sites: Due to the long history of Fort Ord, many areas have been used regularly or intermittently for training involving weapons and explosives. Upon the closure of Fort Ord, these areas were identified through examination of historical information and site inspections. Areas where the presence of Munitions and Explosives of Concern (MEC) was confirmed or suspected were designated Munitions Response Sites (MRS) (Plate 1). These sites were then assessed for explosive risk and prioritized for cleanup based on that assessment. MEC are military munitions or explosives that may pose an explosive safety risk and therefore are of concern.

3.2.1 MRS Security Measures: The safety of the people living, working and recreating on former Fort Ord is the top priority of the installation Military Munitions Response Program (MMRP). The Army believes that it is unacceptable if even one person is injured from MEC at the former Fort Ord, regardless of circumstances. Immediately following base closure, and with the implementation of the MMRP, the Army examined MRS security to ensure appropriate measures were in place to effectively reduce the explosive risk to the community. The Presidio of Monterey Safety Office, U.S. Army Corps of Engineers, and MMRP contractors were consulted. The result was the implementation of several measures to protect the public where MEC is considered an explosive safety risk. Those measures include: 1) begin MEC removal on prioritized sites, 2) restrict public access to high MEC risk sites, 3) manage all MRS to protect those who work on and near MRS from MEC, 4) implement public safety education and worker training programs to address the hazards of MEC, describe the procedures for responding to the discovery of MEC, and explain the requirements for compliance with MEC safety advisories and MRS restrictions/controls.

3.2.2 MEC Removal: Removal of MEC from Fort Ord property is the best way to protect the public. The removal of MEC from former Fort Ord property began prior to the closure of the base. When Fort Ord was an active base mission requirements often changed. Frequently this involved changes in the use of areas previously used for weapons and explosives training. In these instances, removal actions were completed to the degree necessary to allow the new use of the area. With the closure of Fort Ord removal efforts have been directed by the MMRP with a priority to protect the public from MEC and to provide for the safe reuse of transferred property. After MEC removals and/or risk assessments, MRS on the former Fort Ord may remain or become unrestricted or restrictions may be modified to allow for limited use of the land. Users are cautioned concerning the potential for MEC discovery in MRS through postings, training, and advisories, as well as safety alerts. Some MRS remain restricted from public access due to a high safety risk from MEC.

Because it was a high MEC risk area, the historical impact area was a restricted area with access limited to authorized personnel only. Prior to the closure of Fort Ord, a perimeter fence was maintained around the impact area. In addition, the fence along the impact area's perimeter (15 miles total) was posted with signs to prevent unintentional entry into the area. Although not a security measure, frequent, visible Army live-fire training in the impact area may have discouraged casual trespassers. Additionally, the range control staff and military police routinely patrolled the impact area perimeter. After the closure

of Fort Ord and with the completion of several MEC removal actions and property transfers, the area and configuration of high MEC risk areas have changed. Those portions of the impact area where Army removal actions are in progress or pending initiation remain restricted and are fenced and posted with danger signs.

3.2.3 MRS Access and Area Restrictions: In cases where the type of MEC on a site or the disposition of that MEC presents a significant safety risk to the public, the Army designates those MRS as restricted and takes action to prevent unauthorized access until a removal or other action can be completed to address that risk. Prior to and during MEC removal or investigation activities, public access around and on MRS may be restricted. Removals may involve several steps and require months or even years to complete. Sometimes area restrictions in otherwise open areas or roadways are required for a short time to protect the public during a specific task such as a ground intrusive investigation (digging) or detonations. As MEC removals are completed, MEC safety risks are reassessed and appropriate changes to MRS security are made.

The impact area is a restricted MRS. Access to the impact area is limited to authorized vehicles and personnel. Procedures for routine and emergency access to the impact area are at Appendix G. Vehicle and personnel identification requirements for operating in the impact area are at Appendix F.

3.2.3.1 Roadway Restriction: Roads on along the perimeter of the impact area are subject to temporary control by federal authorities and are subject to limited access (Plate 2). While the limitation of access to these roadways is not part of the MRS Security Program, some of these roadways may be impacted by exclusion areas established to protect the public during MEC removals. These roads include portions of Eucalyptus Road on the northern perimeter, Barloy Canyon Road on the eastern perimeter and South Boundary Road on the southern perimeter. Barloy Canyon Road and South Boundary Road east of Rancho Saucito Road are regularly closed to vehicular traffic except during special event at Laguna Seca Raceway or when otherwise requested by local jurisdictions. These roads are open to biking, hiking, walking and jogging during daylight hours unless otherwise posted. Eucalyptus Road east of Parker Flats Cutoff is open to vehicular traffic, as well as biking, hiking, walking and jogging during daylight hours unless otherwise posted.

All other major and secondary roads south of Gigling Road, east of General Jim Moore Boulevard and north of Eucalyptus are subject to restrictions and limited to authorized vehicle access only (emergency, law enforcement, federal government, property owners, and their contractors). These roads are open to biking, hiking, walking and jogging during daylight hours unless otherwise posted. In addition, major roads highlighted on Plate 1 on BLM lands east of Barloy Canyon Road and Watkins Gate Road, Parker Flats Road, Parker Flats Cut-off Road and Hennikens Ranch Road are open to biking, hiking, walking, and jogging unless otherwise posted. Roadways and trails on and surrounding property of the former Fort Ord are subject to closure to all traffic during MEC removal or prescribed burning operations. Information concerning the status of roadways including temporary road closures is available at the website: fortordcleanup.com. Another source for the status of roadways and trails on former Fort Ord property is the Fort Ord Reuse Authority (http://fora-esca-rp.com).

3.2.3.2 Access Control - Restricted MRS: Control of access to restricted MRS is accomplished by the use of barriers between the explosive hazard and the community and enforcement of procedures for authorized access. The barriers include fencing and gates supplemented by signs and the presence of security patrols. Federal police enforce a posted federal "no trespassing" policy within restricted MRS. As specific areas of the former Fort Ord are transferred, controls will be re-evaluated for MRS that may still contain an explosive hazard. Temporary or additional area controls/restrictions may be implemented to protect public safety when it is determined that the status of an MRS or other area has changed or when otherwise required for public safety. Current area controls/restrictions for MRS on federal property are posted on the cleanup website: fortordcleanup.com.

The following guidelines were developed by the Army to determine appropriate security measures for specific MRS.

- **3.2.3.2.1 Restricted MRS:** If a site is determined to contain high explosive MEC on the surface, the site will be designated as restricted, fenced, and posted. The Army will physically restrict entry to the site. Danger/no trespass signs will be posted on the fence in accordance with Army safety guidance (Section 3.3.1.2 Danger/Warning Signs). Access will be limited to authorized and trained or escorted personnel. An example of these controls is the restricted impact area. If restricted MRS measures are determined to be ineffective in protecting the public a surface sweep for MEC may be conducted to reduce the MEC risk. If necessary, a MEC removal may follow the surface sweep.
- **3.2.3.2.2 Controlled MRS:** If a site is determined to contain surface pyrotechnic devices or subsurface high explosive MEC that may be a hazard to the public, the site will be designated as controlled. The Army will administratively control activities on the site. Warning signs will be posted around the perimeter in accordance with Army safety guidance (Section 3.3.12 Danger/Warning Signs). Posted cable or other lockable gates will be installed across access roads and at obvious entry points. Users will be advised of the potential MEC risk and MEC safety training will be available for workers operating on the site.

3.2.3.2.3 Unrestricted MRS: If no MEC has been discovered at a site or a MEC safety risk assessment determines there is a low risk from MEC, the site may not require use control measures or access restrictions. If upon further investigation or as a result of incidental evidence MEC is determined to potentially present a greater hazard at the site, security measures will be applied to protect the public until a new MEC safety assessment can be completed. The assessment will specify appropriate public safety measures for the site.

3.2.3.3 Access Authorization to Restricted MRS: Restrictions on public access to former Fort Ord property have been implemented to provide for public safety and federal

property security. Access to restricted MRS is limited to authorized vehicles and personnel. Procedures for routine and emergency access to restricted MRS are at Appendix G. Vehicle and personnel identification requirements for operating in restricted MRS are at Appendix F.

3.2.3.4 Fencing and Gates: Fencing is used to provide a physical impediment to unauthorized access to a restricted MRS. Fences and gates can not preclude unauthorized entry into an MRS, but serve as a physical barrier that is intended to be recognized as a higher level of warning (greater than warning signs only) of the danger posed by entry.

Current Army Regulation (AR) 385-63 requires high explosive (HE) UXO areas to be fenced. It is the only regulatory fencing requirement in the current AR for areas used for high explosives training. After the closure of the former Fort Ord, the BRAC staff consulted with the USACE and the Army Safety Office concerning the type of fence most suitable to address the possibility of someone unknowingly entering the restricted portion of the impact area. The Army Safety Office recommended the same type of fence that is required around mine fields: a two-strand barbed wire fence, one strand to be placed waist high and another strand to be placed ankle high. Warning signs and the implementation of a proactive education program were also recommended.

Based on the Army Safety Office recommendation and with USACE concurrence, the Army implemented the following in regards to restricted MRS on the former Fort Ord: 1) construction of a four-strand barbed-wire fence, 2) installation of appropriate danger and no trespassing signs, 3) arrangement for fence maintenance, 4) establishment of patrols, and 5) implementation of a proactive public safety and education program to inform the community of the purpose and location of restricted MRS. A four-strand barbed-wire fence was constructed around the 15-mile perimeter of the impact area in October 1996. The fence was constructed along the shoulder of the existing paved roads for ease of construction, maintenance, and patrol. Since firing points and targets were located at a distance inside the impact area from those roads, this created a buffer area between the actual range area and the barbed wire fencing. Concertina is barbed wire arranged in a series of rolled loops that make it difficult to cross without becoming entangled in it. This wire has been installed behind portions of the barbed wire fence to supplement the barbed wire fence and gates in areas adjacent to nearby populations or high traffic corridors. The barbed wire fence as supplemented is intended to prevent people from unknowingly or impulsively entering the restricted impact area. The fence is designed to require a conscious decision and effort on the part of a trespasser to enter the area. As portions of the historical impact area are cleaned up and transferred, the perimeter of the restricted MRS is adjusted.

3.2.3.4.1 Fencing MRS Outside of Impact Area: The Army reviews all available information on MRS outside the impact area to determine if fences are needed to address the explosive risk to the community. The information that is reviewed includes historical records, incident reports and visual inspections. A safety assessment was performed for each MRS to include a site walk by an ordnance and explosives safety specialist. Safety assessments, inspection results and an ordnance safety specialists' analysis of the type and depth of MEC likely to be present, hazard severity and probability, and the likelihood

of public access to the site are all considered in determining site fencing requirements. If the safety status of a MRS changes, fencing and other security options are reexamined.

3.2.3.4.2 Fence Maintenance: Army and Bureau of Land Management (BLM) personnel routinely check the impact area fence to ensure that it remains in good condition and to identify/complete needed repairs in a timely manner. Restricted MRS fences are maintained through an inter-service support agreement with BLM.

3.2.3.4.3. Temporary Fencing: Fencing may be damaged by accident or removed from areas surrounding restricted MRS to facilitate investigation or removal actions. Temporary fencing may be installed in previously unfenced areas to provide for an exclusion zone for MEC work. If it is necessary to remove established fencing, supplement damaged fencing, or establish a temporary exclusion zone in an unfenced area, the Army may install appropriate temporary fencing that is compatible with MEC detection equipment and suitable as a deterrent to trespassing. The temporary fencing will be posted with "no trespassing" and appropriate danger/warning signs. The Army posts the location of temporary exclusion zones on the cleanup website: fortordcleanup.com

3.2.3.4.4 Fencing of Transferred and/or Leased Parcel Boundaries: Within the impact area, there are development parcels that have been or are scheduled for future lease or transfer. The type of fencing to be installed on the Army property boundary once development parcels have been leased or transferred will be determined on a case by case basis after consulting with the lessee or the recipient of transferred parcels, the U.S. Environmental Protection Agency (EPA) and the California Department of Toxic Substances Control (DTSC), USACE, as well as jurisdictional fire and safety authorities. The potential for exposure of the community to any residual MEC risk, habitat requirements, as well as the type(s) of MEC remaining on the adjacent Army property are considered in determining the fencing requirement.

3.2.3.5 Security Patrols: Until Dec 2000, the former Fort Ord was designated as exclusive federal jurisdiction which meant that only federal law enforcement officers could issue citations. Recent changes allow concurrent jurisdiction with annexing municipalities. Local law enforcement agencies corporate with federal authorities to protect the public across the various jurisdictions on former Fort Ord property.

The Presidio of Monterey Police Department located on the Ord Military Community at Gigling Road patrols the vehicle access portions of Eucalyptus Road adjacent to the Impact area twice per twelve-hour shift for a total of four times per 24- hour day. The Del Rey Oaks Police Department patrols General Jim Moore Boulevard from Canyon Del Rey north to South Boundary Road intersection, and they provide traffic control on South Boundary Road during Laguna Seca Raceway events. The Seaside Police Department utilizes General Jim Moore Boulevard to access Seaside properties such as the schools and golf courses. Military Munitions Response Program contractors and adjacent residents provide an invaluable resource of "eyes and ears" for federal law enforcement authorities. Local residents and commuters are encouraged to report suspicious activities near fenced and posted areas and trespassers inside those areas to their local law enforcement authority or the federal police at 242-7851/2. Local authorities cooperate with federal police in the apprehension of MRS trespassers. Persons apprehended for trespass in restricted MRS will be cited by the federal police and referred to federal court. Juveniles apprehended as trespassers may be cited and remanded appropriately.

3.2.3.6 Other Related Security Measures: As former Fort Ord property is transferred, property managers or owners may establish security measures to control access to MRS or related areas.

3.2.3.6.1 BLM Lands: The BLM restricts public land users to designated roads and trails and anyone apprehended trespassing beyond the designated roads and trails is cited in accordance with 43 CFR 8364.1. If motorized vehicles are involved, BLM may cite the operator(s) and impound the vehicle(s). Bureau of Land Management public land users are also advised of the potential danger from MEC on former Fort Ord property. Public land use is restricted to daylight hours, i.e., from one hour prior to sunrise until one hour after sunset.

3.2.3.6.2 Fort Ord Reuse Authority Lands: On March 31, 2007 the U.S. Army (Army) and the Fort Ord Reuse Authority (FORA) entered into an agreement (Environmental Services Cooperative Agreement (ESCA)) resulting in the transfer of 3,340 acres of Economic Development Conveyance (EDC) properties and the responsibility of removing MEC to the FORA. The ultimate goal of the program is to expedite the environmental cleanup activities, and transfer, with the approval of U.S. Environmental Protection Agency (EPA) and in consultation with California Department of Toxic Substances Control (DTSC) to the local jurisdictions after the completion of munitions cleanup activities. Under the terms of the agreement the Army provided FORA with the funds to conduct the munitions remediation work, purchase environmental insurance to cover remedial activities, and reimburse regulators for their oversight of the program.

The FORA ESCA Remediation Program will work closely with event planners to ensure events can continue as planned. Events will comply with the Covenants Restricting Use of Property, be coordinated with the Regulators, receive a FORA Right of Entry and provide insurance before each event occurs. During all events traffic to and from the events will be controlled, and events will be restricted to designated areas where the events have occurred in the past. Outreach will be conducted to inform the public, especially people most likely to be impacted by access corridor closures, as early and as often as possible. Information on access corridor closures will address:

- As much unrestricted use as possible;
- Citizen and worker safety;
- Continuation of permitted events and activities as planned;

using the following media:

• Signs along access routes;

- Announcements on Fort Ord Users Group listserve;
- Notices in the local media;
- The web site <u>http://fora-esca-rp.com</u>.

The FORA ESCA Remediation Program will work closely with event planners to ensure events can continue as planned. Outreach will be conducted to inform the public, especially people most likely to be impacted by access corridor closures, as early and as often as possible. Information on access corridor closures will be made available through this web site and:

Additional information concerning access restrictions on ESCA property may be found on the ESCA website: fora-esca-rp.com.

3.2.4 Management Controls: Army management controls of MRS include design, publication and implementation of property policies and administrative procedures to support the security of MRS including, trespass and MEC incident reporting and data management (Section 4), program review (Section 5) security and safety requirements for property recipients and temporary property users, specification for emergency and routine access, and planning for contingency security operations.

Army management controls are incorporated into on-going actions and planning for appropriate follow-on actions in response to the incidental discovery of munitions items on former Fort Ord property. The Army will develop and submit a plan for appropriate follow-on actions to EPA and DTSC for consultation within 90 days of an incidental discovery of a MEC item outside restricted MRS or within an area where a removal action should have resulted in the removal of such an item.

3.2.4.1 Management Control by Parcel Recipients: Management control by current and future recipient or lessees of parcels on, within, or containing MRS may include required or recommended education of residents and visitors, signage, or other actions. The type of management controls recommended or required of property recipients will be determined on a case by case basis after consulting with the recipient, the U.S. Environmental Protection Agency and the California Department of Toxic Substances Control as well as jurisdictional fire and public safety authorities. The potential for exposure to MEC as well as the type(s) of MEC remaining on the adjacent Army property will be factors utilized to determine the type of management controls recommended or required of parcel recipients.

3.2.4.2 Management Controls for Track 1 MRS: Even though no actionable risk was identified through the remedial investigation process for Track 1 MRS, in the interest of safety, reasonable and prudent precautions should be taken when intrusive or soil disturbance activities are planned and implemented on the following MRS designated Track 1 (MRS-1, MRS-2, MRS-5, MRS-6, MRS-6 EXP, MRS-13A, MRS-22, MRS 24B, D, E, MRS-27F, MRS-27Y, MRS 39, MRS-43, MRS-45A, MRS-46, MRS-49, MRS-59A, MRS-62, MRS-66, MOCO-1, and DRO-1/2A). These precautions include:

Implementing personnel should attend the ordnance recognition and safety training provided by the Army to increase their awareness of, and ability to, identify MEC items. Implementing personnel will be instructed to contact the appropriate local law enforcement agency if a potential MEC item is encountered. When contacted, the local law enforcement agency will arrange a suitable response to the reported item and notify the Army.

The Army will: 1) contact future landowners requesting that they notify the Army when intrusive or soil disturbing activities will take place; 2) provide ordnance recognition and safety training and refresher training requested by those engaged in such activities; 3) summarize the success of their efforts, document and report ordnance recognition and safety training and refresher training activities (dates, number of people participating, and any munitions items found during activities) to the BCT and as part of the appropriate annual report; 4) develop a plan for appropriate follow-on actions in the event of a MEC incident; and 5) evaluate the need for future actions at the end of the activities, in coordination with the BCT. Copies of training records, follow-on action plans as well as the results of consultations and evaluations associated with these actions are maintained in the administrative record with the respective annual site security report (unabridged).

3.3 Public Education/Community Relations:

Education/community relations programs are important in minimizing activities that might lead to a trespass or MEC incident in four key ways: 1) describing the reasons for restrictions on some former Fort Ord property, 2) informing the public of the danger of trespassing in restricted MRS, and therefore lessens MEC exposures, 3) educating those who might encounter MEC to not touch or otherwise disturb it, thereby reducing the possibility of accidental detonation, and 4) providing a point



of contact for reporting the location of possible MEC.

3.3.1 Danger/Warning Signs: Army Regulation 385-63, paragraph 2-8f. provides guidance for the posting of impact areas. Army Regulation 385-30, Chapter 3, provides specifications for posting DANGER signs. Specifically, the regulations provide that signs will be posted at 200 meter (656 feet) intervals or less, or in a way that will insure a person cannot enter the area without seeing at least one sign within a legible distance (i.e. hilly or wooded terrain may require more signs than open or flat terrain.) In addition, Army Regulation 385-64, paragraph 8-3 c. provides guidance for posting multilingual signs around impact areas, when appropriate. Since Spanish is the predominant language of area around the former Fort Ord (Monterey County), bilingual signs are also posted. These signs are the same design, color and size as the signs in English.

Restricted MRS are posted with bilingual signs (Spanish and English) that identify the area behind the signs as a dangerous explosives area and warn people to keep out. "No Trespassing" signs have been posted between "Danger" signs around restricted MRS. The signs have been placed at intervals of 91 meters (300 feet) or less. Unfenced MRS that may contain MEC or surface pyrotechnics are also posted with warning signs at intervals of 300 feet or less around the perimeter of the sites (see Sec 3.3.1). Signs are also posted on all chain-link gates that access the impact area. Danger/warning signs will be posted around MRS that are being investigated as appropriate.

Large billboard-type (4' x 8') signs are installed around the perimeter of the impact area contain information about the explosive area inside the fenced impact area and warn people not to enter. Plate 1 provides the locations of billboard-type signs. Other advisory signs may also be posted.

Public education actions include the following items of note:

- Community leaders and local schools are offered MEC safety presentations annually.
- A portable display board with inert munitions items found on the former Fort Ord has been developed for use as a community outreach tool. The USACE and BRAC Safety personnel provide MEC recognition and safety training to local municipal service providers, habitat workers, construction workers, and other interested parties upon request. This training is mandatory for all personnel authorized entry into restricted MRS.

3.3.2 Brochures, Pamphlets and Fact Sheets: The most widely distributed brochure is entitled "Safety Alert" (Appendix D). The Fort Ord BRAC Community Relations Manager annually distributes this brochure to the following organizations:

- California State University Monterey Bay
- Department of Defense Center
- Rental managers of Bayview and Sunbay Properties
- Contractors
- Seaside and Marina Fire Departments
- Fort Ord Reuse Authority
- Housing Welcome Center (military families)
- Monterey County Office of Emergency
- Response and Preparedness Information
- Pacific Gas and Electric
- California Department of Parks and Recreation
- Marina Coast Water District
- Bureau of Land Management

The "Fort Ord News" (Appendix I) is a publication regularly mailed to local residents. Fifteen hundred copies of the "Fort Ord News" are also hand delivered to local schools and other institutions. This publication includes descriptions of ongoing cleanup activities and MEC safety issues.



3.3.3 School/Community MEC Safety Program: Since 1997, the former Fort Ord has offered MEC safety program for local schools and community organizations. The objective of this program is to provide school age children and interested community members with the ability to:

- Recognize the visible attributes of various MEC items likely to exist on the former Fort Ord.
- Associate danger with MEC items and restricted MRS.
- Understand the actions to be taken when a possible MEC item is observed.
- Demonstrate awareness of what constitutes MD and the possibility for adverse action by school administration (zero tolerance) against students who bring MD onto a school campus.

This program has a three-tiered approach that includes: 1) Notice of the availability of the program to local schools and interested community organizations, 2) distribution of the "Safety Alert" to organizations and agencies who provide information to the local community, and 3) presentation of a one-hour MEC safety presentation to local schools and community organizations upon invitation (Appendix J). Age appropriate materials are distributed during MEC safety presentations depicting appropriate actions for children who may discover MEC. High and middle school students may receive the "Safety Alert and copies of applicable fact sheets and newsletters that support the Army's MEC safety program. Younger students may receive similar materials for their parents and a bilingual children's activity book that incorporates MEC safety messages in stories and puzzles as well as a message to parents concerning how to respond if their child described a possible MEC encounter. The presentation may include displays, demonstrations, and/or video. A tally of participation in this program is recorded in the respective annual report (Appendix B). Local and interested schools are sent letters of invitation in the fall (August/September), and at the beginning of the calendar year. Those schools that have not responded to the Army's invitation are then contacted in the spring (March/April) by telephone to ensure that school officials have had an opportunity to consider the invitation and to offer assistance in scheduling the program to those interested. Copies of letters sent to local schools are maintained in the administrative record as an attachment to the associated annual MRS security report (unabridged).

In addition, occasionally the Fort Ord BRAC Community Relations Manager receives requests from various community groups to conduct presentations about the Fort Ord environmental cleanup process. These presentations are utilized as opportunities to make the public aware of MEC safety. Many local organizations schedule MEC safety presentations after receiving presentations on other environmental cleanup subjects.

3.3.4 Public Meetings: "Safety Alert" brochures and the current publication of the "Fort Ord News" are made available at the Fort Ord Environmental Cleanup community involvement workshops. In addition, the Army has staffed a cleanup information booth at the Monterey County Fair since 1994 where "Safety Alert" brochures and displays on the MEC safety and the removal program are displayed. The Army distributes a bilingual children's activity book at these events that incorporates MEC safety messages in stories and puzzles as well as a message to parents concerning how to respond if their child

describes a possible MEC encounter. Munitions and explosives of concern safety exhibits are also displayed at the BLM Public Lands Day, California State University at Monterey Bay events, Presidio of Monterey Safety Day, and similar local public and community events.

Town hall meetings (a forum similar to homeowner's association meetings) are conducted quarterly for the residents in military housing at the Ord Military Community (OMC). Munitions response site security issues identified during these meetings are referred to the MRS security manager for action. "Safety Alert" brochures are distributed at OMC town hall meetings.

Fort Ord Environmental Cleanup open houses are conducted semi-annually. Open houses provide an opportunity for community members to talk to cleanup staff one on one about cleanup and to take guided and escorted tours of the areas where cleanup activities are ongoing or have been completed. The MEC education board is on display and "Safety Alert" brochures, the bilingual children's activity book, and copies of the

current publication of the "Fort Ord News" are also made available at these events.

3.3.5 Display Boards: The BLM has kiosks and information boards that also display the "Safety Alert." Plate 2 provides a location map for kiosks and information boards. Information boards contain the same types of information. However, they are not enclosed like the kiosks shown at the right, and the information has been laminated to protect it from the weather. In addition, BLM distributes trail maps that contain notification procedures if MEC is found (Appendix K).



3.3.6 Ordnance Recognition and Safety Training: The Army offers ordnance recognition and safety training (Appendix L) to identified property owners, lessees, contractors, municipal service providers, resource conservation workers, and anyone involved in intrusive activities on the former Fort Ord or property that has been transferred. Project ordnance and explosives safety specialists or BRAC MEC safety personnel conduct the training. This training includes identification of MEC that might be found during planned actions in a project area or restricted MRS, the safety and notification procedures to follow if something is found, and the distribution and explanation of "Safety Alert" brochures. Ordnance recognition and safety training is required for authorized access to restricted MRS.

Staff from the following organizations and others have received ordnance recognition and safety training:

- California State University, Monterey Bay (CSUMB)
- United States Army Corps of Engineers (USACE) Contractors
- Pacific Gas & Electric

- Pacific Bell
- Department of the Interior, Bureau of Land Management (BLM)
- Marina Coast Water District
- Seaside Department of Public Safety (Fire and Police)
- Monterey Peninsula Water Management District
- Monterey Regional Waste Management District
- California Department of Parks and Recreation
- Federal Aviation Administration
- Federal Bureau of Investigation

4.0 AREA ACCESS, INCIDENT REPORTING, AND RESPONSE PROCEDURES

4.1 Background: Many former Fort Ord ranges within the impact area have been identified to contain unexploded ordnance and present a serious explosive hazard to unauthorized personnel. These areas may be designated as restricted MRS (authorized personnel only). The U.S. Army Corps of Engineers (USACE) is responsible for providing safe access for all personnel entering former Fort Ord ranges designated as restricted and for responding to any MEC-related incidents on federal property. Ordnance safety specialists are the USACE representatives to authorize escorted access to the impact area or other restricted MRS. This section also describes the procedures to report trespassing incidents within the impact area and other restricted MRS as well asMEC discoveries made by someone other than the Army's authorized MEC removal personnel.

4.2 Procedures to Access the Impact area: Routine (other than emergency) access into restricted MRS located within the impact area as well as other restricted MRS must be coordinated through the Fort Ord BRAC and USACE (Appendix G). The points of contact for such requests are the BRAC MRS Security Manager Mr. Lyle Shurtleff at (831) 242-7919, or USACE Ordnance safety specialist, Mr. Clinton Huckins at (831) 884-9925 ext. 226.

Once access is approved, the USACE project manager may task the MMRP contractor to provide a safety briefing and MEC escort for personnel who will enter restricted MRS. While in a restricted MRS, personnel will follow all safety rules and the instructions of the MEC escort. Additionally, all personnel will use the buddy system. The MEC escort will notify the Ordnance Safety Officer (OSS) when traveling between ranges and when exiting a restricted MRS. Emergencies such as range fires, EMS response, police emergencies or detection of intruders inside the impact area will be brought to the immediate attention of the OSS. The OSS will provide coordination with the MEC removal crews that may be working in the area of the emergency.

4.3 Incident Reporting: The following sections identify procedures for reporting trespassing incidents within the Impact area and reporting a discovery of MEC items on a MRS where a removal action has been completed or on property that has been transferred or leased.

A trespass incident occurs when unauthorized personnel gain access a restricted MRS or other restricted area contrary to appropriate postings.

The Fort Ord BRAC Office is responsible for maintaining a database on trespassing incidents within the restricted MRS, and all MEC incidents. The Fort Ord BRAC Office provides with regular updates to the BRAC Cleanup Team (BCT).

4.3.1. Trespassing Incident Reporting: No fence or combination of fences is 100 percent effective at preventing trespassing into restricted areas such as the impact area.

However, POM Police records regarding trespassing incidents (since 1997) indicate that the four-strand barbed wire fence has been an effective visual and physical deterrent. The Army will continue to closely monitor trespassing incidents and take appropriate measures to increase security on a site-specific basis. For example, if trespassing incidents appear to be concentrated in a specific area, the Army will take appropriate measures to increase security in that area. All trespassers will be reported to the Presidio of Monterey (POM) Police Department at (831) 242-7851/7852 for immediate investigation. Trespassers in restricted MRS will be cited and referred to magistrate court unless they are juveniles. If juveniles are involved, parents are called and counseled. The POM Police Department maintains a database of reported trespassing incidents.

A trespassing incident form has been developed as part of a comprehensive trespassing reporting system. The trespassing incident form is utilized by USACE ordnance safety specialists, POM Fire Department, MMRP contractors and others who are working in or near restricted MRS who may notice obvious signs of trespassing (i.e. cut fencing, bicycle tire tracks, human footprints, etc) during the course of their workday. This type of information is utilized to determine areas that may be more prone to trespassing so that the Fort Ord BRAC office can take appropriate action to ensure the safety of the community. In addition, the POM Police Department provides the Fort Ord BRAC office with reports of trespassing incidents in restricted MRS. A feeder report is then generated by the MRS Security Manager to ensure the data is recorded and provides notice to regulatory agencies (EPA and DTSC) at a subsequent BCT meeting. Information collected is maintained in a site security database and reviewed to help identify trespassing trends.

4.3.1.1 Trespassing Incident Report Form: The incident report format will be distributed to the appropriate agencies (Appendix M). The Fort Ord BRAC office will annually educate field agencies of reporting procedures. Additionally, the Fort Ord BRAC office will provide annual updates to incident reporting procedures to the following:

- POM Police and Fire Departments
- USACE MMRP contractors working inside the Impact area (MEC team leaders and biologists)
- USACE Ordnance safety specialist
- POM Command, BRAC and DENR staff
- Bureau of Land Management

4.3.2 MEC Incident Reporting: The Army has established a process for reporting, responding to, and documenting the discovery of MEC items or munitions debris at the former Fort Ord. A detailed report and a planned security response will be prepared by the Army if an incident could be indicative of the past use of or training with MEC in a previously unidentified area. For example, a detailed report may be appropriate if an explosive item is found in an area not previously suspected to contain MEC. A detailed incident report is not necessary if the item found can be connected to past land use or activity. However, if a MEC incident indicates a potential change in the security status of

an area, the Army will develop an appropriate security response. Examples of this are MEC found in the impact area or a stolen item that results in a MEC incident.

4.3.2.1 MEC Incidents on Federal Property: MEC items and anything resembling MEC found or located on federal property except as the result of a removal action will be immediately reported. The following are the detailed steps in the process. The person who encountered an item reports to POM Police at (831) 242-7851/7852 and the reporting individual or responding officer fill out the MEC incident report Section A, Fort Ord Munitions and Explosives of Concern (MEC) Incident Reporting Form (Appendix N). Note, USACE contractors may contact the USACE ordnance safety specialist directly, however, Section A of the report must be completed by the most knowledgeable person involved. The POM Police will immediately notify USACE ordnance safety specialist at 844-9925 x226 or cell: (831) 760-2571, during MMRP operating hours Monday through Thursday 0630-1700. The USACE ordnance safety specialist will inspect and identify reported item(s), recommend or, if appropriate, implement disposition as soon as possible, and complete section B of the reporting form. The POM Police will contact the60th Civil Engineer Squadron (CES)Explosives Ordnance Disposal (EOD) to respond, if the discovery is made outside of MMRP operating hours, if the USACE ordnance safety specialist so recommends, or if the USACE ordnance safety specialist is not available. A USACE ordnance safety specialist or other qualified person responding to a reported incident will complete section B of MEC incident report and notify the Fort Ord BRAC Site Security Manager as instructed on the reporting form. The Fort Ord BRAC Site Safety Manager will acknowledge receipt and complete Section C of the reporting form when the regulatory agencies are notified. The USACE project manager will ensure that the incident information is entered into the Fort Ord MEC incident database.

Outside of MMRP operating hours, the POM Police Department is the initial contact for all reporting of MEC items. The POM Police will initiate a MEC incident report (Section A) and contact the 60th CES EOD for initial disposition of the item in lieu of the USACE ordnance safety specialist. During MMRP operating hours (0630-1700 hrs. Monday – Thursday), the USACE ordnance safety specialist will notify the Fort Ord BRAC Site Safety Manager immediately upon notice of a MEC discovery. The Fort Ord BRAC Site Safety Manager will notify the POM Command as appropriate. Outside MMRP operating hours, the POM Police will notify the Fort Ord BRAC Site Safety Manager will notify the Fort Ord BRAC Site Security Manager when a call is made to the 60th CES EOD.

The Army will periodically update EPA and DTSC on all MEC incidents, during a MR BCT meeting.

The above referenced information will be placed in leases so that lessees are advised about what to do in the event of a MEC discovery.

4.3.2.2 MEC Incidents on Non-Federal Property: Munitions and Explosives of Concern items discovered outside Ord Military Community boundaries or on Army lands that have been transferred should be immediately reported to the nearest local law



