

**Draft Final Interim Land Use Control Implementation Plan  
Track 2 Bureau of Land Management Area B and Munitions  
Response Site 16  
Former Fort Ord, California**

Submitted to:  
US Army Corps of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Submitted by:



KEMRON Environmental Services, Inc.  
1359A Ellsworth Industrial Blvd  
Atlanta, GA 30318

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Response Site 16  
Former Fort Ord, California**

Prepared by: Steve Crane FOR \_\_\_\_\_ Date: 3/2/18  
Erin Caruso, PE, PMP  
Deputy Project Manager  
Gilbane

Reviewed by: Margaret M. Sheatzley Digitally signed by Margaret M. Sheatzley  
Date: 2018.03.02 16:31:59 -05'00' \_\_\_\_\_ Date: \_\_\_\_\_  
Margaret Sheatzley  
Technical Editor  
KEMRON Environmental Services, Inc.

Approved by: Steve Crane \_\_\_\_\_ Date: 3/2/18  
Steve Crane, PE  
Project Manager  
KEMRON Environmental Services, Inc.

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## ***List of Acronyms***

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3Rs	Recognize, Retreat, Report
Army	U.S. Department of the Army
BLM	Bureau of Land Management
BRAC	Base Realignment and Closure
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
DA PAM	Department of the Army Pamphlet
DMM	discarded military munitions
DoD	Department of Defense
DTSC	Department of Toxic Substances Control
EOD	explosive ordnance disposal
EPA	U.S. Environmental Protection Agency
FFA	Federal Facility Agreement
FORA	Fort Ord Reuse Authority
FS	Feasibility Study
HEAT	high-explosive anti-tank
HMP	Habitat Management Plan
IC	Institutional Control
KEMRON	KEMRON Environmental Services, Inc.
LUC	Land Use Control
LUCIP	Land Use Control Implementation Plan
MC	munitions constituents
MD	munitions debris
MDAS	material documented as safe
MDEH	material documented as an explosive hazard
MEC	munitions and explosives of concern
mm	millimeter
MMRP	Military Munitions Response Program
MPPEH	material potentially presenting an explosive hazard
MR	munitions response
MRA	munitions response area
MRS	munitions response site
NCP	National Contingency Plan
NPL	National Priorities List
NRMA	National Resource Management Area
RA	remedial action
RAO	remedial action objective
RD	remedial design
RI	remedial investigation

ROD	Record of Decision
SOP	standard operating procedure
SUXOS	senior unexploded ordnance supervisor
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
UXO	unexploded ordnance
UXOSO	unexploded ordnance safety officer

## ***Definitions<sup>1</sup>***

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**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.

**construction support** - Assistance provided by DoD explosive ordnance disposal (EOD) or UXO-qualified personnel and/or by personnel trained and qualified for operations involving chemical agents, 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., DMM), munitions constituents in high enough concentrations to pose an explosive hazard, or chemical agents, regardless of configuration, to ensure the safety of personnel or resources from any potential explosive or chemical agent hazards.

**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, 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 United States Code [USC] 2710(e)(2)).

**Explosive Ordnance Disposal (EOD) personnel** – Military personnel who have graduated from the Naval School, Explosive Ordnance Disposal; are assigned to a military unit with a Service-defined EOD mission; and meet Service and assigned unit requirements to perform EOD duties. EOD personnel have received specialized training to address explosive and certain chemical agent hazards during both peacetime and wartime. EOD personnel are trained and equipped to perform render safe procedures on nuclear, biological, chemical, and conventional munitions, and on improvised explosive devices.

**land use controls (LUCs)** – 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 engineered remedies to contain or reduce contamination, or physical barriers to limit access to real property, such as fences or signs.

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<sup>1</sup> Official definitions provided in Department of Defense Manual 6055.09-M, incorporating Change 2 of Volume 8 (DoD, 2018)



**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 documented as an explosive hazard (MDEH)** – MPPEH that cannot be documented as MDAS, that has been assessed and documented as to the maximum explosive hazards the material is known or suspected to present, 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 (MD) 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 Department of Defense's (DoD's) 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** – 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 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.

**munitions constituents (MC)** – Any materials originating from UXO, DMM, or other military munitions, including explosive and nonexplosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions (10 USC 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 and explosives of concern (MEC)<sup>2</sup>** – A term distinguishing specific categories of military munitions that may pose unique explosives safety risks: (1) UXO, as defined in 10 USC 101 (e)(5); (2) discarded military munitions, as defined in 10 USC 2710 (e)(2); or (C) munitions constituents (e.g., trinitrotoluene [TNT], hexahydro-1,3,5-trinitro-1,3,5-triazine [RDX]) as defined in USC 2710 (e)(3), present in high enough concentrations to pose an explosive hazard.

**munitions response (MR)** – Response actions, including investigation, removal actions, and remedial actions (RAs) to address the explosives safety, human health, or environmental risks presented by UXO, DMM, or by MC, or to support a determination that no removal or RA 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. An MRA is comprised of one or more munitions response sites (MRSs).

**munitions response site (MRS)** – A discrete location within an MRA that is known to require a MR.

**on-call construction support** – Construction support provided, on an as-needed basis, where the probability of encountering UXO, other munitions that may have experienced abnormal environments (e.g., DMM), MC in high enough concentrations to pose an explosive hazard, or CA, regardless of configuration, has been determined to be low. This support can respond from offsite when called, or be onsite and available to provide required construction support.

**onsite construction support** – Dedicated construction support, where the probability of encountering UXO, other munitions that may have experienced abnormal environments (e.g., DMM), MC in high enough concentrations to pose an explosive hazard, or CA, regardless of configuration, has been determined to be moderate to high.

**range-related debris** – Debris, other than MD, collected from operational ranges or from former ranges (e.g., target debris, military munitions packaging, and crating material).

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

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<sup>2</sup> For the purpose of munitions responses being conducted for the former Fort Ord under the Military Munitions Response Program, MEC does not include small arms ammunition.

**unexploded ordnance (UXO)** – Military munitions that (1) have been primed, fuzed, armed, or otherwise prepared for action; (2) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and (3) remain unexploded either by malfunction, design, or any other cause (10 USC 101 (e)(5)(A) through (C)).

**UXO-qualified personnel** – Personnel who have performed successfully in military Explosives Ordnance Disposal positions, or are qualified to perform in the following Department of Labor, Service Contract Act, Directory of Operations contractor positions: UXO Technician II, UXO Technician III, UXO Safety Officer (UXOSO), UXO Quality Control Specialist or Senior UXO Supervisor (SUXOS).

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

## 1.0 INTRODUCTION

The former Fort Ord was placed on the National Priorities List (NPL) of Superfund sites by U.S. Environmental Protection Agency (EPA) on February 21, 1990. The former Fort Ord was selected in 1991 for Base Realignment and Closure (BRAC) and the base was officially closed in September 1994. The *Record of Decision (ROD) for the Track 2 Bureau of Land Management (BLM) Area B and Munitions Response Site (MRS) 16*, dated May 3, 2017 (BLM Area B and MRS-16 ROD; U.S. Department of the Army [Army], 2017), addresses munitions and explosives of concern (MEC; e.g., unexploded ordnance [UXO], discarded military munitions [DMM]) that potentially remain in the BLM Area B and MRS-16 at the former Fort Ord and includes Land Use Controls (LUCs) as part of the remedy (Figure 1). The purpose of this Land Use Control Implementation Plan (LUCIP) is to describe the procedures for the Army to implement the LUCs required by the ROD during the interim period while remedial action (removal of MEC) is underway in portions of BLM Area B. This interim LUCIP will be reviewed and updated as appropriate when the remedial action identified for the portions of BLM Area B are completed. This interim LUCIP supplements *Final Work Plan, Remedial Design (RD)/Remedial Action (RA) Track 2 BLM Area B and MRS-16, Former Fort Ord, California* (KEMRON Environmental Services, Inc. [KEMRON], 2017a). This LUCIP was written in accordance with the *Institutional Controls: A Guide to Preparing Institutional Control Implementation and Assurance Plans at Contaminated Sites* (EPA, 2012).

This LUCIP describes how the Army will implement the LUCs in coordination with BLM, the current and future landowner. The Army plans to transfer the remainder of BLM Area B and MRS-16 to BLM following RAs in accordance with the ROD. It is anticipated that portions of the LUC implementation actions may be transferred to another party (e.g., BLM) in the future; the LUCIP will be updated when the remedial action identified for portions of BLM Area B are completed. Anticipated long-term implementation and maintenance of the LUCs is described in Table 3 and will be further evaluated during the interim period while the RA is underway.

### 1.1 DEFINITION OF LAND USE CONTROLS

The term LUC means any restriction or administrative action, including engineering and institutional controls, arising from the need to reduce risk to human health and the environment.

The Department of Defense (DoD) defines LUCs as follows:

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 engineered remedies to contain or reduce contamination, or physical barriers to limit access to real property, such as fences or signs. (DoD, 2018)

The BLM Area B and MRS-16 ROD identified the following LUCs for the property:

- Public education. Such education will be based upon the Army's Recognize, Retreat, Report (3Rs) Explosives Safety Education Program and include the provision of 3Rs educational materials in brochures and at kiosks, and presented during public presentations and safety briefings. It will also encourage people to adhere to access management guidelines and may include trail markings, signage or other engineering controls, where warranted;
- Munitions recognition and safety training for people who conduct ground-disturbing or intrusive activities;
- The provision of construction support by UXO-qualified personnel for ground-disturbing or intrusive activities; and
- Prohibition against uses of the property that are inconsistent with the Habitat Management Plan (HMP), including but not limited to residential, school, and commercial/industrial development.

## **1.2 RESPONSIBILITIES**

The Army will implement the LUCs described in the BLM Area B and MRS-16 ROD. Under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Army is ultimately responsible for the implementation, maintenance, enforcement, and reporting of remedial LUCs, although all or part of such responsibilities may be transferred to another party (e.g., BLM, current and future property owner), with the approval of EPA and in consultation with Department of Toxic Substances Control (DTSC). LUCs will be maintained until the Army, EPA, and DTSC concur that the site is protective of human health and the environment from the explosives safety risks posed by MEC that may remain present without a need for LUCs.

Responsible organizations and points of contact are identified in [Table 1](#).

## 2.0 SITE DETAILS

The Army transferred majority of the property within BLM Area B to BLM in 1996 as a habitat reserve. The remainder of BLM Area B and MRS-16 is planned for future transfer to BLM. This is further discussed in [Section 2.3](#). In 2012, current and future BLM lands at the former Fort Ord, including BLM Area B and MRS-16, were designated as the Fort Ord National Monument. Current and future BLM parcels at the former Fort Ord are shown on [Figure 6](#).

Designated development and habitat reserve areas are identified in the *Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord* (HMP; United States Army Corps of Engineers [USACE], 1997) and associated updates and revisions. The HMP, as modified or updated, describes special management measures and habitat monitoring requirements for species of concern within the habitat reserve and development areas that apply to the Army's environmental cleanup actions as well as future land management uses. The Army's environmental cleanup actions are also subject to the Biological Opinion issued by U.S. Fish and Wildlife Service (USFWS) to protect the special-status natural resources (USFWS, 2017). Management guidelines for transferred properties, outlined in the HMP for the Natural Resource Management Area (NRMA), including BLM Area B and MRS-16, comprise habitat restoration, enhancement and monitoring, access control, prescribed burning, and an allowance for development-oriented use in as much as two percent of the area. In addition, BLM has identified recreational access (non-motorized) on established routes to be an important component of the current and future uses of the Fort Ord public lands managed by BLM.

The areas included in BLM Area B are currently open to public access for recreation use of established trails and roads. These uses have been supported safely with past and current measures, including munitions responses (MRs) and public explosives safety information and education.

### 2.1 SITE DESCRIPTION

The former Fort Ord, EPA identification number CA7210020676, is located near Monterey Bay in northwestern Monterey County, California, approximately 80 miles south of San Francisco ([Figure 1](#)). The former Army base consists of approximately 28,000 acres of land next 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, Toro Park, and Highway 68 border former Fort Ord to the south and southeast, respectively, as well as several small communities such as Toro Park Estates and San Benancio.

BLM Area B ([Figure 2](#)) is 1,597 acres that includes several MRSs and areas located in-between identified MRSs. The ROD includes figures identifying the MRSs within BLM Area B (Army, 2017). The Army has conducted MRs (e.g., investigation, removal) at identified MRSs. Data

about the type of military munitions used and relative risk at each MRS was been used to support the *Final, Track 2 Munitions Response Remedial Investigation /Feasibility Study, BLM Area B and MRS-16, Former Fort Ord, California* (BLM Area B and MRS-16 RI/FS; Gilbane, 2015). To evaluate the potential presence of MEC, BLM Area B was subdivided into eight sub-areas (Figure 2) based on historic training uses and the quality, types, and depths to which previous MRs were conducted in each area.

MRS-16 consists of approximately 81 acres along the southern boundary of BLM Area B (Figure 2). The Army completed an interim RA that included subsurface removal of munitions at MRS-16. More detailed description of BLM Area B sub-areas and MRS-16 can be found in the BLM Area B and MRS-16 ROD (Army, 2017).

## **2.2 SUMMARY OF RESPONSE ACTIONS**

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) and other purposes. Because the military conducted munitions-related activities (e.g., live-fire training) on the facility, MEC 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, rifle and hand grenades, practice land mines, pyrotechnics, bombs, and demolition materials. For the purposes of the Fort Ord Military Munitions Response Program (MMRP) being conducted, MEC does not include small arms ammunition.

### **2.2.1 Previous Site Uses**

MRS-16 was initially identified as a World War II era rocket range and as a “bazooka practice” area. Practice and high-explosive anti-tank (HEAT) rockets and rifle grenades were used in the 1940s and possibly 1950s. The site was later used for a portion of time as an anti-armor training area.

Based on historical training uses and the quality, types, and depths of previous MRs conducted in the respective areas, BLM Area B was subdivided into eight sub-areas (Figure 2) with uses including small arms, rifle and smoke grenades, and mortars. Military training ended prior to the official base closure in September 1994.

### **2.2.2 Risk Exposure Pathways**

Based on the current understanding of the site, it is not likely that people traversing on the roads and trails (those that are authorized for public use) would encounter a MEC item. The response actions selected in the ROD are necessary to protect the public health or welfare from the potential presence of MEC. The presence of MEC in BLM Area B and MRS-16 does not appear to be a concern in terms of explosive safety risks to ecological receptors (Army, 2017).

### 2.2.3 Response Action Summary

Removal and RAs have been conducted in portions of BLM Area B and MRS-16 (Figures 3 and 4). Limited evidence of MEC was found during previous investigations in BLM Area B sub-areas B-1, B-2 and B-3A. While unlikely, there is a possibility that MEC remain present in vegetated areas away from the roads and trails. Surface and/or subsurface removals were conducted in MRS-16 and BLM Area B sub-areas B-4, B-5, and B-6, significantly reducing the potential for encounter with MEC. The selected remedy for MRS-16 and BLM Area B sub-areas B-1, B-2, B-3A, B-4, B-5 and B-6 is Alternative 2 – LUCs (Figure 5).

Available data from previous investigations indicate the possibility for MEC to remain present in BLM Area B sub-areas B-2A and B-3 in vegetated areas away from the roads and trails. The selected remedy for BLM Area B sub-areas B-2A and B-3 is Alternative 3 – Technology-Aided Surface Removal, with Subsurface Removal in Selected Areas, and LUCs (Figure 5). The RA was initiated in May 2017 in accordance with *Final Site-Specific Work Plan, Munitions and Explosives of Concern Remedial Action, BLM Area B, Former Fort Ord, California* (KEMRON, 2017b).

Alternative 2 and the LUC-component of Alternative 3 are being implemented concurrently in BLM Area B and MRS-16.

### 2.2.4 Cleanup Objectives

The primary remedial action objective (RAO) for BLM Area B and MRS-16 is to support the designated use of the property as a habitat reserve as described in the HMP with public access as part of the Fort Ord National Monument. Risks to plants and animals from explosive hazards are not addressed in the ROD.

Based on this RAO, the Army intends to (a) conduct RAs to address the potential presence of MEC and (b) incorporate institutional controls (i.e., LUCs) as part of the remedy to manage risks from MEC that may remain present.

### 2.2.5 LUC Components Identified in the Decision Document

Response actions have and will result in reduction of MEC that may be present. However, uncertainty remains regarding the potential presence of MEC and associated exposures. Therefore, LUCs are included in the selected remedies. LUCs will support safe reuse activities as part of the Fort Ord National Monument managed by BLM (e.g., habitat monitoring, invasive species control, prescribed burning, associated fire management activities, and public access).

The following LUC components were identified in the ROD for the entirety of BLM Area B and MRS-16: public education, munitions recognition and safety training, construction support, and prohibition against uses inconsistent with the HMP. These LUC components are discussed in further detail in Section 3.0 below.



## 2.2.6 Current and Reasonably Anticipated Future Land Use

The *Fort Ord Base Reuse Plan* (Fort Ord Reuse Authority [FORA], 1997) identified land use categories for the former Fort Ord. The categories included development of public, commercial, and residential areas and open space, recreation, and habitat management. Designated development and habitat reserve areas are also identified in the HMP (USACE, 1997). The *Assessment, East Garrison and Parker Flats Land Use Modifications* (Zander, 2002) and the Revised Attachment A – HMP map (April, 2005) present the revised boundaries of the habitat reserve areas. The HMP, as modified or updated, describes special LUCs and habitat monitoring requirements for target species within the habitat reserve and development areas that apply to Army’s environmental cleanup actions and land management under future uses. Post-disposal (after the Army transfers the property) management guidelines are outlined in the HMP for the NRMA, which includes BLM Area B and MRS-16. The management guidelines include habitat restoration, enhancement and monitoring, access control, prescribed burning, and an allowance for development-oriented use in as much as two percent of the area. In addition, BLM has identified recreational access (non-motorized) on established routes to be an important component of the current and future uses of BLM-managed public lands at the former Fort Ord.

In 2012, current and future BLM lands at the former Fort Ord, including BLM Area B and MRS-16, were designated as the Fort Ord National Monument ([Figure 6](#)). Presidential Proclamation 8803 states, “The protection of the Fort Ord area will maintain its historical and cultural significance, attract tourists and recreationalists from near and far, and enhance its unique natural resources, for the enjoyment of all Americans.” In addition, the proclamation safeguards the use of the Fort Ord National Monument by stating that “All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public lands laws, including withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing other than by exchange that furthers the protective purposes of the monument” (The White House, 2012).

The majority of the property within BLM Area B was transferred to BLM in 1996 as a habitat reserve as described in a Memorandum of Understanding (Army, 1995) and a Letter of Transfer from the Army to the Department of the Interior (Army, 1996). Established trails and roads in BLM Area B are currently accessible to the public for recreational use. These uses have been supported safely with past and current measures, including MRs and public explosives safety information and education. The Army and BLM have and will continue to coordinate actions to promote the 3Rs explosives safety (e.g., use of signage, notices, reports of munitions encounters, and munitions recognition and safety training) on an ongoing basis. Reporting of suspected munitions items discovered on federal property is implemented according to the procedure described in [Section 4.3.2](#) of the *Munitions Response Site Security Program* (Army, 2016).

## 2.3 PROPERTY OWNERSHIP INFORMATION

MRS-16 is located within parcel F1.3 and BLM Area B is located within portions of parcels F1.1.1, F1.2, and F1.3 outside of MRS-16 (Figure 6). The LUCs apply only to those parcel portions on which BLM Area B and MRS-16 lie. Parcels F1.1.1 and F1.2 were transferred to BLM in 1996 as described in a Memorandum of Understanding (Army, 1995) and a Letter of Transfer from the Army to the Department of the Interior (Army, 1996). Parcel F1.3 has not yet been transferred and is currently held by the Army. Table 2 defines the parcel ownership, acreage, and the acreage of each parcel where LUCs apply.

### 3.0 LUC IMPLEMENTATION STRATEGIES

The following LUC components were selected as part of the remedy:

- Public education. Such education will be based upon the Army's 3Rs Explosives Safety Education Program and include the provision of 3Rs educational materials in brochures and at kiosks, and presented during public presentations and safety briefings. It will also encourage people to adhere to access management guidelines and may include trail markings, signage or other engineering controls, where warranted;
- Munitions recognition and safety training for people who conduct ground-disturbing or intrusive activities;
- Provision of construction support by UXO-qualified personnel for ground-disturbing or intrusive activities; and
- The prohibition against uses of the property that are inconsistent with the HMP, including but not limited to residential, school, and commercial/industrial development.

This document describes the Army's implementation actions including coordinating the public education elements of the LUCs; providing the munitions recognition and safety training to people who conduct ground-disturbing or intrusive activities that are authorized by BLM and/or the Army; providing construction support for ground-disturbing or intrusive activities within BLM Area B and MRS-16 that are authorized by BLM and/or the Army; and instituting prohibition of uses of the property that are inconsistent with the HMP. It is anticipated that portions of the actions may be transferred to another party (e.g. BLM) in the future; LUCIP will be updated when the RA identified for portions of BLM Area B (sub-areas B-2A and B-3) are completed. Anticipated long-term implementation and maintenance of the LUCs are provided in [Table 3](#) and will be further evaluated during the interim period while the RA is underway.

#### 3.1 PUBLIC EDUCATION

Public education measures will inform people who use the land (e.g., recreational users) about the historical military training uses of the areas, response actions conducted, the potential for MEC to be present, and actions to take should they encounter a suspected munitions item. Public education measures will be based upon the Army's 3Rs of Explosives Safety Education Program. Public education measures include the provision of 3Rs explosives safety education materials in brochures and at kiosks; and presented during public presentations and safety briefings. It will also encourage people to adhere to access management guidelines and may include trail markings, signage or other engineering controls, where warranted.

For BLM Area B and MRS-16, the following public education measures may be applicable:

- Public education through established or new kiosks to provide information regarding the history and status of cleanup actions in BLM Area B and MRS-16.
- Publication of a brochure that describes the military's previous use of the property and the access management guidelines (e.g., staying on designated trails or roads, no camping, and no digging) for recreational users including actions to take if a suspected munitions item is encountered.
- Engineering controls (e.g., signs and trail markings) that encourage adherence to access management guidelines.

### **3.1.1 Performance Objectives**

The performance objectives for the public education LUC are: (a) to ensure that public land users are informed of the potential for MEC to be present and actions that should be taken if a suspected munitions item is encountered and (b) to ensure that public land users report discovery of suspected MEC items to local law enforcement.

### **3.1.2 Implementation**

Following the signature of the ROD in May 2017 the Army has implemented the following public education actions:

- Factsheet "The Superfund Process for Track 2 BLM Area B and MRS-16": This factsheet provides a background on the historical military training uses of the areas, response actions conducted, the potential for MEC to be present, and actions to take should a suspected munitions item be encountered. It includes the Army's 3Rs of explosives safety. It contains a message to encourage recreational users to stay on designated roads and trails. This factsheet has been distributed at the project kickoff community information meeting on May 23, 2017 and made available on [www.fortordcleanup.com](http://www.fortordcleanup.com) website. The factsheet was subsequently updated to also inform users that unauthorized ground disturbance is prohibited. The factsheet will continue to be distributed at community information events such as Community Involvement Workshops.
- Kiosks: In coordination with BLM several information kiosks were installed in May 2017 at frequently-used recreational access points surrounding BLM Area B and MRS-16. Information posted on these kiosks include the potential for MEC to be present, and actions to take should a suspected munitions item be encountered. It includes the Army's 3Rs of explosives safety. It contains a message to encourage recreational users to stay on designated roads and trails. While the RA is underway in portions of BLM Area B, information about temporary road and trail closures will be prioritized. Once the field work is complete, it is anticipated some of the kiosks will continue to be used to provide

public education material including information about the completed RA. The Army coordinates the use of the kiosks and their contents with BLM.

- **Physical Measures:** Signs and other physical access management measures are currently focused on supporting the RA in BLM Area B, which was initiated in May 2017. The measures will be taken down in accordance with the Site-Specific Work Plan (KEMRON, 2017b). At that time, the use of physical access management measures to support longer-term use of the property will be evaluated in coordination with BLM with input from EPA and DTSC.
- **Website [www.fortordcleanup.com](http://www.fortordcleanup.com):** The “Munitions” page was updated in May 2017 to provide a background on the historical military training uses of the areas, response actions conducted, and the potential for MEC to be present. The “Munitions Safety” page provides the Army’s 3Rs of explosives safety; the availability of munitions recognition and safety training; and procedures for reporting incidental munitions encounters. Fort Ord Munitions Incident Form is available on this web page (a copy is provided in [Appendix A](#)).
- **Community information events:** Public education content has been provided at events such as the Community Involvement Workshop on July 15, 2017, and will be provided at future outreach events.

Public education materials, content, and distribution will be updated based on periodic reviews and in coordination with BLM. Activities will be summarized in the LUC Annual Report Form, described in [Section 4.2.1](#).

## **3.2 MUNITIONS RECOGNITION AND SAFETY TRAINING**

Personnel involved in conducting ground-disturbing or intrusive activities will be required to attend munitions recognition and safety training to increase their awareness of and ability to recognize a munition. Prior to planned intrusive activities, BLM will be required to arrange for the munitions recognition and safety training to be provided to workers who will perform ground-disturbing or intrusive activities.

### **3.2.1 Performance Objectives**

The performance objectives are: (a) to ensure that land users involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and (b) to ensure that land users involved in ground-disturbing or intrusive activities stop the activity when encountering suspected MEC and report to the appropriate authority.

### **3.2.2 Implementation**

The Army offers munitions recognition and safety training 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 as described in Section 3.3.6 of the *Munitions Response Site (MRS) Security Program, Former Fort Ord, California* (Army, 2016). A copy of the “Military Munitions Recognition and Safety Training and How to Request a Free Safety Training Class” flier is provided in [Appendix B](#). This training is consistent with the Army's 3Rs Explosives Safety Education Program and includes recognition of military munitions that might be found during planned actions in a project area, the safety and notification procedures to follow if something is found. Brochures such as “Safety Alert” are made available. The UXO Safety Officer will maintain a record of training provided. Activities will be summarized in the LUC Annual Report Form, described in [Section 4.2.1](#).

### **3.3 CONSTRUCTION SUPPORT**

Construction support must be requested during a project’s planning stages prior to the start of intrusive activities. Planned ground-disturbing or intrusive activities will be assessed for the appropriate level of support.

If the probability of encountering MEC is assessed to be low, on-call construction support will be required. UXO-qualified personnel will monitor ground-disturbance or intrusive activities for the potential presence of munitions. If evidence of a munition is encountered during such activities, the activity will cease. The standard process on Federal land is to request support of an explosives or munitions emergency from an explosive ordnance disposal (EOD) unit who will be dispatched to evaluate and remove the item. Within BLM Area B and MRS-16, UXO-qualified personnel will be available to provide an initial assessment of a munition encountered to determine whether EOD support is required.

In general, areas on which previous MRs have been completed qualify for “low probability of encountering MEC” determination (Department of the Army Pamphlet) [DA PAM] 385-64), therefore, routine maintenance activities within subsurface removal areas would be supported with on-call construction support. In general, ground-disturbing or intrusive activities in surface removal areas could be assessed to have moderate or high probability of encountering MEC. Larger projects that cannot be supported with anomaly avoidance that require onsite construction support that will necessitate more advanced planning. It is imperative that the Army be notified of planned ground-disturbing or intrusive activities in sufficient time in advance so that appropriate support can be identified, planned, funded and provided in a timely manner.

If the Army determines that the probability of encountering MEC during a planned activity is assessed to be moderate or high, onsite construction support consistent with the Department of Defense Explosive Safety Board (DDESB) standard will be required.

### 3.3.1 Performance Objectives

The performance objective for the construction support LUC is 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.

### 3.3.2 Implementation

The Army will provide construction support for ground-disturbing or intrusive activities within BLM Area B and MRS-16 that are authorized by BLM and/or the Army. Construction support will be provided in a manner consistent with DDESB requirements by qualified personnel meeting the DoD 6055.09-M-V7 requirements. The Army and BLM will use the ground-disturbing or intrusive activity information form ([Appendix D](#)) as a planning and communication/information tool to track and coordinate planned activities.

The types of ground-disturbing or intrusive activities could vary from minor intrusion as part of BLM's routine maintenance activities to larger projects that necessitate more extensive advance planning. The Army will assess each project for the probability of encountering MEC based on site-specific data, including historical records and/or onsite investigation data, and the planned activities.

The general steps for construction support is described below. Standard Operating Procedure (SOP) 01 in [Appendix C](#) provides the procedures in more detail.

- BLM shall inform the Army of planned ground-disturbing or intrusive activities at least six months in advance of the planned start of the project, or as soon as practicable. For routine maintenance activities in subsurface removal areas, BLM shall inform the Army 30 days in advance or as soon as practicable. BLM shall inform the Army of BLM projects and any other project that it authorizes to occur on BLM properties within BLM Area B and MRS-16 (e.g. university research group). BLM will use ground-disturbance or intrusive activity information form ([Appendix D](#)). Army-authorized projects (other than the RA) within Army properties within BLM Area B and MRS-16 will be handled in a similar manner.
- The Army will assess the probability of encountering MEC based on site-specific data, including historical records and/or onsite investigation data, and the planned activities.
- The Army will coordinate with BLM and provide an appropriate level of support for the planned activities. Construction support shall be provided in a manner consistent with DDESB requirements by qualified personnel.
- During the interim period while the RA is underway in portions of BLM Area B, the Army plans to utilize the onsite UXO contract support. For on-call construction support and anomaly avoidance, USACE or the UXO contractor will provide the qualified



personnel. When a suspected munitions item is encountered the activities will stop. The UXO-qualified personnel will provide an initial assessment of the found item. If the item potentially poses and explosive hazard, the Senior UXO Supervisor (SUXOS) will be notified. For on-call construction support projects, the activities in the immediate vicinity of the item will not recommence until the status of the suspect item is known. Anomaly avoidance activities will relocate to another area.

- Once the SUXOS is notified the control of the item is transferred to SUXOS from the UXO team providing onsite construction support or anomaly avoidance. Disposition of the item will be per [Appendix E](#), “Interim process for disposition of munitions items encountered during on-call construction support, or anomaly avoidance, and reported as incidental munitions encounters, within BLM Area B and MRS-16.”
- The disposition of the item will occur outside of the on-call construction support or anomaly avoidance process. In general, if the UXO contractor has the capability to address the item in accordance with UXO SOP 5 of *Final Quality Assurance Project Plan Former Fort Ord, California, Volume II, Appendix A Munitions and Explosives of Concern Remedial Action* (KEMRON, 2016a) and an approved ESS, and the item can be handled in a timely manner, the UXO contractor will address the item. If the support is not available or the item cannot be addressed in a timely manner (e.g., weekends), an EOD unit will be contacted. This decision will be made by BRAC in coordination with USACE Project Manager (PM).
- If the item is confirmed as MEC, the Army will reassess the probability of encountering MEC.
- During the interim period while the remedial action is underway in portions of BLM Area B, for onsite construction support, the Army (utilizing the UXO contractor) will develop a work plan in coordination with BLM; submit an ESS for DDESB approval through the normal channels; and upon completion of the support develop an after-action report. These documents will be maintained in a project file.
- If MEC are encountered during construction support, the Army will notify EPA and DTSC as soon as practicable.
- If MEC are encountered during construction support, the Army will reassess the probability of encountering MEC for the area. If the reassessment confirms that there is a low probability of encountering MEC, the ground-disturbing activity can resume. If the reassessment finds that there is a moderate to high probability of encountering MEC, the level of construction support will be modified to meet the needs of the project.

Activities will be summarized in the LUC Annual Report Form, described in [Section 4.2.1](#).



### **3.4 PROHIBITION AGAINST INCONSISTENT USES**

Uses of the property that are inconsistent with the HMP (e.g., residential, school, and commercial/industrial development) will be prohibited.

#### **3.4.1 Performance Objectives**

The performance objective is to ensure that the restriction remain in place until they are changed with the concurrence of the Army and EPA in consultation with DTSC.

#### **3.4.2 Implementation**

The Army will place the prohibition against inconsistent uses in a property transfer document (e.g., letter of transfer). The property transfer document will include the following land use activity restrictions:

- Prohibit unauthorized public access;
- Prohibit ground-disturbing or intrusive activities outside of specified areas, unless construction support is provided by UXO-qualified personnel; and
- Prohibit uses of the property that are inconsistent with the HMP (e.g., residential, school, and commercial/industrial development).

The 1996 Letter of Transfer includes a provision that requires that BLM's management of the property will be guided by the Biological Opinion and the HMP. BLM's current management of the property is consistent with the HMP. The property transfer document that will transfer the remaining lands to BLM will be prepared following the remedial action in portions of BLM Area B under the Site-Specific Work Plan (KEMRON, 2017b). The land use restrictions applicable to BLM Area B and MRS-16 will be instituted at that time.

## **4.0 LUC MAINTENANCE ELEMENTS**

LUC maintenance activities, such as monitoring and reporting, help ensure that LUCs are in place and functioning as intended at the site so that response actions remain protective. Long Term Management Measures that will be implemented for BLM Area B and MRS-16 include a land transfer document that outlines any land use restrictions, annual monitoring and reporting, and five-year review reporting.

### **4.1 PROPERTY INTEREST AND RESOURCE OWNERSHIP**

The Army will provide a property transfer document that: (a) informs BLM of the selected remedy, including land use or activity restrictions; (b) describes the MRs conducted on the property; (c) outlines appropriate procedures to be followed should suspected MEC be encountered; and (d) establishes BLM's obligations to maintain and enforce the land use and activity restrictions selected as part of the remedy. The Army previously transferred portions of BLM Area B to the Department of Interior, BLM, as documented in a Letter of Transfer dated 18 October 1996. The property transfer documentation will reiterate the information specified in the previous Letter of Transfer and establish the land use restrictions for previously and subsequently transferred property within BLM Area B and MRS-16 regarding the risks associated with MEC that may remain present.

The property transfer documentation will establish the appropriate restrictions for transferred property within BLM Area B and MRS-16 regarding potential MEC risks and will indicate that:

- Specified reuses designated and approved at the time the Army transfers the property must be maintained by BLM; and
- Potential risks from MEC that may remain may significantly increase if changes are made to the designated and approved uses.

The Army will provide notice to EPA and DTSC as early as six months in advance but no later than 60 days prior to the transfer of the remaining BLM Area B and MRS-16 property to BLM to provide an opportunity for EPA and DTSC to be involved in discussions to ensure that appropriate provisions are included in the transfer terms to maintain the ROD-required land use restrictions. The Army will provide a copy of executed transfer assembly to EPA and DTSC.

### **4.2 LUCS ASSURANCE MONITORING AND REPORTING**

LUC assurance monitoring is designed to help evaluate whether LUC instruments remain in place, operate in the manner envisioned during response action selection, and continue to be effective.

#### **4.2.1 Annual Monitoring and Reporting**

The Army will collect information about and report on each MEC encounter that is unrelated to active removal activities and changes in site conditions that could increase the possibility of encountering MEC. The Army will report results of the annual monitoring to EPA and DTSC on a yearly basis by 30 April of each year subsequent to the previous calendar year of 1 January to 31 December. The Army manages incidental munitions encounters through the incidental munitions reporting process in the MRS Security Program. If a reported item in BLM Area B and MRS-16 is MEC, the Army will notify EPA and DTSC as soon as practicable.

Annual monitoring shall include the following activities:

- Document review. Records of public education, munitions recognition and safety training, and construction support actions will be reviewed. Records of reports of munitions encounters will be reviewed.
- Site inspection. Information kiosks and any engineering controls in use will be inspected to ensure they remain intact and undamaged.
- Interviews. Appropriate personnel from BRAC, USACE and BLM will be interviewed to collect their observations and feedback on the LUC implementation and maintenance actions; to identify possible changes for process improvement; and to identify any changes in site conditions that could increase the probability of encountering MEC.

Annual monitoring results will be summarized and reported using the LUC Annual Report Form provided at [Appendix F](#).

If, as a result of these periodic reviews, the Army proposes a modification of the remedy, the Army will submit the proposal to EPA and DTSC under the Federal Facility Agreement (FFA) (see [Section 6](#)).

#### **4.2.2 Five-Year Review**

The Army will conduct five-year reviews, under CERCLA Section 121(c) and the Fort Ord FFA, as part of the Fort Ord five-year review process. The five-year review will evaluate the protectiveness of the selected remedies. The next five-year review will occur in 2022.

At the time of each five-year review, the Army or Army's representatives will assess the status of the public education measures, munitions recognition and safety training program, construction support program, and prohibited land uses measures, and document any recommendations or modifications to the program as described in the [Section 6](#).

## **5.0 LUC ENFORCEMENT ELEMENTS**

If the Army identifies any activity that is inconsistent with the specific LUC objectives, use restrictions, or any activity that may interfere with the effectiveness of the LUCs, the Army will notify EPA, DTSC, and BLM as quickly as possible, and no later than 10 days, after discovery of any inconsistent activity. The Army will work together with BLM, EPA, and DTSC to determine a plan of action to rectify the situation.

## **6.0 LUC MODIFICATION AND TERMINATION ELEMENTS**

If the remedy is determined to be no longer effective or if site conditions change over time, it may be necessary to modify the LUCs through the CERCLA process. Changes to the LUCs that are made after submission of the LUCIP will be made in consultation with BLM, EPA, and DTSC. Such changes will be documented in an updated LUCIP.

LUCs will be maintained until the Army, EPA, and DTSC concur that the site is protective of human health and the environment from the explosives safety risks posed by MEC that may remain present without a need for LUCs. This decision will be based on:

- Post-remediation site evaluation incorporating new information (e.g., geophysical mapping); or
- Where removal to depth has adequately addressed the potential of MEC remaining in the subsurface.

## 7.0 REFERENCES

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- U.S. Army (Army), 1995. *Memorandum of Understanding Between the U.S. Army and U.S. Department of the Interior, Bureau of Land Management*. April. [OE-0006A]
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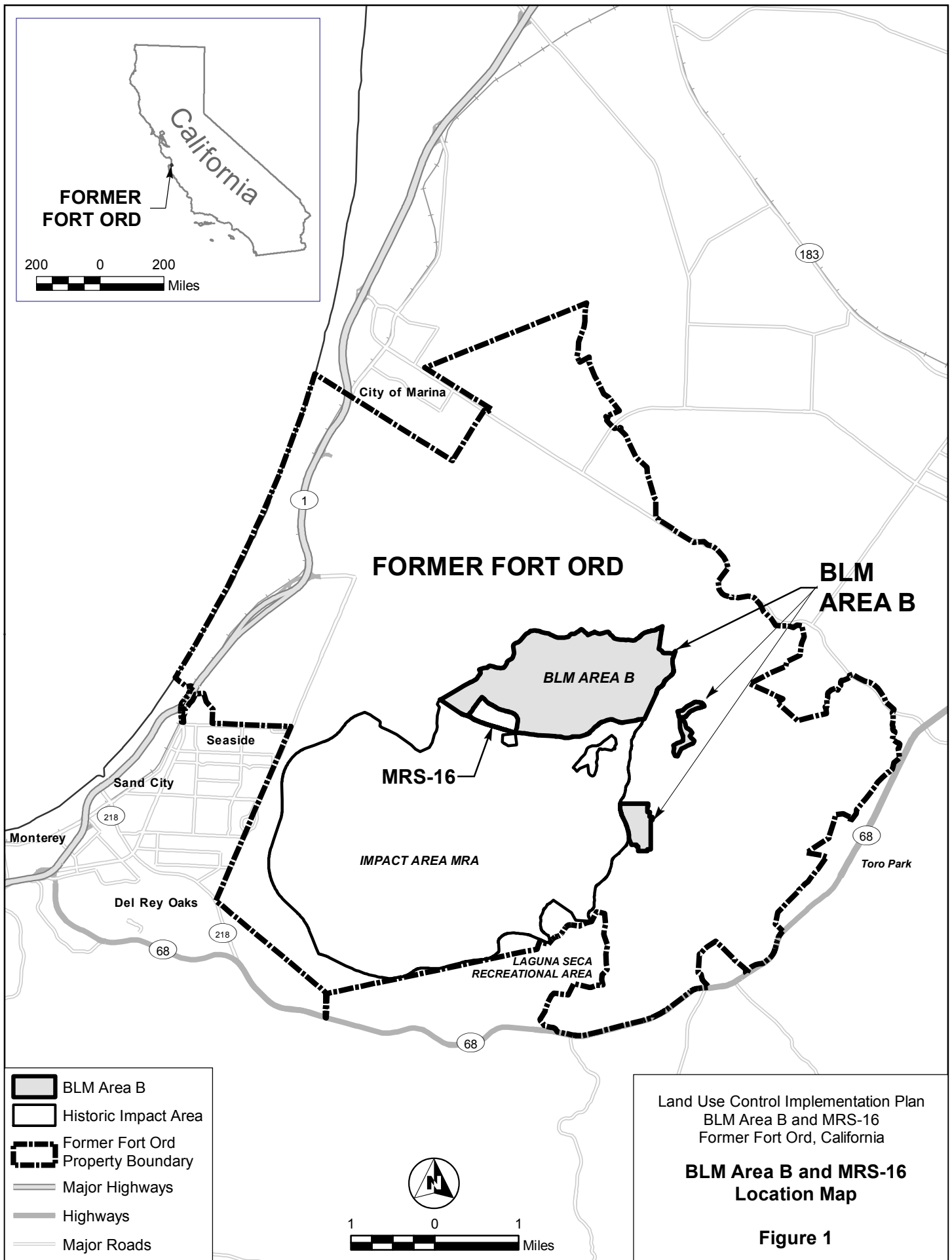
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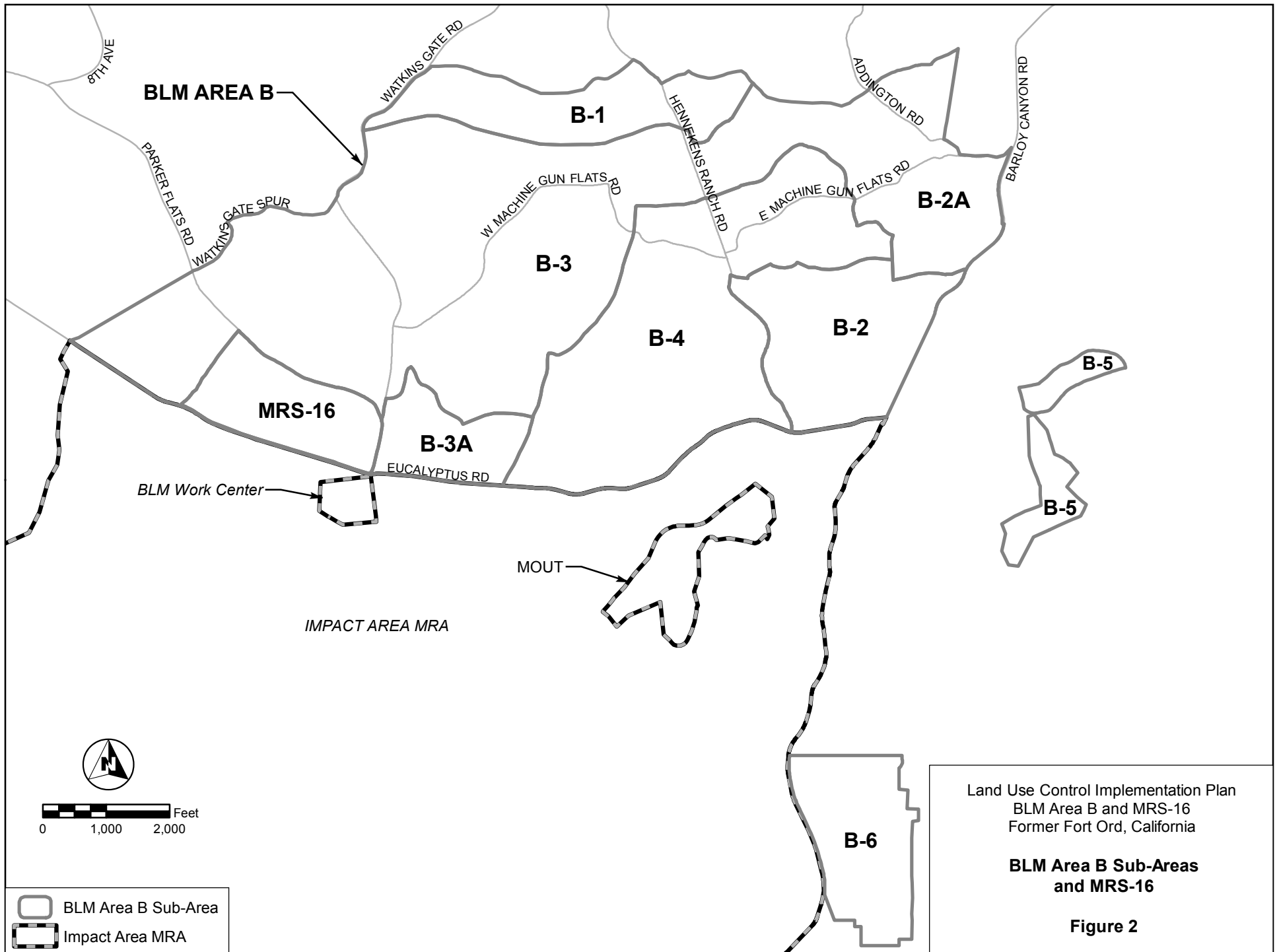
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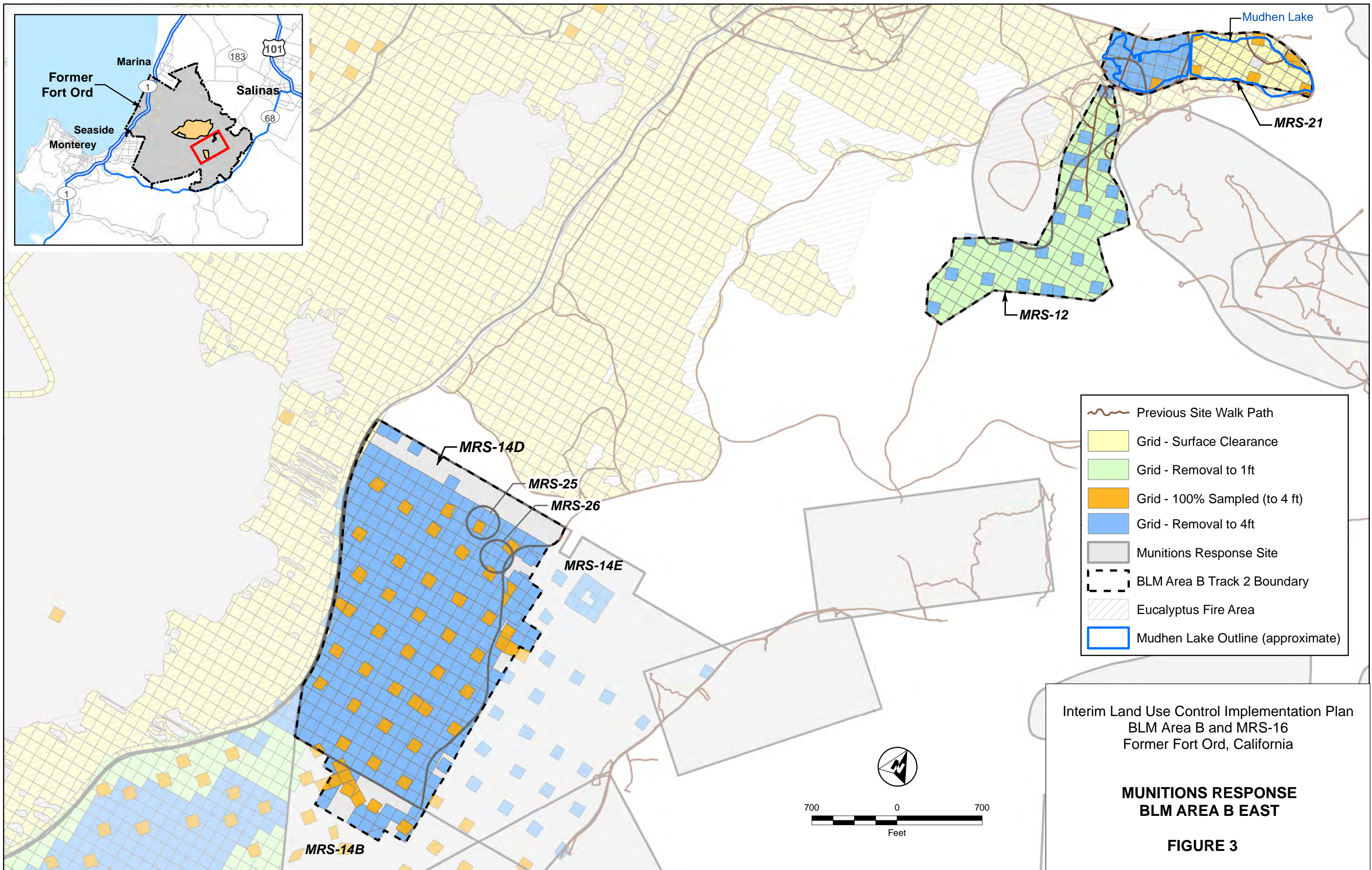
## **FIGURES**



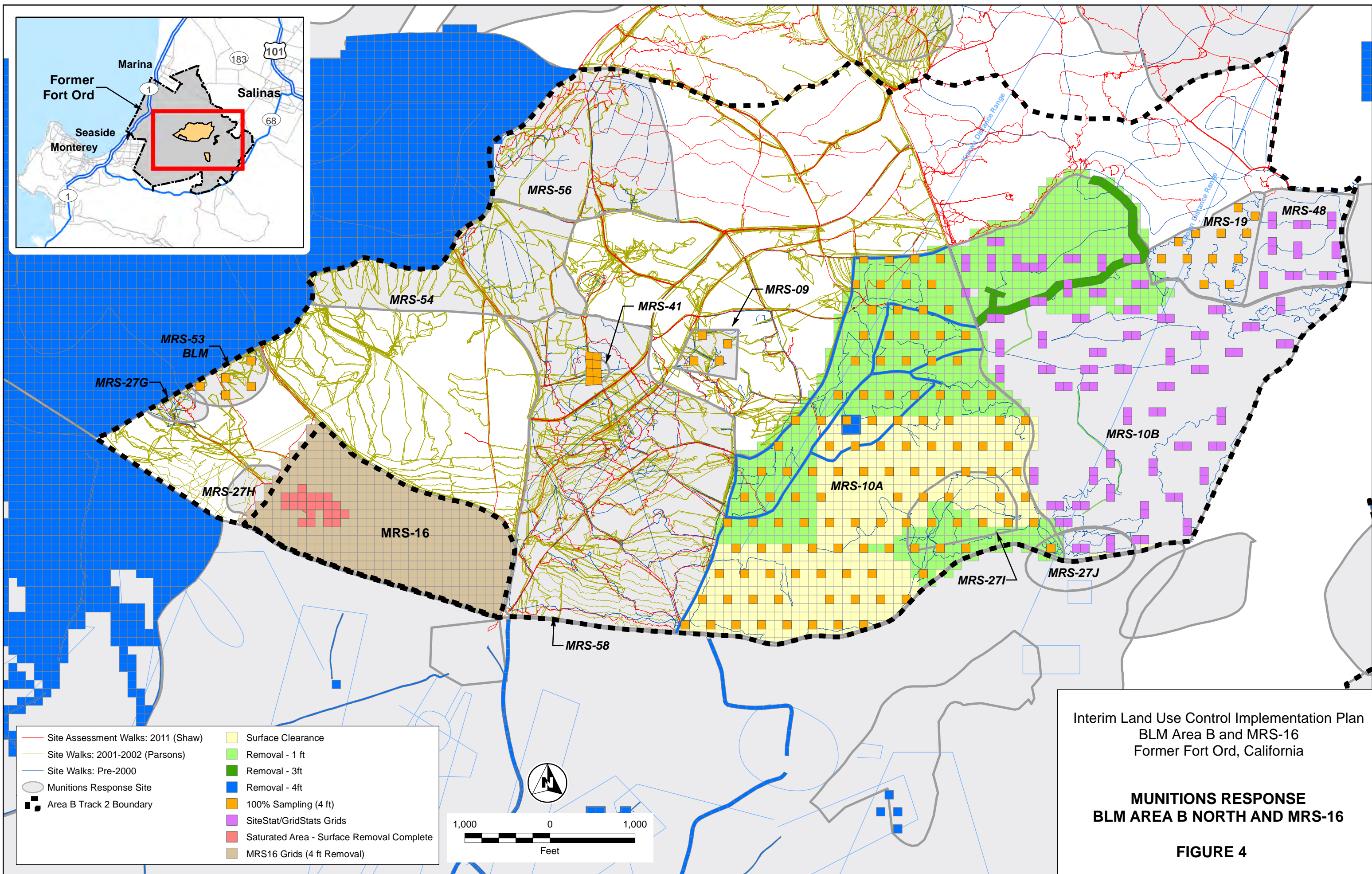


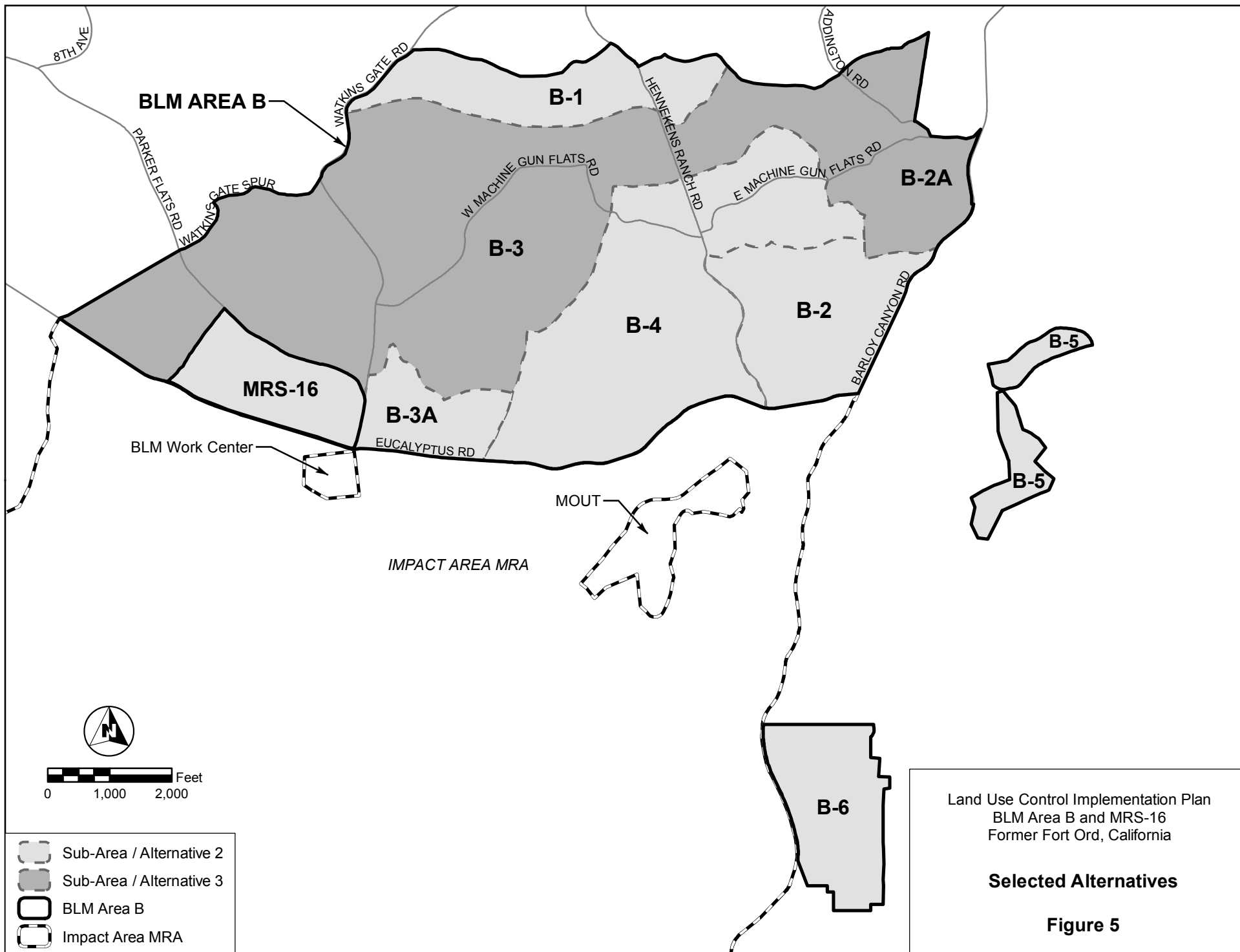


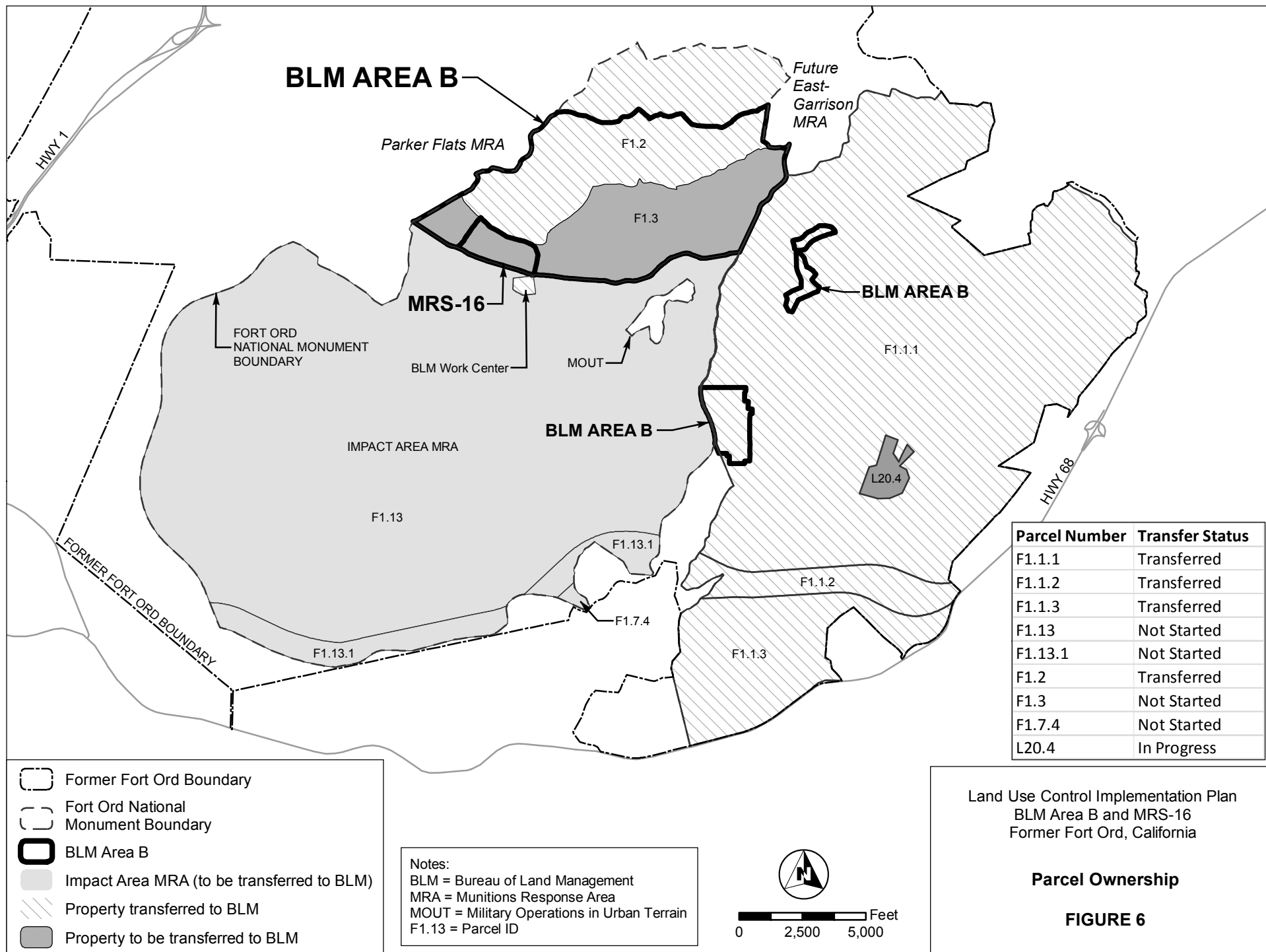












## **TABLES**

**Table 1. Responsible Organizations and Points of Contact**

<b>Organization</b>	<b>Point of Contact</b>
Department of the Army	William K. Collins BRAC Environmental Coordinator Fort Ord BRAC Office P.O. Box 5008 Monterey, California 93944-5008 Phone: (831) 393-1284 FAX: (831) 393-9188 email: <a href="mailto:William.K.Collins.civ@mail.mil">William.K.Collins.civ@mail.mil</a>
Bureau of Land Management	Eric Morgan Fort Ord National Monument Manager BLM Central Coast Field Office 940 2nd Avenue Marina, CA 93933-6009 Phone: (831) 582-2200 email: <a href="mailto:EMorgan@blm.gov">EMorgan@blm.gov</a>
U.S. Environmental Protection Agency, Region IX	Maeve Clancy Remedial Project Manager Superfund Federal Facilities Cleanup Branch 75 Hawthorne Street, Mail Code SFD-8-3 San Francisco, California 94105 Phone: 415-947-4105 email: <a href="mailto:Clancy.Maeve@epa.gov">Clancy.Maeve@epa.gov</a>
California EPA Department of Toxic Substances Control, Region 2	Vlado Arsov, P.E. Project Manager Military and Corrective Action Unit Cleanup Program – Sacramento Office Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, California 95826 Phone: (916) 255-4988 email: <a href="mailto:Vlado.Arsov@dtsc.ca.gov">Vlado.Arsov@dtsc.ca.gov</a>



**Table 2. Parcel Information**

<b>Parcel Number</b>	<b>Current Property Owner</b>	<b>Parcel Acreage</b>	<b>Acreage under LUCs</b>
F1.1.1	BLM	4,943.31	489.1
F1.2	BLM	1,191.20	300.76
F1.3	Army	806.74	806.74

**Table 3. Near- and Long-Term LUCs Implementation**

<b>Land Use Control</b>	<b>Description</b>	<b>Near-Term Implementation</b>	<b>Anticipated Long-Term Implementation*</b>
Public Education	Includes the provision of 3Rs explosives safety education materials in brochures and at kiosks; and presented during public presentations and safety briefings; encouragement for users to adhere to access management guidelines and may include trail markings, signage or other engineering controls, where warranted.	<p><b>Army</b></p> <p>The BRAC Office will supply the Army's 3Rs Explosives Safety Education Program and include the provision of 3Rs educational materials in brochures and at kiosks, and presented during public presentations and safety briefings.</p> <p>The Army will provide to BLM the public education materials used prior to transfer.</p>	<p><b>BLM</b></p> <p>BLM will review the public education materials for any required updates on an annual basis. BLM will present the public education materials during public presentations and safety briefings.</p>
Munitions Recognition and Safety Training	People involved in conducting ground-disturbing or intrusive activities will be required to attend munitions recognition and safety training to increase their awareness of and ability to recognize items prior to initiating intrusive activities.	<p><b>Army</b></p> <p>The BRAC Office will coordinate with USACE to have the OEES or UXO Contractor provide munitions recognition and safety training to people who conduct ground-disturbing or intrusive activities that are authorized by BLM and/or the Army.</p>	<p><b>BLM</b></p> <p>The UXO-qualified personnel assigned to BLM will provide munitions recognition and safety training to people who conduct ground-disturbing or intrusive activities that are authorized by BLM and/or the Army.</p>
Construction Support	Construction support will be provided during ground-disturbing or intrusive activities.	<p><b>Army</b></p> <p>The BRAC Office, USACE, and BLM will coordinate all construction projects. The Army will determine the appropriate level of construction support. The USACE OEES or UXO contractor will provide UXO-qualified personnel to perform construction support.</p>	<p><b>BLM</b></p> <p>The UXO-qualified personnel assigned to BLM will perform on-call construction support and anomaly avoidance.</p> <p><b>Army</b></p> <p>A process for onsite construction support will be developed.</p>
Prohibition Against Uses Inconsistent with the HMP	Prohibit uses inconsistent with the HMP (e.g., residential, school, and commercial/ industrial development).	<p><b>Army/BLM</b></p> <p>BLM will manage the property in a manner consistent with HMP. The Army will specify restrictions/conditions in the property transfer document(s).</p>	<p><b>BLM</b></p> <p>BLM will manage the property in a manner consistent with HMP and any restrictions/conditions specified in the property transfer document(s).</p>

<b>Land Use Control</b>	<b>Description</b>	<b>Near-Term Implementation</b>	<b>Anticipated Long-Term Implementation*</b>
Reports of incidental munitions encounters	Recording and responding to reports of incidental munitions encounters.	<b>Army</b>  Incidental munitions encounters are reported to the Army per the process described in MRS Security Program. USACE or contractor UXO-qualified personnel will be available to provide an initial assessment of a munition encountered to if it is safe to remove. If the item potentially presents an explosive hazard, EOD will be contacted for response. UXO contractor may address the item provided support is readily available.	<b>BLM/Army</b>  The UXO-qualified personnel assigned to BLM will be available to provide an initial assessment of a munition encountered to determine if it is safe to remove. If the item potentially presents an explosive hazard, EOD will be contacted for response.
Annual Reporting	Conduct annual LUC monitoring and reporting.  Monitoring will include document review, site inspection, and interviews.  Monitoring results will be summarized in LUC Annual Report Form to be submitted to EPA and DTSC.	<b>Army</b>  The Army will conduct annual monitoring and prepare the LUC Annual Report Form.	<b>BLM</b>  BLM will conduct annual monitoring and prepare the LUC Annual Report Form.

\* It is anticipated that portions of the LUC implementation actions may be transferred to another party (e.g., BLM) in the future. Anticipated long-term implementation will be further evaluated. The LUCIP will be updated when the remedial action identified for portions of BLM Area B are completed.

**APPENDIX A**  
**Fort Ord Munitions Incident Form**

## 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](mailto: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 B**

### **“Military Munitions Recognition and Safety Training and How to Request a Free Safety Training Class” Flier**

# Fort Ord Military Munitions Recognition and Safety Training

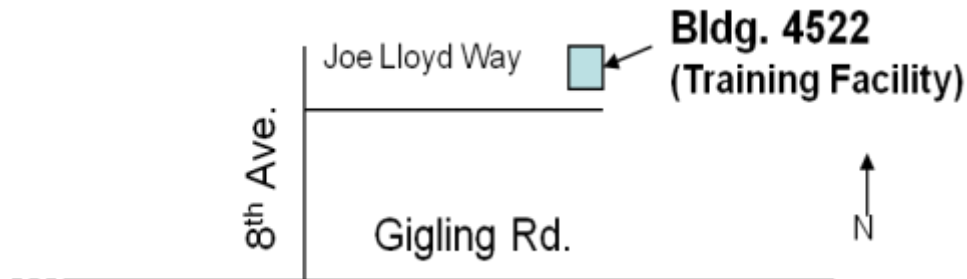
**As a result of the Army's use of military munitions on the former Fort Ord, unexploded ordnance (UXO) may be encountered by those working on and reusing former Fort Ord property.**



This training is recommended for anyone excavating on Fort Ord and required for all workers entering restricted munitions response sites.

The U.S Army Corps of Engineers (USACE) offers training to all contractors, property owners and workers involved in intrusive (digging) activities on the former Fort Ord. The training will orient attendees on UXO avoidance, the visual characteristics of UXO and the precautions necessary if it is encountered. Attendees will also be provided the procedures for contacting authorities if UXO is encountered.

- It is free.
- It takes about 20 minutes at the USACE facility.



To schedule training contact:  
Fort Ord Community Relations Office at email:  
Melissa.M.Broadston.ctr@mail.mil or (831) 393-1284.

Visit our website at: [www.fortordcleanup.com](http://www.fortordcleanup.com) for more information.

Para obtener una copia en Espanol contacte 831-393-1284.



## **APPENDIX C**

### **Standard Operating Procedures**

**BLM AREA B AND MRS-16 LUCIP**

**STANDARD OPERATING PROCEDURE #01  
CONSTRUCTION SUPPORT**

## Contents

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## **SECTION 1      PURPOSE**

The purpose of this Standard Operating Procedure (SOP) is to provide the minimum procedures applicable to construction support for ground-disturbing or intrusive operations within BLM Area B and MRS-16.

## **SECTION 2      SCOPE**

Construction support is defined as assistance provided by DoD explosive ordnance disposal (EOD) or UXO-qualified personnel and/or by personnel trained and qualified for operations involving 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., 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 (DoD, 2010).

The BLM habitat management program emphasizes preserving, maintaining, and restoring (as appropriate) the habitat quality of maritime chaparral and other habitat types within the Natural Resource Management Area (NRMA), including BLM Area B and MRS-16, and promoting the preservation of all HMP-covered species. In general, undeveloped areas in the NRMA will be maintained in their natural state. No more than two percent of the areas supporting native vegetation may be converted to areas with buildings or other development-oriented uses. This Standard Operating Procedure (SOP) applies to project sites within BLM Area B and MRS-16.

## **SECTION 3      REGULATORY REFERENCES**

The following requirements apply to the conduct of operations associated with this SOP. In the event that other hazards are associated with the conduct of this SOP consultation with other SOPs and regulatory references may be needed:

1. Department of Defense Explosive Safety Board (DDESB), 2015, Minimum Qualifications for Unexploded Ordnance (UXO) Technicians and Personnel, Technical Paper 18.
2. DoD, 2010, DOD Ammunition and Explosives Safety Standards Manual, 6055.09-M, Administratively Reissued August 4. (Incorporating changes through April 2012)

USACE and its contractors will also comply with USACE Engineering Manuals:

3. USACE, 2008, Engineering Manual (EM) 385-1-97, Explosives - Safety and Health Requirements Manual. (Including Change 01, 2013). (
4. USACE, 2015. Engineering Manual 200-1-15, Technical Guidance for Military Munitions Response Actions. October.

## **SECTION 4      PROCEDURE**

### **4.1      RESPONSIBILITIES**

#### **4.1.1      FORT ORD BRAC ENVIRONMENTAL COORDINATOR**

The BRAC Environmental Coordinator (BEC) has responsibility for the direction and scope of work for the project, and provides final review and approval of documents, reports, plans, schedules, and other communications submitted pursuant to the project. Represents U.S. Army under the FFA and is the primary person responsible for communication with the regulators.

#### **4.1.2      USACE PROJECT MANAGER**

The USACE Project Manager (PM) oversees the contract requirements and gives input on the direction and scope of work for project's involving USACE contracts. The USACE Project Manager provides review of documents, reports, plans, schedules and other communications submitted pursuant to the project. The USACE PM will coordinate with the BEC to provide the UXO-qualified personnel required for construction support.

#### **4.1.3      USACE ORDNANCE AND EXPLOSIVES SAFETY SPECIALIST**

The USACE Ordnance and Explosives Safety Specialist (OESS) has responsibility for the safety for munitions response aspects for the project. The USACE OESS reviews and approves of documents, reports, plans, and other communications submitted with respect to explosives safety. The USACE OESS may support the preparation of the MEC Probability Assessment and will oversee the UXO-qualified personnel providing the construction support.

#### **4.1.4      BLM PROJECT MANAGER**

The BLM PM will be responsible for informing the Army of planned ground-disturbing or intrusive activities in advance of the planned start of the project. BLM will inform the

Army of BLM projects and any other project that it authorizes to occur on BLM properties within BLM Area B and MRS-16.

## **4.2 PROJECT PLANNING**

BLM shall inform the Army of planned ground-disturbing or intrusive activities at least six months in advance of the planned start of the project, or as soon as practicable. For routine maintenance activities in subsurface removal areas, BLM shall inform the Army 30 days in advance or as soon as practicable. BLM shall inform the Army of BLM projects and any other project that it authorizes to occur on BLM properties within BLM Area B and MRS-16 (e.g. university research group). BLM will use ground-disturbance or intrusive activity information form ([Appendix D](#)). [Attachment 1](#) contains a process flowchart for project planning.

The Army will assess the probability of encountering MEC based on site-specific data, including historical records and/or onsite investigation data, and the planned activities.

- For low probability areas, on-call construction support will be required; and
- For medium/high probability areas, anomaly avoidance and/or on-site construction support will be required.

The BEC will inform BLM of the required level of construction support and facilitate the coordination of construction support activities with BLM.

## **4.3 ON-CALL CONSTRUCTION SUPPORT**

The following list contains the specific procedures that will be used to conduct on-call construction support. [Attachment 1](#) contains a process flowchart for on-call construction support.

1. For project sites with a low probability of encountering MEC, only on-call construction support is required.
2. The Army will work with BLM to determine the working schedule for field work to ensure that construction support staff is available.
3. USACE's UXO contractor will provide a minimum UXO team of one UXO Technician III and one UXO Technician II available for consultation during the ground disturbing project.
4. The OEES is not required to be on-site for on-call (low probability) support.
5. The UXO team will physically view the actual footprint of planned activity with BLM's POC or designated personnel.

6. People who conduct ground-disturbing or intrusive activities are required to have attended munitions recognition and safety training within one year of the project. The UXO team will verify the training from the munitions recognition and safety training record and, if necessary, provide the training prior to starting the field activities.
7. Prior to the project, the UXO team will provide a site-specific briefing to on-site management and construction personnel and conduct a general work and safety briefing, including:
  - a. Probable site hazards and site-specific safety considerations.
  - b. Responsibilities and lines of authority for any munitions encounters.
  - c. Emergency response procedures.
8. The UXO team will check in on the progress of the field work on a daily basis. The UXO team will document project visits in its daily field journal.
9. If the people who conduct ground-disturbing or intrusive activities that are authorized by BLM and/or the Army find a suspected munitions item, all work will stop. The UXO team will be contacted immediately.
10. The UXO team will provide an initial assessment of the discovered item. If the item is not MEC or potential MEC, the item will be removed and the field activity can resume. If the item is MEC or potential MEC, the UXO team will:
  - a. Secure the item.
  - b. Report the discovery to the Senior UXO Supervisor (SUXOS).
  - c. Complete the MEC Recording Form ([Appendix A](#)) and provide it to the BEC.
11. If the item was confirmed to be MD, the UXO team will notify the BLM POC or its designee that the field activity can resume. If the item was confirmed to be MEC, the Army will reassess the probability of encountering MEC.
12. If the item was confirmed to be MEC, BEC will inform EPA and DTSC of the item and the results of the reassessment.
13. If the reassessment confirms that there is a low probability of encountering MEC at the project site, the ground-disturbing activity can resume.
14. If the reassessment finds that there is a medium or high probability of encountering MEC at the project site, the BEC will coordinate with USACE PM to provide the appropriate level of construction support as described in either [Section 4.4](#) or [4.5](#), below.
15. When the ground disturbing activity is complete, the UXO contractor will complete a Construction Support After Action report to describe all actions taken during the project, see [Section 5](#).

## 4.4 ANOMALY AVOIDANCE

This section provides the steps required to conduct anomaly avoidance for sites where there is a medium or high probability of encountering MEC. [Attachment 1](#) contains a process flowchart for anomaly avoidance.

1. If the project is assessed to have moderate or high probability of encountering MEC but can be supported with anomaly avoidance, anomaly avoidance can be used.
2. EOD personnel; or UXO-qualified personnel; or UXO Technician I personnel under the supervision of UXO-qualified personnel can perform anomaly avoidance during the project.
3. People who conduct ground-disturbing or intrusive activities that are authorized by BLM and/or the Army are required to have attended Munitions Recognition and Safety Training within one year of the project. The UXO staff will verify the training from the munitions recognition and safety training record and, if necessary, provide the training prior to starting the field activities.
4. The UXO staff will review previous munitions response activities at the project site. The UXO staff will physically view the actual construction footprint with the onsite management of the construction contractor and discuss visual observations and potential areas of concern.
5. Prior to the project, the UXO staff will provide a site-specific briefing to onsite management and construction personnel and conduct a general work and safety briefing, including:
  - a. Probable site hazards and site-specific safety considerations.
  - b. Responsibilities and lines of authority for any munitions encounters.
  - c. Emergency response procedures.
6. The UXO staff will conduct a surface access survey prior to non-UXO personnel performing activities project site. The UXO staff will perform anomaly avoidance during the ground-disturbing or intrusive activities.
7. The UXO staff will document project activities and progress in its daily field journal.
8. In the event that surface MEC or potential MEC is discovered, project work will stop. The UXO staff will place flagging adjacent to the discovery for subsequent visual reference, select a course around the item, and guide any onsite personnel out of the area to avoid contact with the item.
9. The UXO staff will confirm if the finding is Material Potentially Posing an Explosive Hazard (MPPEH). If the item is MPPEH, the UXO staff will:
  - a. Secure the item. ^



- b. Report the item to the SUXOS.
  - c. Complete the MEC Recording Form ([Appendix A](#)).
- 10. The UXO staff will continue the anomaly avoidance activities for the remainder of the project.
- 11. When the project is complete, the UXO staff will complete an Anomaly Avoidance After Action Report to describe all actions taken during the project, see [Section 5](#).

## 4.5 ONSITE CONSTRUCTION SUPPORT

This section provides the steps required to provide onsite construction support for sites where there is a medium or high probability of encountering MEC. [Attachment 1](#) contains a process flowchart for onsite construction support.

1. For projects where there is a medium or high probability of encountering MEC ), onsite construction support shall be provided to remove explosive hazards in the construction footprint, per a DDESB-approved Explosives Safety Submission (ESS), before intrusive construction or other intrusive activities occur.
2. USACE will coordinate with the UXO contractor to prepare an ESS. The ESS will be submitted to BEC, who will forward it to the U.S. Army Technical Center for Explosives Safety (USATCES) at least 60 days prior to the planned start of the onsite construction support activities. An onsite construction support work plan will be prepared in accordance with the *Draft Work Plan, Remedial Design (RD)/Remedial Action (RA) Track 2 BLM Area B and MRS-16, Former Fort Ord, California* (KEMRON Environmental Services, Inc. [KEMRON], 2017a) for Army/USACE review.
3. The OESS is required to be onsite for medium/high probability support.
4. MEC removal operations will be conducted in accordance with the onsite construction support work plan and approved ESS.
5. When the project is complete, the UXO contractor will complete Construction Support After Action Report to describe all actions taken during the project, see [Section 5](#). This report will be submitted to the BEC, who will forward it to USATCES for submittal to DDESB.

## SECTION 5 REPORTING

Documentation of on-call construction support, anomaly avoidance, and onsite construction support will provide the details on the activities conducted, any changes in the planned activities, and munitions encountered. A map and field notes will be included in the report.

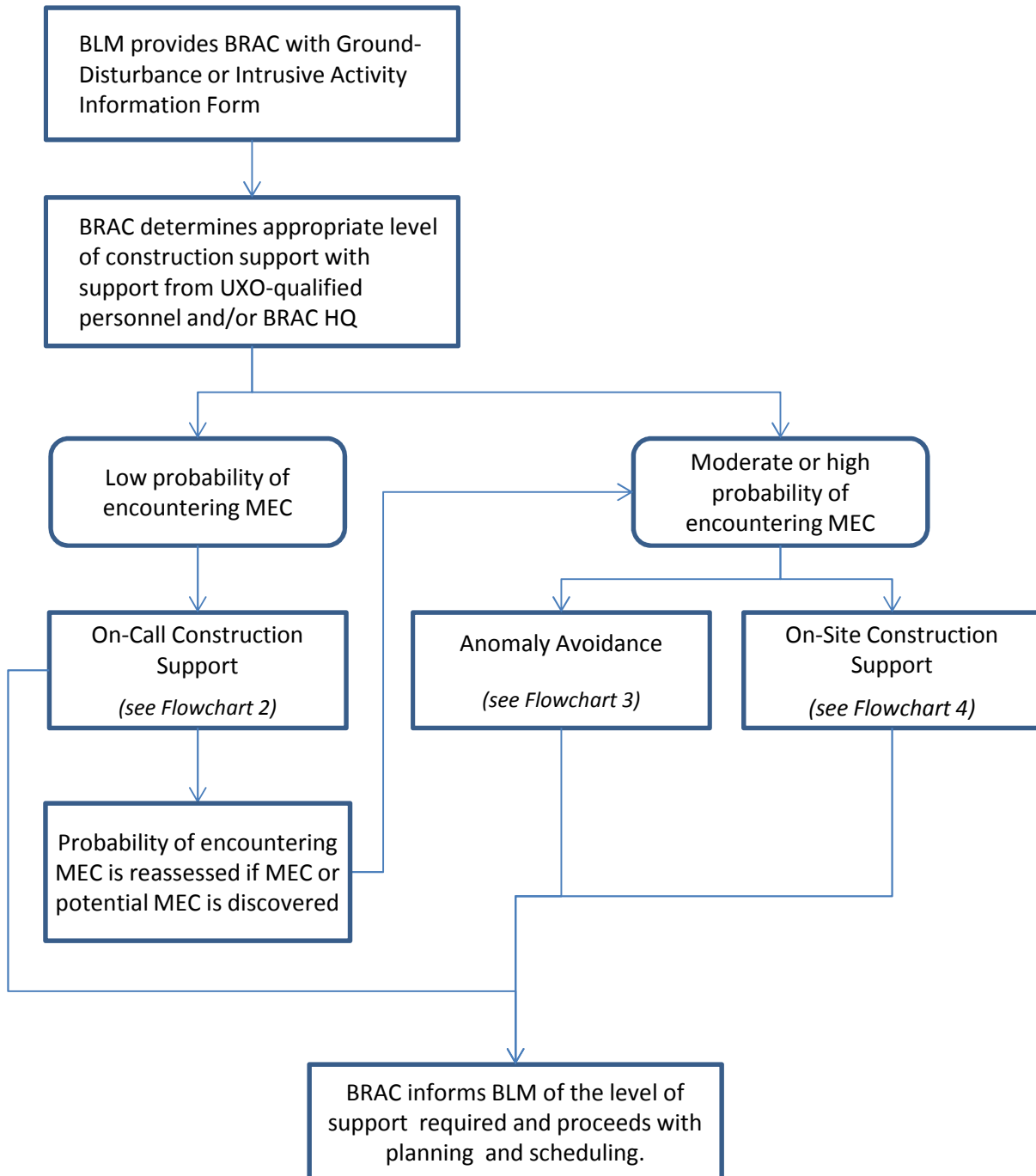
- On-call construction support and anomaly avoidance reports will be concise in format. The draft report will be submitted to BRAC and USACE within 30 days of the completion of the field activities. The final report will be submitted to the Army for distribution and added to the project file.
- Onsite construction support reports will be more detailed in format. The draft report will be submitted to BRAC and USACE within 60 days of the completion of the field activities. The final report will be submitted to the Army for distribution and added to the project file. The Army will forward the report to USATCES for submittal to DDESB.

## SECTION 6      ATTACHMENT

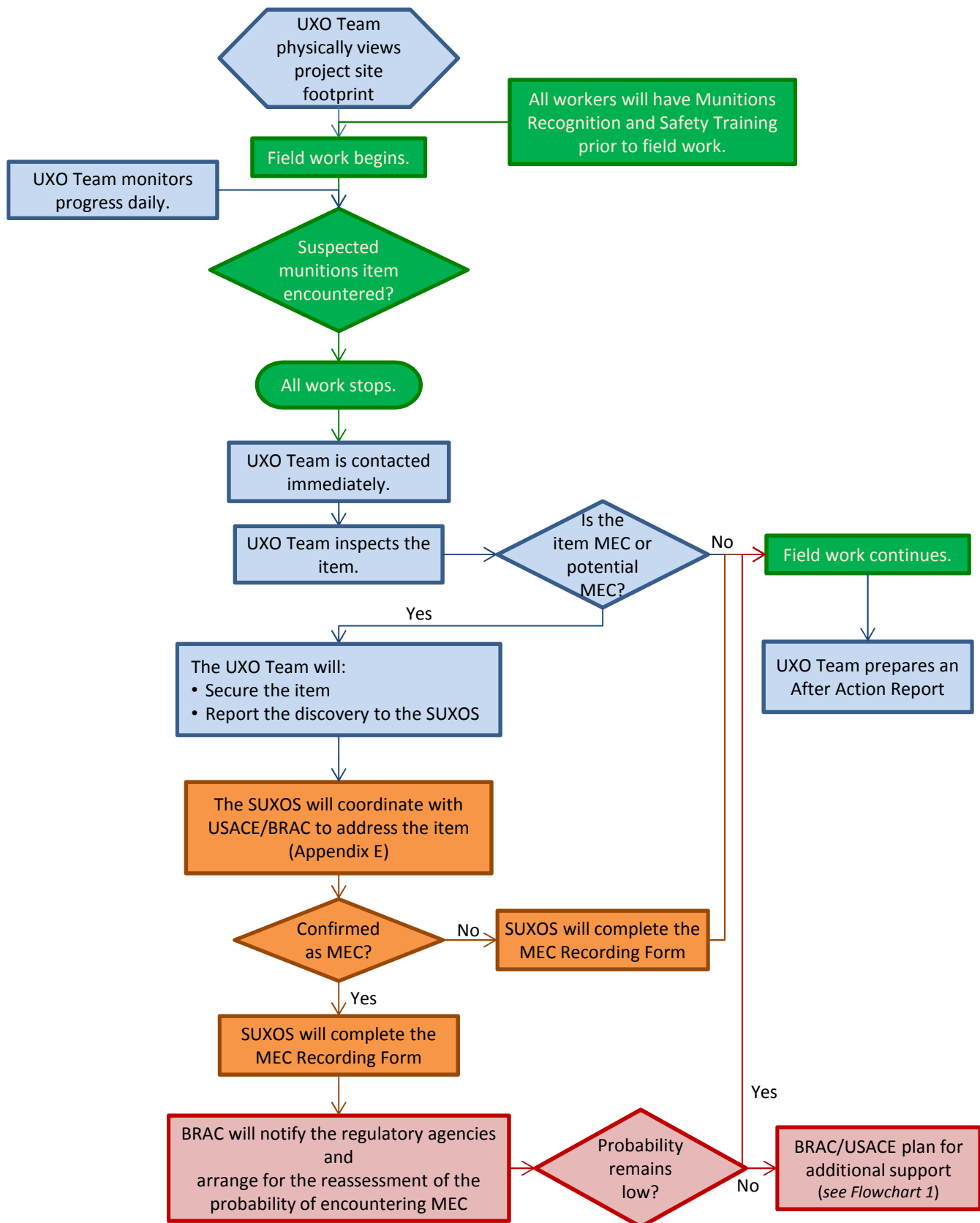
# **Attachment 1**

## **Process Flowcharts**

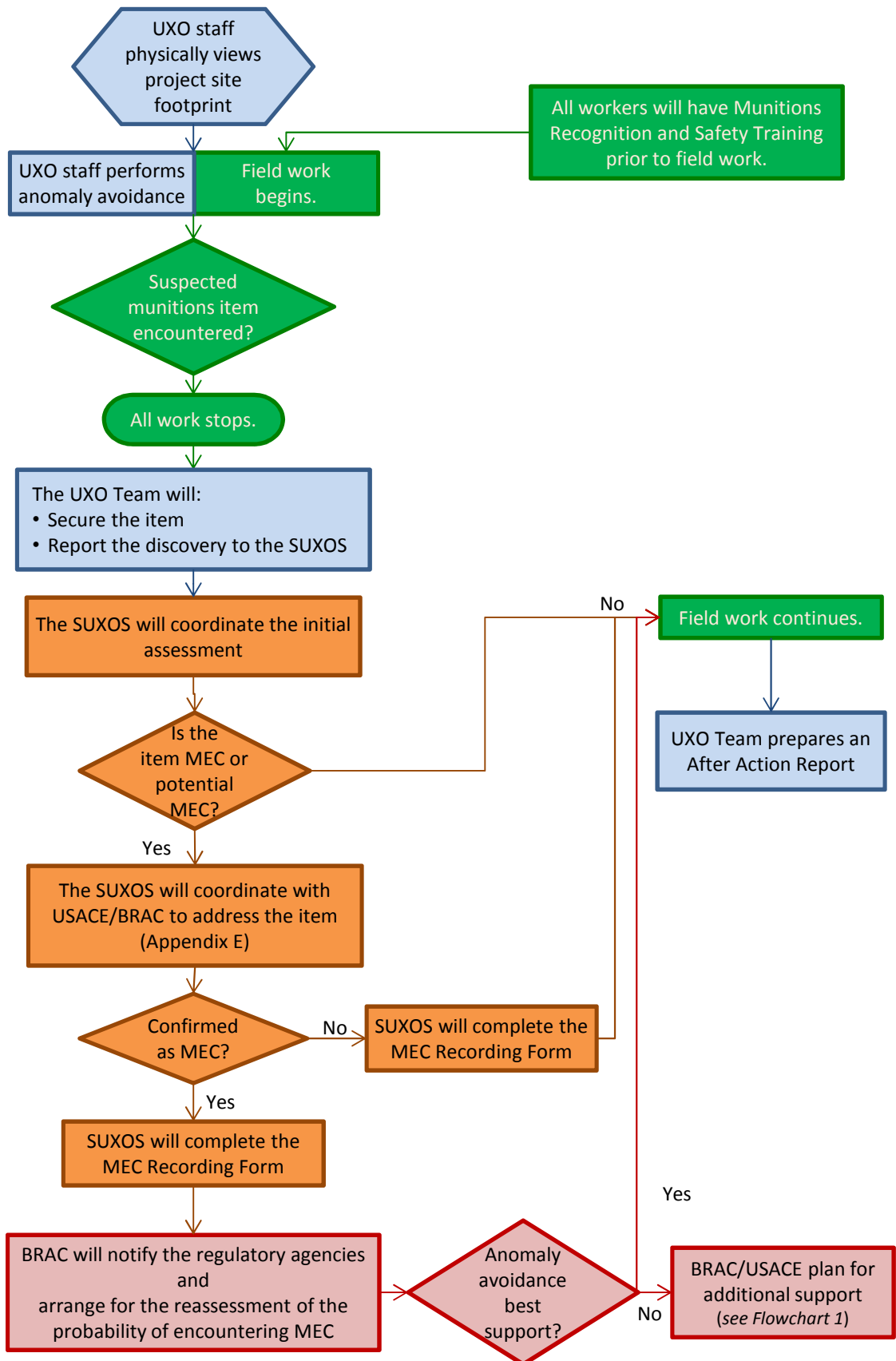
**Flowchart 1**  
**Standard Operation Procedure 01**  
**Construction Support Planning**



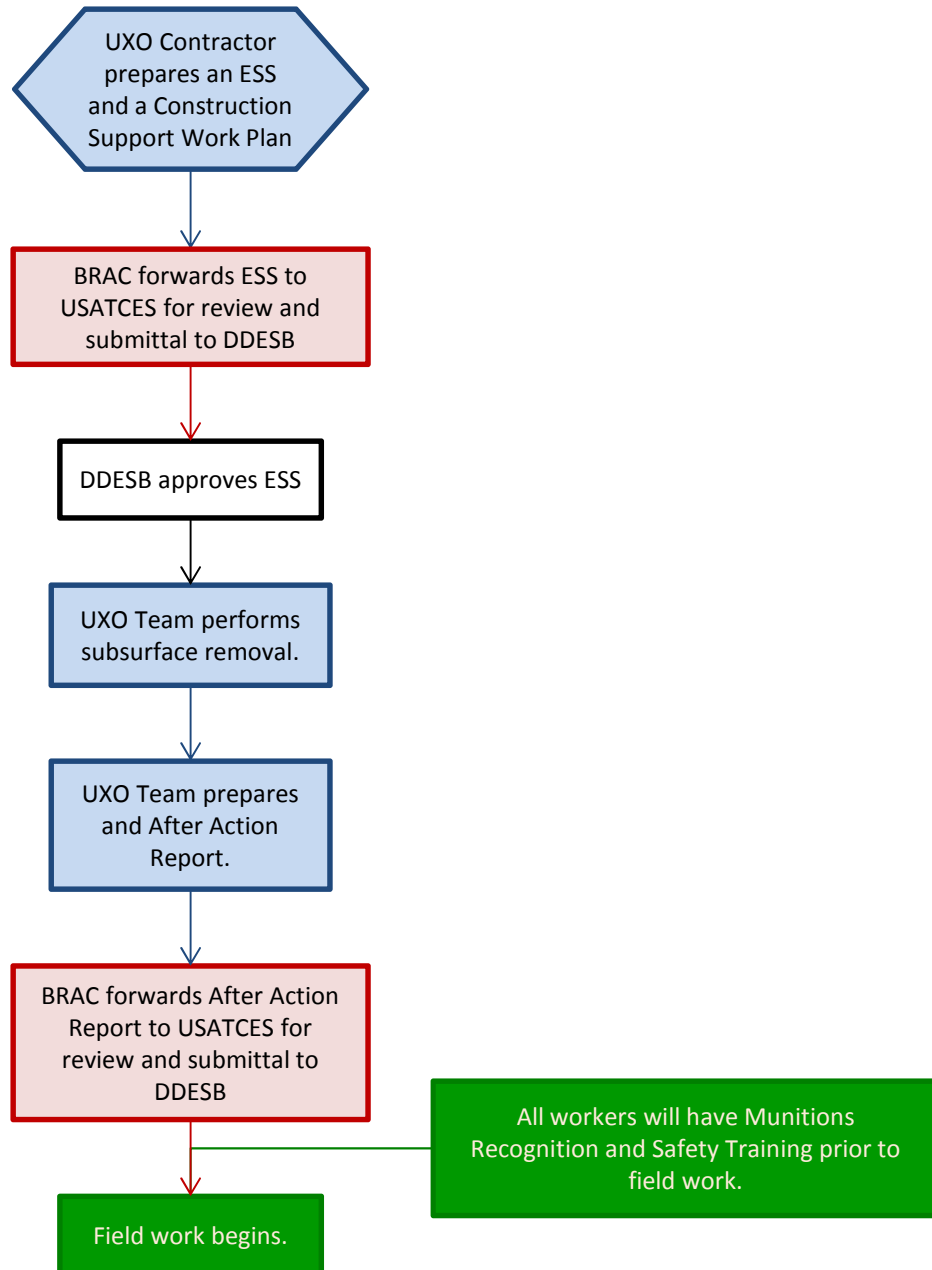
**Flowchart 2**  
**Standard Operation Procedure 01**  
**On-Call Construction Support**



**Flowchart 3**  
**Standard Operation Procedure 01**  
**Anomaly Avoidance**



**Flowchart 4**  
**Standard Operation Procedure 01**  
**Onsite Construction Support**





## **APPENDIX D**

### **Ground-Disturbing or Intrusive Activity Information Form**

Fort Ord Military Munitions Response Program (MMRP)  
Ground-Disturbing or Intrusive Activity Information Form

**Section A: to be completed by project proponent**

Complete Section A, attach pertinent information.

Submit to U.S. Army at least 6 months in advance of your planned project.

Call Fort Ord BRAC MMRP Manager 831-242-7919 for any questions.

**1 Location of the planned ground-disturbing or intrusive activity**

- ☐ Impact Area Munitions Response Area
- ☐ BLM Area B and MRS-16
- ☐ Other BLM properties
- ☐ Other federal properties

Description:

**2 Project contact information**

Property owner:

Activity Point of Contact (POC):

Organization

Organization

Representative name

POC name

Telephone number

Telephone number

email

email

**3 Nature of the planned ground-disturbing or intrusive activity**

Specific location and lateral footprint (attach a map)

Anticipated depth of ground disturbance

Type of equipment; description of anticipated ground-disturbance activity

Anticipated duration and start date for the activity

**4 Submit the form to Fort Ord Base Realignment and Closure (BRAC) Office.**

- ☐ email to      william.k.collins.civ@mail.mil      Date:
- ☐ fax to        831-393-9188                              Date:

Fort Ord Military Munitions Response Program (MMRP)  
Ground-Disturbing or Intrusive Activity Information Form

**Section B: to be completed by the Army**

Determine whether construction support is required.

Determine the probability of encountering Munitions and Explosives of Concern (MEC).

Determine the minimum level of construction support.

**5 Construction support is required (Impact Area MRA; BLM Area B; MRS-16; Parcel F2.6)**

- ☐ Not required - BRAC Office to inform project POC recommending munitions recognition and safety training.
- ☐ Required - BRAC Office to forward form for probability determination.

**6 The probability of encountering MEC is**

- ☐ low
- ☐ moderate/high

Brief rationale for the determination: (e.g., subsurface removal was completed)

**7 The minimum level of construction support is**

- ☐ on-call construction support
- ☐ anomaly avoidance
- ☐ on-site construction support

**Above probability is determined by (UXO-qualified personnel or BRAC HQ)**

Organization	Telephone number
Name	email
signature	

**8 Fort Ord BRAC Office acceptance of the probability determination**

Fort Ord BRAC Office

Name	Telephone number
signature	email

# Fort Ord Military Munitions Response Program (MMRP) Ground-Disturbing or Intrusive Activity Information Form

## Section C: to be completed by the Army

Describe how the support will be provided.

Identify the POC for the support.

**9 The required support will be provided by**

(a) Army:

- ☐ USACE OESS
- ☐ UXO contractor under contract with USACE

USACE Project Manager (PM):

Organization	Telephone number
POC name	email

POC for construction support for this project (example: OESS, UXOSO):

Organization	Telephone number
POC name	email

(b) Other than Army:

- ☐ UXO-qualified personnel assigned to BLM
- ☐ Other

**10 Signature by BRAC Office (and USACE if applicable)**

Fort Ord BRAC Office

USACE PM

Name	Name
signature	signature

**11 BRAC Office will inform the project POC of construction support requirements. (check one)**

- ☐ email to \_\_\_\_\_ Date: \_\_\_\_\_
- ☐ fax to \_\_\_\_\_ Date: \_\_\_\_\_

**12 BRAC Office will file this form and future related documentation in the project file.**

Tracking Number:	SiteFile number:
------------------	------------------

## **APPENDIX E**

### **Interim process for disposition of munitions items encountered in BLM Area B and MRS-16**

## **Interim process for disposition of munitions items encountered in BLM Area B and MRS-16**

The USACE UXO contractor will handle disposition of munitions items discovered during on-call construction support, anomaly avoidance, and reported as incidental munitions encounters, within BLM Area B and MRS-16, if it has the capability to address the item in accordance with UXO SOP 5 of *Final Quality Assurance Project Plan Former Fort Ord, California, Volume II, Appendix A MEC Remedial Action* (KEMRON, 2016) and an approved ESS, and the item can be handled in a timely manner. If the support is not available or the item cannot be addressed in a timely manner (e.g., weekends), an Explosive Ordnance Disposal (EOD) unit will be contacted for response.

1. During on-call construction support, when a munitions item is encountered the UXO team will provide an initial assessment of the discovered item. If the item is not MEC or potential MEC, the item will be removed and the field activity can resume. If the item is MEC or potential MEC, the Senior UXO Supervisor (SUXOS) will be notified. Once the SUXOS is notified the control of the item is transferred to SUXOS from the UXO team providing on-site construction.

During anomaly avoidance when a munitions item is encountered the UXO staff will report the discovery to SUXOS, and move the activity away from the item. Once the SUXOS is notified the control of the item is transferred to SUXOS from the UXO staff providing anomaly avoidance. The SUXOS will have UXO-qualified personnel conduct an initial assessment of the discovered item. If the item is not MEC or potential MEC, the item will be removed. If the item is MEC or potential MEC, the SUXOS will be notified (by the initial assessment personnel).

2. SUXOS will provide relevant information to USACE PM and BRAC. Based on the availability of the resources and timeliness of the response, BRAC in coordination with USACE PM will decide if the contractor will address the item or to contact EOD for response.
  - a. For EOD support: a request for support will be made by the Army or BLM (property owner). On BLM properties the Army may provide assistance to secure the item until the arrival of an EOD unit. The Army will obtain the final disposition and complete the MEC Recording Form.
  - b. For contractor support, USACE PM will direct the contractor to implement the disposition.
3. If contractor support is authorized the UXO contractor will (a) secure the item; (b) address the item (blow-in-place, or relocate it to a secure location and later

detonation) per UXO SOP 5 of QAPP Volume II Appendix A and an approved ESS; and (c) complete the MEC Recording Form.

4. When an incidental munitions encounter is reported, USACE or contractor UXO-qualified personnel will be available to provide an initial assessment of a munition encountered to determine whether detonation is required. If the item is MEC or potential MEC, EOD will be contacted for response. UXO contractor may address the item if support is readily available. This decision will be made by BRAC in coordination with USACE PM. Once notified, UXOSO will immediately arrange for the item to be relocated to a secure location and later detonation, or, if necessary, blow in place operation. (See step 2 above.)
5. After detonation the status of the munitions item will be confirmed to be UXO, DMM or MD.
6. If the item was confirmed to be MEC, the Army will notify EPA and DTSC as soon as practicable.
7. For on-call construction support projects, if the item was confirmed to be MEC, the Army will reassess the probability of encountering MEC. If the probability of encountering MEC remains low, the field activities may resume. If the probability of encountering MEC is moderate to high, the Army will initiate coordination with BLM to provide onsite construction support.

**APPENDIX F**

**LUC Annual Report Form**



## Former Fort Ord

### LUC Annual Report Form

Covering January 1, 2\_\_\_\_ to December 31, 2\_\_\_\_

#### A. Summary of annual monitoring for calendar year \_\_\_\_

##### A.1. Document review

- Summarize public education actions implemented; comment on their appropriateness/effectiveness.

- Summarize munitions recognition and safety training program actions; comment on their effectiveness in capturing all people who need to be trained, the manner/ease of coordination; appropriateness of the material used.

- Summarize construction support actions that occurred; provide a list of ground-disturbing or intrusive activities with a short description, the level of construction support provided, and associated documents for onsite support (work plan, ESS and after-action report); comment on their effectiveness in capturing all ground-disturbing or intrusive activities, the manner/ease of coordination.

- Summarize reports of munitions encounters that occurred in BLM Area B & MRS-16; provide a list of the reports and final identification of the item (from the database); comment on the manner of incident response and reporting process.

- Provide a list of activities that occurred during this year and anticipated for the following year in the following tabular format and provide additional information, as available, as an attachment to this report:

Activity Name	Probability of encountering MEC (low, medium, or high)	Level of construction support provided (on-call, anomaly avoidance, on-site)	Date of project start (estimated, if not started)	Date of project completion (estimated, if not complete)	Is additional information provided as an attachment?

#### A.2. Site inspection

- Describe the inspection; what was inspected; any comments/findings relevant to the LUCs.

#### A.3. Interviews

- Summary of interviews: interviewee's observations and feedback on the LUC implementation and maintenance actions; to identify possible changes for process improvement; and to identify any changes in site conditions that could increase the possibility of encountering MEC.

Interviewee's Name and Position: \_\_\_\_\_  
Interview Date: \_\_\_\_\_  
Summary of Interview:

Interviewee's Name and Position: \_\_\_\_\_  
Interview Date: \_\_\_\_\_  
Summary of Interview:

## B. Evaluation

### General

B.1. Are there any changes in site conditions that could increase the possibility of encountering MEC?

☐ yes or ☐ no

If yes, provide a description of the changes in site conditions, explanation of the potential increase in the possibility of encountering MEC, and recommended changes or suggestions for process improvement.

B.2. In reviewing the information on munitions encounters from the document review and interviews, were there any munitions encounters that could increase the possibility of encountering MEC?

☐ yes or ☐ no

If yes, provide a description of the munitions encounters, explanation of the potential increase in the possibility of encountering MEC, and recommended changes or suggestions for process improvement.

### PUBLIC EDUCATION

Public education will be provide based upon the Army's Recognize, Retreat, Report (3Rs) Explosives Safety Education Program and include the provision of 3Rs educational materials in brochures and at kiosks, and presented during public presentations and safety briefings. It will also encourage people to adhere to access management guidelines and may include trail markings, signage or other engineering controls, where warranted. The performance objectives for the public education LUC are: (a) to ensure that public land users are informed of the potential for MEC to be present and actions that should be taken if a suspected munitions item is encountered and (b) to ensure that public land users report discovery of suspected MEC items to local law enforcement.

B.3. Are there any issues that could interfere with meeting the performance objectives for Public Education?

☐ yes or ☐ no

If yes, provide a description of the issue(s), explanation of the potential interference with the performance objectives, and recommended changes or suggestions for process improvement.

### **Munitions Recognition and Safety Training**

Munitions recognition and safety training is required for people who conduct ground-disturbing or intrusive activities. The performance objectives are: (a) to ensure that land users involved in ground-disturbing or intrusive activities are educated about the possibility of encountering MEC, and (b) to ensure that land users involved in ground-disturbing or intrusive activities stop the activity when encountering suspected MEC and report to the appropriate authority.

B.4. Are there any issues that could interfere with meeting the performance objectives for Munitions Recognition and Safety Training?

☐ yes or ☐ no

If yes, provide a description of the issue(s), explanation of the potential interference with the performance objectives, and recommended changes or suggestions for process improvement.

### **Construction Support by UXO-Qualified Personnel for Ground-disturbing or Intrusive Activities**

The provision of construction support by UXO-qualified personnel is required for ground-disturbing or intrusive activities. The performance objective is 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.

B.5. Are there any issues that could interfere with meeting the performance objectives for construction support?

☐ yes or ☐ no

If yes, provide a description of the issue(s), explanation of the potential interference with the performance objectives, and recommended changes or suggestions for process improvement.

## Prohibited Reuses and Activities or Restrictions

The ROD requires that the property transfer document include the following land use or activity restrictions:

- Prohibit unauthorized public access;
- Prohibit ground disturbing or intrusive activities outside of specified areas, unless construction support is provided by UXO-qualified personnel; and
- Prohibit uses of the property that are inconsistent with the HMP (e.g., residential, school and commercial/industrial development).

The performance objective is to ensure that the restrictions remain in place until they are changed with the concurrence of the Army and EPA in consultation with DTSC.

B.6. Are there any issues that could interfere with meeting the performance objectives for prohibited reuses and activities or restrictions?

☐ yes or ☐ no

If yes, provide a description of the issue(s), explanation of the potential interference with the performance objectives, and recommended changes or suggestions for process improvement.

--

### **Suggested Attachments to LUC Annual Report Form**

1. Inspection record (including photos, if appropriate).
2. Listing of MEC Recording Forms filed and subsequent MEC determination.
3. Listing of ground-disturbance and intrusive activities conducted, level of construction support provided, and supporting documentation.
4. 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.
5. Table of Munitions Recognition and Security Training dates and individuals trained.
6. List of public education materials and copies of fact sheets, brochures, and presentations used.
7. List of trespassing incidents and citations from law enforcement.
8. Interview records.

## **APPENDIX G**

### **Response to comments received on the Draft plan**

## RESPONSES TO COMMENTS

Document: Draft Interim Land Use Control Implementation Plan Track 2 BLM Area B and MRS 16, Former Fort Ord, California

Commenting Organization: United States Environmental Protection Agency (EPA)

Name: Maeve Clancy

Date of Comments: November 3, 2017

### General Comment 1:

**Audience.** In the introduction please discuss who the LUCIP is being prepared for. Only BLM? BLM and any of their contractors that do work at BLM Area B or MRS 16? Are there any other entities that will be doing work at BLM Area B or MRS-16 subject to this LUCIP?

### Response to General Comment 1:

As stated in Section 1.0, the LUCIP describes how the Army will implement the LUCs during the interim period while the remedial action (removal of munitions and explosives of concern [MEC]) is underway in portions of BLM Area B.

A portion of the subject property is currently under BLM management, and once the remainder of the property is transferred to BLM, BLM will manage the use of the property in all of BLM Area B and MRS-16. BLM employees and contractors, emergency responders, research and education related visitors, and recreational users are among the types of people anticipated to use the property. All reuses are subject to BLM authorization as the property owner/manager (except access reserved for CERCLA purposes). As such, the main reuse audience is BLM, and as indicated in Section 1.0 of the Interim LUCIP, the Army intends that the LUCs will be implemented in coordination with BLM.

Regulatory agencies are also key “audiences” for the Interim LUCIP since they will review and approve the plan and subsequent changes under the Federal Facility Agreement.

These entities are identified as responsible organizations in Section 1.2 and in Table 1.

### General Comment 2:

**Roles and responsibilities.** Ensure that roles and responsibilities are clear throughout the document.



## RESPONSES TO COMMENTS

### **Response to General Comment 2:**

A review of the document has been conducted to further identify the roles and responsibilities in the document.

### **General Comment 3:**

**Definitions.** The definitions section is incomplete. At a minimum, please add terms like anomaly avoidance, CERCLA, construction, on-call construction support, on-site construction support, etc.

### **Response to General Comment 3:**

The definitions section lists technical terms as provided in Department of Defense (DoD) Manual 6055.09-M. Definitions for anomaly avoidance, construction support, on-call construction support, and onsite construction support, will be added. The acronym CERCLA is listed in the List of Acronyms section.

### **Specific Comment 1:**

**Typo.** Page 1, 1" paragraph, 4th sentence should read, "The purpose of this Land Use Control Implementation Plan (LUCIP) **is** to ...

### **Response to Specific Comment 1:**

The text has been revised as recommended.

### **Specific Comment 2:**

**Response Actions.** Page 4-5, Section 2.2. Clarify relationship between Alternatives 2 and 3, the timeline for both parts of the remedy to be implemented together, and that Alternative 2-LUCs will likely continue once the land is transferred to BLM.

### **Response to Specific Comment 2:**

The following text has been added to the end of Section 2.2.3, where two alternatives are discussed. "Alternative 2 and the LUC-component of Alternative 3 are being implemented concurrently in BLM Area B and MRS-16."

Reuse activities that involve ground-disturbing activities are not anticipated in MEC removal areas while the remedial action is underway. Also, the intent of the Interim LUCIP is that LUC

## RESPONSES TO COMMENTS

implementation actions will not differ greatly between areas that are currently managed by BLM and the other areas under Army control.

### **Specific Comment 3:**

**Public Education.** Page 8, Section 3.1. 2nd paragraph. Add a more definitive statement about which public education measures will be used for this LUCIP. Ensure that the activities described are consistent with other mentions of public education in the document. Consider removing mentions of engineering controls unless they will be a LUCIP component in the interim.

### **Response to Specific Comment 3:**

Section 3.1 introduces the public education LUC as described in the Record of Decision. A variety of measures are available for use as long as appropriate messages are communicated and discovery of suspicious items are appropriately reported. The current implementation actions are described in Section 3.1.2. In that section, physical access management measures that are currently being used to support the remedial action are described. These physical measures (e.g., fences with danger signs at the perimeters of work areas) are updated based on the field work activities, and will be removed once the fieldwork is completed. At that time, the use of physical measures will be evaluated in coordination with BLM to support longer-term use of the property.

### **Specific Comment 4:**

**Munitions Recognition and Safety Training.** Page 10, Section 3.2. Consider whether there would be a need to make this training available in other languages, possibly for BLM contractors.

### **Response to Specific Comment 4:**

Currently, training is available in English and Spanish. If other languages are needed, the Army has a translation service available.

### **Specific Comment 5:**

**Construction Support.** Page 11, Section 3.3. Please address the following:

- a. Is there a de-minimis amount of ground disturbing or intrusive activities where construction support would not apply?

## RESPONSES TO COMMENTS

- b. If MEC is found, how is the size of a stop work area determined? Would the entire project be stopped? A section related to this should also be added to the Appendix D form, if the size of the stop work area will vary between projects.
- c. 2nd paragraph sentences 3 and 4 are confusing and should be removed. Information about the standard process is not helpful if a different process is being used for BLM Area B and MRS-16.
- d. 3.3.1 Performance objective. This objective should include the proper use of the Appendix D form and timely notification from BLM to the Army of MEC finds.
- e. 3.3.2 Implementation.
  - i. The main implementation instrument seems to be the Appendix D form, but it is barely mentioned in this section. Clarify that things like the probability of assessing MEC and determination of level of construction support will be determined by the Army and that determination will be recorded on this form. Additionally, discuss chain of custody for this form, essential signatures, and record keeping.
  - ii. Add information about what happens if suspected munitions items are found. How will work will be stopped, size of work stoppage area, who will determine when work can begin again, etc.
  - iii. Add information from the SOP (Appendix C) that describes how the level of construction support could change after a MEC find.

### Response to Specific Comment 5:

Section 3.3 introduces the construction support LUC as described in the Record of Decision.

- a. The Army intends that appropriate construction support be provided to all planned ground-disturbing or intrusive activities within BLM Area B and MRS-16 regardless of size or amount of ground disturbance.
- b. As described in Section 3.3.2, during ground-disturbing activities supported by on-call construction support, when a suspect munitions item is encountered the activities will stop; the activities in the immediate vicinity of the item will not recommence until the status of the suspected item is known. The size of the “immediate vicinity” should be site-specific depending on the type of munitions associated with the project site, the size of the project area, and the nature of the activity. KEMRON’s Standard Operating Procedures (SOP) (provided in Appendix C), Section 4.3, calls for all work associated with the planned project to stop upon discovery of a suspect item. Project activities will remain on hold until released by the UXO-qualified personnel (all or portions of the area). Such decisions would be recorded in an after-action report described in Section 5 of the SOP.

The Ground-Disturbing or Intrusive Activity Information Form at Appendix D is a communication/information tool so that appropriate level of construction support can

## RESPONSES TO COMMENTS

- be determined and provided to all planned ground-disturbing or intrusive activities within BLM Area B and MRS-16 in a timely manner. It is not a template for a construction support plan.
- c. This paragraph introduces on-call construction support as described in the Record of Decision. The standard process for unexpected encounter of suspected MEC is to request support from an explosive ordnance disposal (EOD) unit and is applicable to BLM Area B and MRS-16. The added step for an initial assessment by UXO-qualified personnel is intended to expedite the resolution of the incident by avoiding an EOD response to non-MEC items. For clarification the third and fourth sentences will be revised to read:
- “The standard process on Federal land is to request support of an explosives or munitions emergency from an explosive ordnance disposal (EOD) unit who will be dispatched to evaluate and remove the item.”
- d. Section 3.3.1 introduces the performance objective for the construction support LUC as described in the Record of Decision. Timely notification from BLM to the Army of munitions encounters during ground-disturbing activity supported by construction support is addressed in Section 3.3.2 where implementation of construction support is described.
- e.
- i. The Ground-Disturbing or Intrusive Activity Information Form at Appendix D is a communication/information tool so that appropriate level of construction support can be determined and provided to all planned ground-disturbing or intrusive activities within BLM Area B and MRS-16 in a timely manner. A statement will be added to the first paragraph of Section 3.3.2 to clarify that the form at Appendix D is a planning and communication/information tool that will be utilized to track and coordinate planned activities with BLM. Reporting on completed construction support actions will be through after-action reports described in Section 5 of the SOP, and through annual LUC monitoring and reporting addressed in Section 4.2 of the Interim LUCIP.
  - ii. As described in Section 3.3.2, during ground-disturbing activities supported by on-call construction support, when a suspect munitions item is encountered the activities will stop. The UXO-qualified personnel will provide an initial assessment of the item. If the item potentially poses an explosive hazard, it will be referred for further examination and possibly a detonation process. The ground-disturbing activity will not recommence until the status of the item is known. A more detailed description of the process, including flowcharts, is provided in KEMRON's SOP at Appendix C.

## RESPONSES TO COMMENTS

- iii. A bullet will be added to Section 3.3.2 to describe that, should an item found during ground-disturbing activities supported by on-call construction support is confirmed to be MEC, the Army will reassess the probability of encountering MEC. If the reassessment confirms that there is a low probability of encountering MEC, the ground-disturbing activity can resume. If the reassessment finds that there is a moderate to high probability of encountering MEC, the level of construction support will be modified to meet the needs of the project.

### Specific Comment 6:

**Prohibition Against Inconsistent Uses.** Page 13, Section 3.4. Please address the following:

- a. 3.4.1. Performance objective should be something like, "Maintain the integrity of the HMP unless the Army, DTSC, and EPA determine it is no longer necessary. However, even if the Army and regulatory agencies determined this was no longer necessary, their concurrence would only remove the CERCLA prohibition, not the prohibition under the Endangered Species Act. Please clarify.
- b. 3.4.2 Implementation. Consider whether annual inspections to ensure prohibited uses are not taking place would be part of implementing this LUC.

### Response to Specific Comment 6:

- a. Section 3.4.1 introduces the performance objective for the prohibition against inconsistent uses LUC as described in the Record of Decision. BLM will be required to maintain the use of the property as a habitat reserve in a manner consistent with the HMP. Uses inconsistent with the HMP, such as residential, school and commercial/industrial development, will be prohibited, until the restriction is removed by a decision of the Army and EPA in consultation with DTSC. This information is included in Section 3.4.2.
- b. BLM will maintain the property as a habitat reserve in a manner consistent with the HMP. Annual monitoring for compliance with the property use prohibition will be addressed in the annual report described in Section 4.2 of the Interim LUCIP and Appendix F.

### Specific Comment 7:

**Table 3.** Near and Long Term LUCs Implementation column. Consider removing this given that there is little discussion of potential long term LUC implementation in the LUCIP. If it is left in, more information needs to be added to the LUCIP about assumptions that are being made for future land use and responsibilities, in addition to caveats about how implementation of the interim LUCIP will inform the final LUCIP that is in place once the land has been transferred.

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### **Response to Specific Comment 7:**

As described in Section 3.0 LUC Implementation Strategies, and in the note at the bottom of Table 3, it is anticipated that portions of the LUC implementation actions may be transferred to another party (e.g., BLM) in the future. Information in the “anticipated long-term implementation” column will be further evaluated in coordination with BLM and the regulatory agencies, and the LUCIP will be updated when the remedial action identified for portions of BLM Area B are completed.

### **Specific Comment 8:**

**Appendix A.** Fort Ord Munitions Incident Form. Consider whether it would be useful to have a separate form for use only at BLM Area B and MRS-16.

### **Response to Specific Comment 8:**

The Munitions Incident Form is used throughout the former Fort Ord and is appropriate for use in BLM Area B and MRS-16.

### **Specific Comment 9:**

**Appendix B.** Training Flier. Consider whether it would be useful to have a flier specific to BLM and/or BLM contractors.

### **Response to Specific Comment 9:**

The “Military Munitions Recognition and Safety Training and How to Request a Free Safety Training Class” is used throughout the former Fort Ord and is appropriate for use in BLM Area B and MRS-16.

### **Specific Comment 10:**

**Appendix D.** Information Form. Add details like where copies of the form need to be kept (on site?). Add information on who to call if something is found.

### **Response to Specific Comment 10:**

As described in response to comment 5.e.i., the form is a planning and communication/information tool that will be utilized to track and coordinate planned activities with BLM. The Army will keep the form for use in annual report development. Reporting on construction support implementation actions will be through after-action reports described in Section 5 of the SOP, and through annual LUC monitoring and reporting addressed in Section 4.2 of the Interim LUCIP.

## RESPONSES TO COMMENTS

Document: Draft, Interim LUCIP Track 2, BLM Area B and MRS-16, Former Fort Ord, California

Commenting Organization: Department of Toxic Substances Control (DTSC)

Name: Vlado Arsov

Date of Comments: November 6, 2017

### **Specific Comment 1:**

Document Page 5. Section 2.2.3, First Paragraph. "Removal and RAs have been conducted in portions of BLM Area B and MRS-16. Limited evidence of MEC was found during previous investigations in BLM Area B sub-areas B-1, B-2 and B-3A."

Please provide a reference figure where subsurface and surface clearance areas have been completed and highlighted.

### **Response to Specific Comment 1:**

Figures 3 and 4 from the Record of Decision will be included for reference in the document.

### **Specific Comment 2:**

Document Page 5. Section 2.2.3, First Paragraph. "Surface and/or subsurface removals were conducted in MRS-16 and BLM Area B sub-areas B-4, B-5, and B-6, significantly reducing the potential for encounter with MEC."

Since subsurface removal includes the surface activities, only "or" should be used. Or, instead, you may use "subsurface and/or surface..."

### **Response to Specific Comment 2:**

As summarized in the Record of Decision and shown in the figures requested in comment 1, previous munitions responses conducted in BLM Area B and MRS-16 included surface removals in some areas, subsurface removals in some areas, and sampling (individual grids and 100% grid sampling) in other areas. Therefore, the use of "surface and/or subsurface" adequately describes the munitions responses in BLM Area B and MRS-16.

## RESPONSES TO COMMENTS

### Specific Comment 3:

Document Page 8. Section 3.1, First Paragraph. "It will also encourage people to adhere to access management guidelines and may include trail markings, signage or other engineering controls, where warranted."

Could you explain how is it determined when these management guidelines will be warranted?

### Response to Specific Comment 3:

Adherence to access management guidelines will be warranted throughout BLM Area B and MRS-16. A variety of measures are available for use as long as appropriate messages are communicated and discovery of suspicious items are appropriately reported. The specific use of trail markings, signage, or other engineering controls will be based on evaluation of the effectiveness of the LUC and will be addressed in annual LUC monitoring and reporting addressed in Section 4.2 of the Interim LUCIP.

### Specific Comment 4:

Document Page 9. Section 3.1.2, Second Bullet. "It contains a message to encourage recreational users to stay on designated roads and trails."

Since this is a LUCIP document, the language should be more direct. Consider using instead of "encouraging," "requiring" as a more appropriate term. The public should be required to adhere/stay on designated trails. The effectiveness of these controls should be evaluated periodically and improved if necessary.

### Response to Specific Comment 4:

Section 3.1.2 describes the current implementation actions for the public education LUC. Contents of public education materials such as the kiosks are developed in coordination with BLM. An assessment conducted in August 2017 and reported to MR BCT found that the efforts were successful in informing the target audience. The effectiveness of the messaging will continue to be evaluated, and a stronger style of messaging will be considered if warranted.

### Specific Comment 5:

Document Page 10. Section 3.1.2, Third bullet. "Engineering controls: Signs and other physical access management measures are currently focused on supporting the RA in BLM Area B, which was initiated in May 2017. **These measures will be taken down once the fieldwork is completed.** At that time, the use of engineering control to support long-term use of the property will be **evaluated in coordination with BLM.**"



## RESPONSES TO COMMENTS

Please consider removing the first sentence with bold font. The order of actions should be evaluation first, and then, if conditions are met, these measures should be taken down. The way it is written it appears that measures can be removed before evaluation is completed.

In addition to BLM, please have EPA and DTSC involved in this decision-making process.

### **Response to Specific Comment 5:**

The signs and other physical access management measures that are currently being used are deployed as described in *Final Site-Specific Work Plan (SSWP), Munitions and Explosives of Concern Remedial Action, BLM Area B, Former Fort Ord, California* (Administrative Record number: OE-0900B). The SSWP describes the use of physical measures for site security to support the remedial action field work. These physical measures (e.g., fences with danger signs at the perimeters of work areas) are updated based on the field work activities, and will be removed once the fieldwork is completed, as described in the SSWP. At that time, the use of engineering controls will be evaluated in coordination with BLM to support longer-term use of the property. As stated in Section 1.0 of the Interim LUCIP, the plan will be reviewed and updated as appropriate when the remedial action identified in the SSWP are completed. Section 6.0 describes that changes to the LUCs will be made in consultation with BLM, EPA, and DTSC.

### **Specific Comment 6:**

Document Page 11. Section 3.3, Second paragraph. "If the probability of encountering MEC is assessed to be low, on-call construction support will be required. UXO-qualified personnel will monitor..."

The qualifications for UXO-qualified personnel are listed in the definitions section and are extensive. Will UXO-qualified personnel be on site to monitor activities when the requirement is for on-call construction support? Please consider revising these two sentences.

### **Response to Specific Comment 6:**

UXO-qualified personnel will provide on-call construction support. For on-call construction support, the UXO-qualified personnel will communicate with the people who engage in ground-disturbing activities (e.g., BLM workers) to monitor the progress of the work and check for any relevant observations. Department of Defense (DoD) standards do not require the UXO-qualified personnel to be present observing the ground-disturbing activities.

## RESPONSES TO COMMENTS

### **Specific Comment 7:**

Document Page 11. Section 3.3, Second paragraph. "Within BLM Area B and MRS-16, UXO-qualified personnel will be available to provide **an initial assessment** of a munition encountered to determine whether EOD support is required."

For initial assessment, what is the DDESB standard used? Is this the same standard referenced in Section 3.3.2, the DoD 6055.09-M-V7? Please clarify.

### **Response to Specific Comment 7:**

Suspected MEC items will be treated as material potentially presenting an explosive hazard (MPPEH). Per DoD 6055.09-M-V7 (considered "the DDESB standard"), technically qualified personnel will determine the explosives safety status of MPPEH. In the cited paragraph, the UXO-qualified personnel is technically qualified to determine if the material poses no explosive hazard ("material documented as safe or MDAS). If the item cannot be determined as MDAS, it will be referred to further examination and possibly a detonation process.

### **Specific Comment 8:**

Document Page 11 and 12. Section 3.3.2, The whole section.

Could you clarify the title, "Implementation" of...? Please explain who is doing each action. Actions of each party involved should be clear and explained in this section. The information in the bullets seem to go back and forth between controls for Remedial Action and controls for maintenance.

Please consider having sub sections in this chapter such as: Remedial Action and BLMs Construction Activities including Maintenance.

### **Response to Specific Comment 8:**

Section 3.3 introduces the construction support LUC as described in the Record of Decision. Section 3.3.1 introduces the performance objective for the construction support LUC as described in the Record of Decision. Section 3.3.2 describes the Army's actions to implement the construction support LUC during the interim period while the remedial actions are underway in portions of BLM Area B. The activities are expected to be coordinated between BLM and the Army to ensure coverage. A more detailed description of the process is provided in Kemron's Standard Operating Procedures (SOP) at Appendix C.

## RESPONSES TO COMMENTS

### Specific Comment 9:

Document Page 12. Section 3.3.2, Third paragraph. "In general, areas on which previous MRs have been completed qualify for "low probability of encountering MEC" determination (Department of the Army Pamphlet [DA PAM] 385-64), therefore, routine maintenance activities within subsurface removal areas would be supported with on-call construction support. In general, ground-disturbing or intrusive activities in surface removal areas could be assessed to have moderate or high probability of encountering MEC. Larger projects that cannot be supported with anomaly avoidance that require onsite construction support that will necessitate more advanced planning. It is imperative that the Army be notified of planned ground-disturbing or intrusive activities in sufficient time in advance so that appropriate support can be identified, planned, funded and provided in a timely manner."

This paragraph and information included should be higher in the document. Consider including this paragraph when describing low, moderate, and high risk activities earlier in the document.

### Response to Specific Comment 9:

The text will be moved to Section 3.3.

### Specific Comment 10:

Document Page 12. Section 3.3.2, Fourth bullet. **"During the interim period while the RA is underway in portions of BLM Area B, the Army plans to utilize the onsite UXO contract support.**

For on-call construction support and anomaly avoidance, USACE or the UXO contractor will provide the qualified personnel. When a suspected munitions item is encountered, the activities will stop. The UXO-qualified personnel will provide an initial assessment of the found item. If the item potentially poses an explosive hazard, the Senior UXO Supervisor (SUXOS) will be notified. For on-call construction support projects, the activities in the **immediate vicinity** of the item will not recommence until the status of the suspect item is known. Anomaly avoidance activities will relocate to another area."

This information does not belong in this section and should be in a separate sub section and higher in the document.

How would you define "immediate vicinity?"

## RESPONSES TO COMMENTS

### **Response to Specific Comment 10:**

The text describes the intended implementation plan. The Army plans to utilize the onsite UXO contractor to provide construction support during this interim period while the remedial actions are underway in portions of BLM Area B.

As described in Section 3.3.2, during ground-disturbing activities supported by on-call construction support, when a suspect munitions item is encountered the activities will stop; the activities in the immediate vicinity of the item will not recommence until the status of the suspected item is known. The size of the “immediate vicinity” should be site-specific depending on the type of munitions associated with the project site, the size of the project area, and the nature of the activity. Kemron’s Standard Operating Procedures (SOP) (provided in Appendix C), Section 4.3, calls for all work associated with the planned project to stop upon discovery of a suspect item. Project activities will remain on hold until released by the UXO-qualified personnel (all or portions of the area). Such decisions would be recorded in an after-action report described in Section 5 of the SOP.

### **Specific Comment 11:**

Document Page 14. Section 3.4.2, First bullet. “Prohibit unauthorized public access.”

Please clarify that the prohibition applies to all areas except the previously designated trails?

### **Response to Specific Comment 11:**

Public access on trails is an authorized use of the site. This section discusses “unauthorized” use of the site.

### **Specific Comment 12:**

Document Page 16. Section 4.2.1, Second paragraph.

The Annual Report should include a section on trespass incidents from designated trails. See if pdf page 77 for adding bullet number 8 about trespass incidents and citations.

### **Response to Specific Comment 12:**

A bullet will be added to the list of suggested attachments to the Annual Report for a listing of trespass incidents and citations.

## RESPONSES TO COMMENTS

Document: Draft, Interim LUCIP Track 2, BLM Area B and MRS-16, Former Fort Ord, California

Commenting Organization: Community Advisory Group (CAG)

Name: Mike Weaver

Date of Comments: November 2, 2017

### Comment 1:

“The FOCAG finds that the Fort Ord BLM is so minimally staffed that they cannot maintain security at their Badger Hills Parking Area adjacent to SR68. The parking area serves as a gathering spot for vehicles and it is where hikers, bicyclists, and horseback riders park when using the Fort Old National Monument.

We understand vehicle break-ins at the Badger Hills parking area are fairly routine with thefts of interior belongings. The point is, if BLM cannot maintain security at a National Monument parking area, how can they be expected to adequately implement and maintain Land Use Controls? Especially on some of the most dangerous areas on former Fort Old, like Response Site 16.”

### Response to Comment 1:

As described in the *Final Record of Decision (ROD)*, *Track 2 BLM Area B and MRS-16, former Fort Ord, California* (U.S. Department of the Army [Army], 2017), the remedy applies to the portions of the National Monument north and east of the Impact Area Munitions Response Area. The Land Use Controls described in this plan address the protection of users from explosives safety risks from munitions and explosives of concern that potentially remain in the subsurface in those areas. As described in the plan, the Army is working with BLM and the regulatory agencies to implement the land use controls in a manner that supports the recreational use of the property. Although vehicle break-ins are unfortunate, they are not the focus of and are outside of the areas being addressed in this Implementation Plan.

### Comment 2:

“Please reference recent FOCAG comments to the following, dated September 22, 2017, and make them inclusive to this document also:

Re: Draft Final Work Plan  
Remedial Design (RD)/Remedial Action (RA) Track 2 Bureau of Land Management Area B and Munitions Response Site 16

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OE-0899A AR”

### **Response to Comment 2:**

The Army has previously responded to FOCAG comments provided September 22, 2017. The responses were provided in the *Final Work Plan, Remedial Design (RD)/Remedial Action (RA), Track 2 Bureau of Land Management Area B and Munitions Response Site 16, Former Fort Ord, California* (Administrative Record number: OE-0899B).

### **Comment 3:**

“It is also clear to the FOCAG that the public is being encouraged to accept LUC’s as the preferred alternative, whereby, the Army shifts risk to BLM.

Institutional Controls are not working, Land Use Controls (LUC’s) will likely be a failure too, as evidenced by the recent discovery that California State Parks has been deficient in the tasks and yearly reporting, required in an Memorandum of Agreement with California DTSC. This failure to implement, has the FOCAG questioning the protectiveness of human health, from exposure to lead particles and lead dust not only on former Fort Ord, Site #3, but on other sites too.

Failure to comply with Institutional Controls and/or LUC’s apparently has no repercussions, penalties, or little to no follow-up. When the small BRAC office at former Fort Ord closes, it can only get worse.”

### **Response to Comment 3:**

The remedy of applying Land Use Controls was selected following the decision-making process required under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Army conducted an extensive community outreach during the development of the remedial investigation/feasibility study for BLM Area B and MRS-16. The Army solicited and received public comments during the 30-day public comment period on the Proposed Plan held from April 8, 2015 through May 8, 2015 and at a public meeting on April 15, 2015. Public comments were considered before the remedy was selected. The selected remedy is described in the *Final Record of Decision (ROD), Track 2 BLM Area B and MRS-16, Former Fort Ord, California* (Administrative Record number: OE-0897). Responses to the comments received on the Proposed Plan are provided in the ROD.

As described in the LUCIP, under CERCLA, the Army is ultimately responsible for the implementation, maintenance, enforcement, and reporting of the LUCs that are selected as part of the remedy. The Army is working with BLM and the regulatory agencies to develop this plan and implement land use controls in a manner that supports the recreational use of the property.

## RESPONSES TO COMMENTS

Regarding the memorandum of agreement between California State Parks and California Department of Toxic Substances Control for Site 3 mentioned in the comment, the Army is not a party to the agreement.