

SUPPLEMENTAL TABLE OF COMMENTS RECEIVED

Written Comments Received

Following are additional email comments received during the public input period that were inadvertently left out of the table of emails received.

The text of each of these emails is presented following the table.

Name	Date	BRP Reassessment Comments (E-Mail)																Project-Specific Comments				
		Input Process	FORA Procedures	Economic/ Jobs	Blight/Urban Footprint	Hazardous Materials	Housing	Transportation	Water	Trails/Access	Open Space	Habitat/ Wildlife	National Monument	Native Americans	CSUMB/ UC/MPC	Aesthetics	Other	Monterey Downs/ Horse Park	Veterans' Cemetery	Eastside Parkway	East Garrison	Other
Colin Gallagher	06/14/12	x	x							x	x	x	x				x					x
Colin Gallagher	06/15/12	x	x		x				x	x	x	x	x				x	x				x
Dennis Renault	06/15/12				x																	
Ellene Munger	06/15/12										x							x			x	
James T. Hendrick	06/15/12		x	x			x			x	x	x					x	x				x
Laura McFarland	06/15/12																	x				
Margaret Larson (via Denise Turley)	06/15/12				x	x			x		x	x						x		x		
Mike Weaver, FOCAG	06/15/12		x	x		x	x		x							x						
Mike Weaver, The Highway 68 Coalition	06/15/12		x					x														x
Susan Alexander	06/15/12		x		x				x	x	x		x							x		

From: Colin Gallagher <pcvcolin@yahoo.com>
To: plan@fora.org
Cc: mary@mcweekly.com; rcalkins@montereyherald.com; vhennessy@montereyherald.com; heidi.lovett@noaa.gov; montereybay@noaa.gov; Luana Conley <c4smarina@gmail.com>; Alec Arago <Alec.Arago@mail.house.gov>; derek.lieberman@monterey.army.mil; derek.lieberman@monterey.army.mil; Melissa.Broadston@monterey.army.mil; William.Collins@monterey.army.mil; Colin Gallagher <colingallagher@sbcglobal.net>; Bruce Delgado <bdelgado62@gmail.com>
Sent: Thu, June 14, 2012 8:36:50 PM
Subject: Submittal of Comments on FORA Reassessment, Questions re NEPA, Questions re Existing FEIR, Concerning FORA, Monterey Bay National Marine Sanctuary, NOAA, more.

Comments of
Colin G. Gallagher
167 Pebble Place
Marina CA 93933

on FORA Reassessment

E-mailed June 14, 2012 to plan@fora.org
(Timely Filed via E-mail ~ comments received by June 15 will be included in an appendix to the Scoping Report to be provided to the FORA Board in August/September)

Dear FORA Staff,

After having earlier met with FORA staff in person to discuss the FORA reassessment and base reuse plan process, I was not certain whether or not I would need to develop written comments, as I initially felt my suggestions made in person would have sufficed.

However in light of some recent developments I have requests for your review in the context of the base FORA reassessment and base reuse plan process.

Firstly, to summarize on the key question, which is whether or not to open up the Base Reuse Plan for review and amendment. It is my feeling that you should do this, based in part on my earlier comments provided via in-person discussion at the FORA office.

As I have previously mentioned to your staff, to sum up my earlier comments, it has been difficult to secure commitment from corporate development compan(ies) even when the development entity charged with implementation of development services relating to University Villages / Dunes has elected to, after deliberation and consultation, provide land to a potential corporate development company on Fort Ord within project boundaries (where approved project entitlements already exist within said boundaries). Thus, as I have already clearly expressed to your staff during my visit to your FORA office, if the land offer is insufficient to motivate a more rapid transition to development of land area which already has an approved entitlement, why would the alteration of the Base Reuse Plan? The reasoning, as I explained, was on the one hand for involvement of the public in the process, but on the other hand, to show that there may be a policy addendum, in one alternative, which could be adopted without materially altering the rest of the policies in the base reuse plan, in a way that could be presented to business. On the

other hand, the whole document could be opened and both the general public and business stakeholders could be involved in a way that would pique new interest and, it is thought, speed interest -- and ultimately, development -- in the already approved, entitled areas. (I brought up the subject of the theater in my discussion with your FORA staff.).

Any reopening of the FORA documents should preserve, at minimum, and enhance, in fact, requirements for shared pedestrian, bicycle, and equestrian ways within the area of the plan. In addition, the new status of Fort Ord as a Monument must not be allowed to diminish the standards for open space required (and planned by common sense and for good public health and tranquility) within communities to be developed as part of the plan area. The calculus of "value" of open space is not diminished in areas scheduled for development because of or by virtue of the existence of undevelopable open space areas of the Monument.

Relating to how FORA and members of the public could cooperate to involve large numbers of the public in a collaborative process at such point when the Base Reuse Plan is elected to be opened formally and a review period begins on that:

Potentially, this process could be crowdsourced through the internet in a manner similar to the LiquidFeedback process, or via the process suggested by Congressman Darrell Issa, 24 other Representatives, and four Senators ~ currently active at this link:

<http://keepthewebopen.com/digital-bill-of-rights> So, this is just one aspect of my recommendation that you move forward to open the Base Reuse Plan for review and amendment as part of the FORA reassessment and base reuse plan process.

However, these are not the only reasons I present here in writing. Following my visit to the FORA office, in fact, in recent days, I became aware of an issue which has bearing on environmental review issues. As you know, I was a Planning Commissioner on the Marina Planning Commission and was the maker of the motion which resulted in the environmental documents for University Villages (now referred to as Dunes) passing from the City of Marina Planning Commission to the City of Marina City Council. I did so with certainty that environmental laws had been complied with in the context of our decision, after substantial review and much discussion.

Presently, my concern is focused to something I have become aware of in recent days, which is that somewhere between 64 and 110 drone sites, depending on the source material that is cited, have been released by the U.S. government as areas where either controlled or semi-autonomous drones (UAVs) will be flying out of. It only took me a matter of moments to review an interactive map released by a media source, which I will provide a link to here:

<http://www.wired.com/dangerroom/2012/06/64-drone-bases-on-us-soil/> One of the sites on this interactive map, which I should emphasize is a product of data released by the U.S. government, describes Fort Ord as a drone site with the entity managing the drone operation being described simply as "Army." The exact location of the site is not specified, and it is described as a future site for an RMAX drone, which is commonly understood to be an unmanned aerial vehicle (UAV) produced by Yamaha that has surveillance capabilities. The size and shape of the known RMAX drone approximates that of a helicopter which is roughly the same size of a human person. However, there could be other types, including land and marine based drones.

Regardless of the exact Fort Ord site in which an aerial drone would be launched, however, it

would eventually be in flight over communit(ies) of this area, and / or over the Monterey Bay National Marine Sanctuary. It is clear that NEPA issues are raised by the selection of a drone site for this area, and this must be discussed in the context of the FORA reassessment.

It is recognized that military plans for use of an area generally supersede local zoning, but these military plans are also commonly intended, especially when designed in close proximity to residential areas and other communities, to function in a manner that does not disturb the peace and welfare of communities. Additionally, such plans should not intrude upon regulatory exercise by local governing bodies, exercise of rights by any citizens / residents, or other legal exercise occurring in said communities. Accordingly, in the Memorandum of Agreement between the United States of America Acting by and Through the Secretary of the Army and the Former Fort Ord Reuse Authority For the Sale of Portions of the Former Fort Ord Located in Monterey County, California, it is stipulated in Section 9.02 that "The Government authorizes the Authority to take such land use planning activities as the Authority deems necessary to implement the FORA Base Reuse Plan. The Government agrees that it will not interfere with or protest or challenge any annexation, zoning petition or application or the imposition of any land-based financing district over the Property." It is further stipulated in Section 29.01, Further Assurances, that "(t)he Government shall, upon the reasonable request of the Authority, execute, cause to be executed, acknowledged or delivered any and all such further instruments and documents as may be necessary or proper, in order to carry out the intent and purpose of this Agreement." It is reasoned by this commenter that a new NEPA document is necessary for the result of public inquiry on whether or not a drone program may be authorized in this area based on the review under NEPA. This should also involve a reopening and reconsideration of elements within the FEIR for the Fort Ord Base Reuse Plan.

According to a Draft Environmental Impact Statement / Overseas Environmental Impact Statement (NSWC PCD Mission Activities) which was adopted in 2008 (Docket ID: NOAA-NMFS-2009-0101 / RIN: 0648-AW80) for the Department of the Navy (Naval Surface Warfare Center Panama City Division), the document was prepared in accordance with Chief of Naval Operations (CNO) Instruction 5090.1C, pursuant to National Environmental Policy Act (NEPA) Section 102(2)(C) and Executive Order (EO) 12114 (said order furthering the purpose of the NEPA and the Marine Protection Research and **Sanctuaries** Act amongst other things), the National Marine Fisheries Service (NMFS) in the National Oceanic and Atmospheric Administration (NOAA) was identified and accepted the role as a cooperating agency for the EIS/OEIS. If this is the case for the use of drones in Florida or Panama, there is no reason why a NEPA process cannot be opened (with accompanying public comment period) for the placement of drones here, particularly considering Fort Ord's proximity to the Monterey Bay National Marine **Sanctuary**.. The NEPA process should be made part of an overall environmental process in which the FEIR for the Base Reuse Plan is also opened and re-evaluated with respect to, at a minimum, the same environmental issues considered for the drones in a corresponding NEPA document with its own public comment and review cycle.

Appropriateness of time and context of community involvement are at stake as well. If a larger NEPA document was already adopted for the drone program, designed to encompass all potential sites, but it was only circulated to a limited range of persons, for example in Washington D.C., such a document would be clearly inadequate for drone operations in the Fort Ord area, regardless of whether these are intended to occur within the area of Fort Ord where people are

hiking, biking, and walking, or whether the launch and overflight area initially is scheduled nearby, such as at the Marina airport. It is questionable at best whether current or future drone programs would be consistent with the Fort Ord Habitat Management Plan (HMP).

Currently, The Army uses three Military Occupation Specialties (MOS) to support UAS.

Two of these MOS, 15W Operator and 15E Repairer, are for enlisted Soldiers and one, 150U Technician, is for a Warrant Officer. The exception to this is the small RQ-11B Raven systems which are operated by any Soldier qualified through a 10-day flight training course. The RMAX training period is unknown to this commenter, but the training period is assumed to be similar to the Raven since the interface is essentially no different than manipulating an iPad or a standard remote control based on descriptions commonly available about the device. A recent report to Congress on projections of drone use from the DoD is available here. <https://www.fas.org/irp/program/collect/uas-future.pdf> There are additional concerns having to do with constitutional questions relating to drone use. These will not be detailed at length here except to note that there are various concerns relating to the constitutional rights of persons as well as questions of privacy. In addition, legislation is currently pending before Congress to limit the use of drones due to these constitutional and privacy concerns, introduced both by Senator Rand Paul R-Ky, and by Rep. Austin Scott, R-GA, the latter of which is currently in the House Judiciary Committee.

It is clear that there are substantial concerns that must be addressed relative to these issues in the context of the FORA Base Reuse Plan Reassessment. These issues require opening of the Base Reuse Plan, adjusting of its policies, presentation of a proposed NEPA document to the public for review and comment relating specifically to the drone program, and reopening of the approved FEIR for the Base Reuse Plan.

Thank you for your review of these and other public comments.

Should you reply, please do so in writing.

Respectfully,

Colin G. Gallagher

From: Colin Gallagher [<mailto:colingallagher@sbcglobal.net>]

Sent: Friday, June 15, 2012 4:42 PM

To: Darren McBain

Cc: mary@mcweekly.com; rcalkins@montereyherald.com; vhennessy@montereyherald.com; heidi.lovett@noaa.gov; Kevin.Ford@noaa.gov; montereybay@noaa.gov; Luana Conley; Alec Arago; derek.lieberman@monterey.army.mil; Melissa.Broadston@monterey.army.mil;

William.Collins@monterey.army.mil; Bruce Delgado; Colin Gallagher; sara@mcweekly.com; Lena Spilman

Subject: Additional Submittal of Comments on FORA Base Reuse Plan Reassessment, Questions re NEPA, Questions re Existing FEIR, Concerning FORA, Monterey Bay National Marine Sanctuary, NOAA, more.

Additional Submittal of Comments of
Colin G. Gallagher
167 Pebble Place
Marina CA 93933

on FORA Base Reuse Plan Reassessment

E-mailed June 15, 2012 to plan@fora.org (cc: lena@fora.org)

(Timely Filed via E-mail ~ comments received by June 15 will be included in an appendix to the Scoping Report to be provided to the FORA Board in August/September)

Dear FORA Staff,

Yesterday, June 14, 2012, I submitted comments to plan@fora.org to FORA such that you may include, consider, and respond to my comments within the context of a Scoping Report to be provided to the FORA Board in August / September of 2012. Today, June 15, 2012, I am providing additional comments.

In addition to the comments regarding the Army's proposed use of drones on and in the vicinity of Fort Ord and what is anticipated by this commenter to be use of drones above and in the vicinity of various communities in the future, and / or over the Monterey Bay National Marine Sanctuary, the following report is included as part of this comment such that it may also be reviewed by FORA staff as part of the Scoping Report in addition to the materials I earlier provided:

Quoting from the website of the Electronic Privacy Information Center (EPIC) at <http://epic.org/2012/06/new-report-finds-border-survei.html>

"A new [Report](#) highlights problems with the [drone program](#) operated by Bureau of Customs and Border Protection. The Bureau has purchased 10 drones, costing approximately \$18 million

each, and has expended an additional \$55.3 million for maintenance and operations. But according to the [Office of Inspector General](#), the Bureau "needs to improve planning of its unmanned aircraft systems program to address its level of operation, program funding, and resource requirements, along with stakeholder needs." Also, despite the Bureau's limited [mission](#) to safeguard the borders, the Bureau often flies missions for the FBI, the DOD, NOAA, local law enforcement, and other agencies. This practice made [headlines](#) last year when police in North Dakota used a Bureau drone to arrest a U.S. citizen. This week Senator Rand Paul (R-KY) introduced a [bill](#) to limit the use of drones for surveillance in the United States after the House passed a similar [measure](#)."

Although this report is not directly connected to the proposed drone use by the Army at Fort Ord, it is notable due to the Bureau's cross-agency involvement. In the event of establishment of a drone program it is likely that, just as with the Bureau case above, the Army's proposed drones at Fort Ord would ultimately evolve to be utilized by "the FBI, the DOD, NOAA, local law enforcement, and other agencies."

The link to the Office of the Inspector General's report cited by EPIC is here:

http://www.oig.dhs.gov/assets/Mgmt/2012/OIG_12-85_May12.pdf

Additional comments which are not specific to the drone matter but which are also included here within this additional submittal of comments letter:

- We have a new National Monument that should be the centerpiece of Monterey Bay, and any planning must be compatible with an entryway to this recognized treasure.
- The surrounding 3,340 acres of FORA/ESCA land must be preserved under the BLM, and should not be used for horse racing, gambling, or similar development which is not in keeping with the character of the land..
- Take a good look at the Beach-to-BLM recreational corridor and consider this a development strength. The fact that much of our development is so close to existing or potential recreational corridors is a good thing. Thus the Beach-to-BLM should receive priority mentions and some sort of policy protection in the document.
- Adequate and Sustainable Water must be assured before any development. This is part of what is intended by parts of FORA policies but perhaps these policies should be either strengthened or updated in light of recent developments in the area's water situation.
- The appeal fee must be lowered. It is now an out-of-reach \$5,040. Appeal costs should be lower than \$300. Bring the ability to challenge decisions within reach of ordinary people.
- Redevelop urbanized footprints.
- Historical and cultural aspects must be recognized, retained, and preserved.

- Trails connectivity must be maintained for fauna and recreation. Rare species must be protected.
- FORA funds must be used to remove the dilapidated buildings from surrounding cities most affected by the base closure. FORA has rec'd \$65 million from the City of Marina for "redevelopment" with no benefit to show. Status of this funding and expenditures should be described in an "updated" redevelopment funding section of the document.

Additionally:

Please see my previously submitted comments, included below inline.

Thank you for your review of these and other public comments.

Should you reply, please do so in writing.

Respectfully,

Colin G. Gallagher

From: Colin Gallagher <pcvcolin@yahoo.com>

To: plan@fora.org

Cc: mary@mcweekly.com; rcalkins@montereyherald.com; vhennessy@montereyherald.com; heidi.lovett@noaa.gov; montereybay@noaa.gov; Luana Conley <c4smarina@gmail.com>; Alec Arago <Alec.Arago@mail.house.gov>; derek.lieberman@monterey.army.mil; derek.lieberman@monterey.army.mil; Melissa.Broadston@monterey.army.mil; William.Collins@monterey.army.mil; Colin Gallagher <colingallagher@sbcglobal.net>; Bruce Delgado <bdelgado62@gmail.com>

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on the review under NEPA. This should also involve a reopening and reconsideration of elements within the FEIR for the Fort Ord Base Reuse Plan.

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for review and comment relating specifically to the drone program, and reopening of the approved FEIR for the Base Reuse Plan.

Thank you for your review of these and other public comments.

Should you reply, please do so in writing.

Respectfully,

Colin G. Gallagher

Vickie Bermea

From: Dennis Renault [drenault@att.net]
Sent: Friday, June 15, 2012 4:25 PM
To: Darren McBain
Subject: Fort Ord Reuse PLAN

To FORA and associated agencies, regarding the F.O. Reuse Plan:

EVERY effort must be made to DECONSTRUCT those acres and acres of dilapidated military barracks that are both a present waste of useful land as well as a blight and fire hazard. That should be highest on the list of priorities regarding the Reuse Plan. Virtually all else follows from that action.

Additionally, they are a disgrace for those of us who trained at Fort Ord.

Dennis Renault
15 Linda Vista Dr.
Monterey, CA 93940
642.6300

Vickie Bermea

From: Connie Quinlan [cquinlan@montereyhorsepark.org]
Sent: Friday, June 15, 2012 3:59 PM
To: Darren McBain
Subject: Reassessment Letter

June 15, 2012

TO: Fort Ord Reuse Authority

Re: Base Reassessment and Reuse Plan

To whom it may concern:

I have lived in Monterey County since 1934 and met my husband when he was stationed at Fort Ord during World War II. He was assigned to one of the 2 story barracks and then moved to East Garrison. The Fort Ord area holds many memories for me.

It is nice that there will be open space for those young enough and athletic enough to hike in the 18000 acres of BLM land. Not everyone can or wants to do that. I look forward to taking a carriage ride to the horse track and watching those beautiful equine athletes. At 87, my life could use a little excitement – and the proposed Monterey Downs Training Track would be just what I need, and what our county needs. It brings a new industry to our county, and a different kind of entertainment.

I ask that you continue to move forward with the Base Reuse Plan as it is. A lot of work, time, money and effort went into developing this plan, and it should be implemented. Don't waste it!

Remember that everyone has different interests and abilities. Make Fort Ord a multi-use area, not just a venue for hikers. The old people need something to do also.

Sincerely,

Ellene Munger

Salinas, California

Vickie Bermea

From: Jim Hendrick [jimhendrick@comcast.net]
Sent: Friday, June 15, 2012 4:02 PM
To: Darren McBain
Subject: Monterey Horse Park

Dear Sir/Madam:

I am one of the founding directors of the Monterey Horse Park ("MHP") and wish to record my support for the extension of the FORA mandate beyond 2014 so that it can complete implementation of the Base Reuse Plan ("BRP") as adopted in 1997. The BRP provided for a balance of habitat preservation and open space with recreational, commercial, hospitality and residential development. The latter developments were seen as essential to financing the environmental protection elements of the Plan.

Section 2.3.6 of the BRP provided for a "high-quality equestrian center" to offer "boarding, training and show activities." Noting that "an equestrian center is not a traditional market-driven use," the Plan recognized that "such facilities are typically...subsidized by a developer as an amenity to a community" and that "such a center would serve as an amenity to the former Fort Ord's hotels and residents."

Initially, three residents of Salinas, soon joined by residents of Monterey and Carmel Valley, stepped forward to provide FORA the equestrian center contemplated by the BRP. This group of equestrians expanded to include others (of which I was one), residing both within and without Monterey County, so as to provide representation of most of the equestrian disciplines and to bring varied talents and experience to bear on the project. I attended my first FORA Board meeting in August 2000 where we responded to questions posed by Board members. In May 2001, this group formed the Monterey Horse Park as a 501(c)3 California nonprofit public-benefit corporation. Its mission is to preserve land for equestrian activities and public recreation.

MHP has received significant monetary and volunteer support from equestrians throughout the state and across the country, all of whom recognize the need to preserve open land for the use of future equestrians. For example, my wife Liz, who lived for many years in the County (Pacific Grove, Seaside and Prunedale), is the current Chair of the Northern California Driving Club ("NCDC"), a group of recreational carriage drivers whose membership extends from Oregon to Southern California and east to Nevada, including many who reside in the County. The NCDC members have been very generous in their support of MHP since they especially see the need for its preservation of open land and trails required by their sport, which cannot be confined to an arena.

Notwithstanding the support which MHP has received from many equestrians, the County, and MHP, came to recognize the need, as, prophetically, anticipated in Section 2.3.6 of the BRP, for the financial support of a developer interested in complementary revenue-producing facilities. Accordingly, at the urging of the County, in 2009 MHP formed an alliance with Monterey Downs LLC for the joint development of acreage at Parker Flats which, while reducing the size of the MHP footprint would, nonetheless, provide necessary financial and technical support. As presently configured, the Monterey Horse Park will sit on approximately 115 acres and also provide and maintain easy access to the BLM trail system for hikers, joggers, bikers and equestrians.

Thank you very much for your consideration and please add my voice to the many others who support extension of FORA so that it may complete implementation of its comprehensive, and balanced, Base Reuse Plan.

Regards,
James T. Hendrick
12 Indian Trail Court
Novato, CA 94947

Vickie Bermea

From: Laura McFarland [lauramcreator@aol.com]
Sent: Friday, June 15, 2012 5:42 PM
To: Darren McBain
Subject: Monterey Horse Park

Please keep this an equine venue!!!

Sent from my iPhone

Laura McFarland, GRI
Coldwell Banker

Vickie Bermea

From: Denise Turley [robden.turley@yahoo.com]
Sent: Friday, June 15, 2012 3:26 PM
To: Darren McBain
Subject: reassessment

Fora;

I am writing for my client who does not have e-mail. She has requested I pass on the following message.

I am the spouse who was stationed at the former Ft. Ord. I am also the mother of a retired veteran who would like to comment on the following items:

1 - NO Horse racing! Not appropriate for Former Fort Lands

2 - YES Veterans cemetery - Located near Soldiers national monument. (east garrison)

3 - Development only at blighted sites (trees and open space are not blight)

4 - Make sure you have enough water and water is not being polluted

5 - NO Eastside Parkway - too many trees destroyed
Margaret Larson, Pacific Grove

From: [EJ Kim](#)
To: [EJ Kim](#)
CC:
Subject: FW: Fort Ord Reuse Plan Reassessment
Date: Wednesday, August 22, 2012 11:23:18 AM
Attachments: [FortOrdAerial-300x221.jpg](#)
[Fort-Ord-Target-Practice-150x150.jpg](#)
[FortOrdBench-150x150.jpg](#)
[FortOrdCWInlumes_Jun2009-150x150.jpg](#)
[FireAnger-229x300.jpg](#)
[FortOrdOrchance-150x150.jpg](#)
[FortOrdLandFillPretense1-300x110.jpg](#)
[SprecklesSchoolDist.jpg](#)

From: Michael Weaver [mailto:michaelweaver@mac.com]
Sent: Friday, June 15, 2012 4:13 PM
To: Darren McBain
Cc: Charlotte Ellsworth
Subject: Fort Ord Reuse Plan Reassessment

Fort Ord Community Advisory Group (FOCAG)
P.O. Box 969
Seaside, CA 93955
E-mail: focagmail@yahoo.com

Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933
c/o Ms. Charlotte Ellsworth, FORA secretary

June 15, 2012

Re: Comments about former Fort Ord, a National Superfund Site, and clean up failure issues that need to be addressed with any Base Reuse Plan review and assessment.
(Via e-mail. Hard copy to follow via U.S. Mail.)

Dear Ms. Ellsworth,

Please find attached comments regarding former Fort Ord. Underneath all proposed plans lies a "fence-line to fence-line" dangerous mess. The recommendation is that it be seriously addressed prior to 1997 Fort Ord Reuse Plan Reassessment. The extent of the dangers was in many ways unknown in 1997.

This is a link:

<http://thops.org/hopeblog/fort-ords-toxic-cleanup-tragedy/>
Following is a print out. Clicking on the underlined blue lines will provide additional pertinent information for the FORA Board.

Thank you for the opportunity to comment.

Mike Weaver
Co-Chair, FOCAG

Fort Ord Military Base's Ongoing and Potentially Permanent Toxic Cleanup Tragedy

Proposed Resolution – Draft V

Fort Ord's Ongoing Toxic Cleanup Tragedy
Documented Failures of Fort Ord's Superfund Cleanup and Request for Legislative Hearings and Action.
by [California EPA's Fort Ord Community Advisory Group \(FOCAG\)](#) September 2009-June 2012



Fort Ord Fire Fuels Anger
Credit: Monterey Herald

Subtitle: "The Dangerous Costs of Military Base Toxic Cleanup When Legal Oversight and Accountability are Prohibited by SuperFund Law⁽¹⁾ and Replaced with [Bureaucratic Public Relations](#)."

To purportedly clean up [Fort Ord](#), more than half a Billion dollars⁽²⁾ has been spent since the 1994 closure, however the second largest US-Army base ever closed⁽³⁾ remains a dangerous and toxic mess, and the cleanup itself is harming many residents.

* Summary

After more than 70 years of military operations where billions of pounds of ammunition, mortars and bombs were used, Fort Ord was closed in 1994. The US-Army left the base "[highly and widely contaminated with toxic materials](#)" [including -](#)



- 1) Toxic Lead dust from bullets covers huge areas of sand including the four miles of beach rifle training ranges which is now the [Fort Ord Dunes California State Park](#) where children and infants play with no protection or warning,
- 2) [Unexploded ordnance \(UXO\) — \(including ammunition, mortars and bombs\)](#) spread across more than 10,000 acres of impact ranges, much of which is being released for development, and
- 3) [Unlined landfills](#) are leaking [TriChloroEthylene](#) and [Carbon TetraChloride](#) into ground water under residential areas in the City of Marina, some detected in drinking water wells; and harmful landfill gases are leaking into the air next to [California State University, Monterey Bay](#) and its student housing.



Fort Ord Target Practice

This contamination put Fort Ord on the [Superfund list](#), then because it was so highly and widely toxic it was put on the short list called the [National Priorities List](#), a subset of some 1,200 of the most contaminated Superfund sites. The entire former Fort Ord facility was listed “fenceline to fenceline”; all 28,000 acres.

The following details describe conditions today, how all of these problems remain *in 2012 — after* the half Billion dollar so-called “clean-up.”

* [Concerns and Better Alternatives Systematically Ignored](#)

Since the superficial “clean-up” began, all government agencies with direct authority ([US Army](#), [BRAC](#), [US-EPA](#), [California-EPA](#) and now [FORA](#)) have willfully and [systematically ignored](#) –

- 1) Legitimate concerns about [deadly and dangerous cleanup caused](#) problems such as the intentional but out-of-control wildland burning that has repeatedly fumigated nearby cities, and
- 2) [Better, safer and cheaper Alternatives](#) such as locating [unexploded ordnance \(UXO\)](#) with [helicopter magnetometers](#).

Despite those serious concerns having been explained and documented respectfully, clearly and repeatedly by other government agencies, [world class medical and environmental cleanup experts](#), and some highly informed public citizens — we can find no detectable or meaningful improvement in any of the cleanup procedures.

This superficial “clean-up” is, and will continue, harming potentially thousands of current residents, particularly their children and infants, employees, students and recreational visitors. High-pressure housing, commercial and recreational development could be directly affected by the remaining air and water borne toxics, and millions of pounds of remaining subsurface ammunition and weapons (UXO) that can explode at a slight touch, or for no apparent reason.

This is our overview of the most serious problems needing dramatic, urgent and genuine corrective actions which we have found cannot occur without congressional and legislative hearings and legislative improvements.

* [Lead Dust^{\(4\)} Threatens Children:](#)

The new [2009 Fort Ord Beach Park](#), used as Firing Ranges for 77 years, remains widely, and in some areas heavily contaminated with [toxic lead dust and lead in other forms](#), because only the “hottest” spots were treated.



Fort Ord Beach Lead Contamination

[About 96% of the area where lead was used and found, the beach weapons area, had no lead cleanup at all.](#)⁽⁵⁾

This lead dust threatens the health of children and infants who will use the Park. Lead dust will continue to threaten the health of those living or working downwind of the roughly three mile long beach park. This is essentially all of former Fort Ord now in use, especially areas close to the beach, including thousands of students attending [California State University at Monterey Bay](#) and residents of Marina and Seaside.

* [Toxics in Drinking Water:](#)



Fort Ord Groundwater Plumes June 2009

Toxic [TriChloroEthylene \(TCE – cancer causing\)](#) and [Carbon TetraChloride](#) plumes have spread widely, now contaminating ground water under Fort Ord and Marina.⁶ They have been detected in drinking water wells #29 and #30 of Marina Coast Water District, and threaten to contaminate [Monterey Bays](#).

Toxic fluids leaked into groundwater in four areas.

- 1) [Fritsche Field Army airport](#),
- 2) the train depot where fuel was transferred,
- 3) the vehicle cleaning area near 12th street gate, and the
- 4) several landfills.

* [Intentional Fires Threaten Homes and Health:](#)



Fort Ord Fire Fuels Anger
Credit: Monterey Herald

The intentional burning of Fort Ord's wild lands has roared out of control in almost every case, most significantly in 1997, 1998 and October 2003 provoking large daily newspaper headline "[Ord Fire Fuels Anger.](#)"

The surface clearance of unexploded munitions by wild land burning is impossible to control by firefighters on the ground or in low flying aircraft because of exploding munitions that will "with 100% certainty fly 1,000 yards and start secondary fires."

Flames from the out-of-control burns have directly threatened the lives and homes of nearby residents and firefighters, and the smoke has harmed thousands with breathing difficulties as far as Carmel, Pebble Beach, Carmel Valley and down the agricultural Salinas Valley to Greenfield – some 40 miles away. The burning forced prosecution by the [Monterey Bay Regional Air Pollution District.](#)

* [Unexploded Ammunition \(UXO\) Left in Development areas:](#)



Fort Ord Unexploded Ordnance

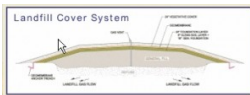
Areas released for public use and unrestricted private development (e.g. homes and businesses) still contain dangerous live munitions, deeply buried munitions, non-metallic munitions, chemical warfare materials, extra-toxic practice munitions. Depleted uranium may remain in former weapons training areas.

Some dangerous live munitions tend to migrate downhill gravitating to stream beds, washes and trails where [bicycling, hiking and horse riding is rapidly increasing.](#)

Amounts remaining are unknown, but could be very large because of deliberately myopic analysis and methods. For example there are over 200 known ammunition components, but the "clean up" has ignored more than three quarters of those chemicals, and stopped looking for some of the most harmful such as perchlorate.

* [Landfill Toxic Gas and Water Releases Near Student Homes:](#)

The several Fort Ord Landfills are leaking out of the top and bottom. The landfills have top liners, but no bottom linings allowing the toxics to easily leak into the groundwater.



Fort Ord Landfill - No Bottom Liner

[Toxic landfill gases](#) combined with [methane](#), built up inside the top liners have grown room-sized blisters and leaked. The landfills have apparently leaked these potentially toxic gases into Fort Ord's air just upwind of and immediately adjacent to the California State University at Monterey Bay housing and campus.

* [Systematic Ignoring, Hiding, "Losing" and Refusing to Disclose Vital Cleanup Information \(7\):](#)

Hiding Vital Information: The Army employs [Steganography](#) to hide vital information.

"Steganography is the art and science of writing hidden messages in such a way that no one, apart from the sender and intended recipient, suspects the existence of the message, a form of security through obscurity."

The Army does this by flooding the public with thousands of trivial documents with highly technical names and language and burying the vital information in a few of them.

Losing Vital Information: Cleanup documents since about 2007 have omitted vital information on former ranges and large amounts of discovered munitions.

By creating this censored and now misleading new administrative record, former range / training areas are being mis-represented as safe when in reality they are highly hazardous with a high risk of occurring.

Refusing Vital Information: FOCAG has formally requested simple documents, sometimes years ago (e.g. beach area lead cleanup maps) that are never produced; or if after a long delay they do show up – they are, at best, unclear – even to technical experts in that field.

* [Willful Avoidance of Expert Concerns and Better Alternatives:](#)

Hundreds, more likely thousands, of serious reasonable concerns in formal comments over the past decade have been presented by highly trained experts, public interest agencies, public interest non-profit groups, public interest groups created specific to the failing Fort Ord Cleanup, highly informed public citizens, and the general public in writing and at dozens and dozens, more likely hundreds, of meetings.

Yet very few, if any, of the tens of thousands of "cleanup" actions has changed in any substantial way as a result of the serious concerns, unless the agencies were forced to do so by litigation.

* [Better Alternatives Exist Yet Are Ignored:](#)

Alternatives and "best available science and engineering" methods exist which are safer, more thorough, typically cheaper and almost always far more cost-effective for each "cleanup" facet, and would be illuminated with an Environmental Impact Statement (EIS). However, the US-ARMY, the US-EPA and other agencies persistently fight against preparing an EIS.

* [Permanent Danger Trend – with EPA Oversight Fully Blocked](#)

It is this body's opinion that this systematic failure, this enormous waste of money and these serious, and several potentially deadly and expensive problems, are in large part because Court oversight is almost completely blocked by [Superfund / CERCLA](#) federal law.

One point that needs to be emphasized is that any litigation between US-EPA and the Department of Defense results in a conflict of interest, because they both have the same legal representation, the US Department of Justice. Therefore the EPA has no independent legal force to get the Department of Defense to comply with cleanup directives as they could a commercial polluter.

Worse, the State of California could force compliance, but the State of California did not have the staff or budget for such an endeavor. So the Department of Defense has funded the State of California's effort which basically poses another conflict of interest.

Also under current law the Department of Defense is exempt from EPA regulations and other environmental laws when it comes to matters of national defense.

These three legal problems fully protect Department of Defense from having to do any meaningful cleanup of a SuperFund site. Then even if DoD decides to do a superficial cleanup of a they can do it as recklessly as they want – with no concern about actual oversight from any other agency. That is exactly the situation we find at Fort Ord.

Since FOCAG as a body, and its members as individuals, have spent a total of decades of extraordinary and expert efforts to evoke a reasonable response from all accountable Federal and state agencies, and finding no meaningful improvements, we have now reached the carefully considered belief, based on file cabinets filled with evidence, that with current trends and oversight Fort Ord will remain a toxic and dangerous place to live, work or visit and the wildland burning will continue to threaten existing residents' lives, health and property.

* **Congressional Review Needed**

Therefore we now respectfully request that the US Congress and Senate, and the California Senate and Legislature immediately hold hearings on this continuing disaster before further grave and irreversible harm is done.

Adopted _____

Signed by,
Michael Weaver, FOCAG Co-Chair
Vienna Merritt-Moore, FOCAG Co-Chair
Lance Houston, FOCAG member
David Dilworth, FOCAG member
Richard Bailey, FOCAG member
Dan O'Brien, FOCAG member

for the [California EPA's Fort Ord Community Advisory Group](#)

Notes and References –

1. Superfund law prohibits litigation until a Superfund site "cleanup" is ambiguously "complete."

While this is likely a good idea when the polluter is a private business, when the EPA is charged with oversight of the ARMY, a sister agency, it allows avoidance of genuine cleanup and instead pays for worthless and harmful activities.

This allows agencies to use harmful "clean up" methods that cause serious environmental impacts and ignore evaluating alternatives. It also allows agencies to never decide the cleanup is complete – therefore preventing any litigation on the actual harms – essentially forever.

For example Superfund blocks requiring NEPA analysis in an [Environmental Impact Statement](#) for the wild land burning, even though the fire and smoke from this part of the "clean-up" is causing widespread, demonstrable harm to neighboring communities. There is no requirement that US-EPA ever decide a "cleanup" is complete thus permanently excluding agencies from facing litigation that would require a genuine cleanup.

While prohibiting litigation until a cleanup is complete may be a good way to expedite a non-governmental cleanup, when the polluter is a sister federal agency to US-EPA as the US-ARMY is in this case – the Superfund prohibition blocks genuine environmental impact analysis and examination of best available methods and less costly alternatives.

2. Costs: "More than \$500 Million" US-ARMY's Melissa Broadston, FOCAG Meeting August 2009. (It remains unclear if this is for both SuperFund cleanup and Munitions UXO cleanup.)

3. [Fort Ord was 28,000 acres. Fort McLeland closed 40,000 acres.](#)

4. Lead: Lead is often the [most toxic of ATSDR's "20 most hazardous toxics"](#), [Lead causes Cancer \(US Dept of Health & Human Services, Feb 2005\)](#), [Lead is a Cumulative Poison \(Sax's Properties of Dangerous Materials\)](#) Lead causes Irreversible Damage (263 J. American Medical Assoc 790-91),

Lead: "... small areas of high bullet density and elevated lead concentrations may still exist onsite..." (pg 3) "Lead was detected in discrete samples at this location at concentrations ranging from 49.5 mg/kg to 13,500 mg/kg" (pg 6) – [Post-Remediation Health Risk Assessment \(PRHRA\)](#) and [Post-Remediation Ecological Risk Assessment \(PRERA\) 2007](#).

5. ATSDR's website claims the beach ranges pose "No apparent public health hazard" even though they admit 96% of the beach weapons area had no lead cleanup at all. These are areas "moderately" and "lightly" contaminated with lead ("moderate" areas had a mean of 256 ppm, and up to 32,600 ppm). (US-EPA website)

6. Groundwater contamination: "[On-site ground water is contaminated with volatile organic compounds \(VOCs\). One plume near Marina has migrated offsite.](#)" Other leaking Fort Ord VOCs include [Benzene \(cancer causing\)](#), Chloroform (cancer causing), [Perchloroethylene \(PCE\)](#), and [MethylEthylKetone \(MEK – inhaling large doses can cause birth defects\)](#). (US-EPA Website)

7. "there are specific provisions under Superfund Law prohibiting knowingly destroying, concealing, erasing, mutilating, falsifying or otherwise rendering unavailable records or otherwise rendering unavailable records required by EPA regulations to be kept for any hazardous substance storage facility.

[RCRA](#) prohibits knowingly destroying, altering a manifest or other document "required to be maintained ... for purposes of compliance with regulations."

Further Reading:

[Superfund, Wikipedia](#)

[New Battle on Vieques, Over Navy's Cleanup of Munitions, by Mireya Navarro, 2009](#)

[Superfund Reference, New York Times](#)

[Not So Super Superfund, New York Times, 1994](#)

[The Return of Superfund, New York Times, 2010](#)

[Burn Plan Comments on the proposed RI/FS \(Remedial Investigation and Feasibility Study\), 2002](#)

["Mitchell Report" Former US-EPA Division Head \(Office of Research and Development\) writes a scathing review of the Fort-Ord "clean-up."](#)

[Spreckels School District Resolution Against Fort Ord Burning](#)



Joan C. Hillard, Ed.D., Superintendent

Spreckels Union School District

P.O. Box 7308
Spreckels, California 93962
Tel: (831) 455-1831
Fax: (831) 455-1871

**RESOLUTION NO. 98/99 - 15:
OPPOSITION TO BURNING ON THE FORT ORD SITE**

**RESOLUTION NO. 98/99 - 15:
OPPOSITION TO BURNING ON THE FORT ORD SITE**

Whereas, the Spreckels Union School District is concerned about the health effects of smoke on individual students and their learning, on District staff, and on the overall instructional environment;

Whereas, the American Lung Association reports that more than 8,000 Monterey County children suffer from asthma, the leading cause of school absenteeism and hospital admissions and most common chronic illness among children;

Whereas, the American Lung Association states that asthma rates have increased more than 40% in the past decade;

Whereas, the American Lung Association reports that children have a 50% higher oxygen exchange rate than adults and exposure to airborne toxins and particulates from smoke can have life long consequences for children;

Whereas, approximately 3 % of Spreckels students were unable to attend school during the Fort Ord burns on September 16, 17, 18 and 23, 1998, due to asthma, respiratory-related illnesses or other health concerns;

Whereas, both schools (Spreckels School and Buena Vista Middle School) within Spreckels Union School District have developed and implemented procedures to minimize the health effects of smoke on students attending school;

Whereas, the dangers of smoke and tobacco use are integrated and taught throughout the District's K-8 Health and Science curriculums;

Now, therefore, be it resolved that the Spreckels Union School District oppose the continuation of any burns at the Fort Ord site, encourage parents and other community members to contact their public officials regarding this matter, and urge the appropriate government officials to seek other alternatives to the cleanup of the Fort Ord acreage; and

Be it further resolved that this Board hereby approve this resolution and direct the Superintendent to distribute this document to school districts throughout Monterey County, to the Spreckels school community, and to government officials who may have any influence in any decision making affecting the burn at Fort Ord.

Spreckels School • P.O. Box 7308 • Spreckels, CA 93962 • Tel: (831) 455-1831 • Fax: (831) 455-1871

Buena Vista Middle School • 18250 Tara Drive • Salinas, CA 93908 • Tel: (831) 455-8936 • Fax: Appendix XII - a

Spreckels School District Resolution Opposing Burning at Fort Ord

[Monterey Bay Toxics Project Cover Letter for their three Experts hired to comment on the Remedial Investigation/Feasibility Study \(RI/FS\)](#)

[Dilworth Consulting's analysis and comments on the Remedial Investigation/Feasibility Study \(RI/FS\)](#)

[HOPE: "Our Local Man-Made Disaster - Why Is Fort Ord Burning so Harmful?"](#)

[Cover Letter from "Say No to Fort Ord's Toxic Burnings" collecting 449 postcards of opposition to the wild land burning](#)

Central Coast Alliance for Health (Chaired at the time by Monterey County Supervisor Edith Johnsen) Unanimous 2003 Resolution Opposing the Burning of Fort Ord until a Health Analysis is conducted of the burning.

NOTE: The following was printed from the link provided on page 1 of the email.

Fort Ord Military Base's Ongoing and Potentially Permanent Toxic Cleanup Tragedy

Posted on [September 13, 2011](#) by [David](#)

Proposed Resolution – Draft V June 2012

Fort Ord's Ongoing Toxic Cleanup Tragedy Documented Failures of Fort Ord's Superfund Cleanup and Request for Legislative Hearings and Action.

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Subtitle: “The Dangerous Costs of Military Base Toxic Cleanup When Legal Oversight and Accountability are Prohibited by SuperFund Law⁽¹⁾ and Replaced with [Bureaucratic Public Relations](#).”

To purportedly clean up [Fort Ord](#), more than half a Billion dollars⁽²⁾ has been spent since the 1994 closure, however the second largest US-Army base ever closed⁽³⁾ remains a dangerous and toxic mess, and the cleanup itself is harming many residents.

* Summary

After more than 70 years of military operations where billions of pounds of ammunition, mortars and bombs were used, Fort Ord was closed in 1994. The US-Army left the base “[highly and widely contaminated with toxic materials](#)”

including –

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Ft Ord 1940s



Fort Ord Fire Fuels Anger
Credit: Monterey Herald

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Fort Ord Target Practice

The following details describe conditions today, how all of these problems remain *in 2012* – *after* the half Billion dollar so-called “clean-up.”

*** [Concerns and Better Alternatives Systematically Ignored](#)**

Since the superficial “clean-up” began, all government agencies with direct authority ([US Army](#), BRAC, [US-EPA](#), [California-EPA](#) and now [FORA](#)) have willfully and systematically ignored –

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*** [Lead Dust](#) ⁽⁴⁾ [Threatens Children](#):**

The new [2009 Fort Ord Beach Park](#), used as Firing Ranges for 77 years, remains widely, and in some areas heavily contaminated with [toxic lead dust and lead in other forms](#), because only the “hottest” spots were treated.

About 96% of the area where lead was used and found, the beach weapons area, had *no lead cleanup at all.*⁽⁵⁾

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Ft Ord Beach Lead Contamination

* Toxics in Drinking Water:

Toxic [TriChloroEthylene \(TCE – cancer causing\)](#) and [Carbon TetraChloride](#) plumes have spread widely, now contaminating ground water under Fort Ord and Marina.⁶ They have been detected in drinking water wells #29 and #30 of Marina Coast Water District, and threaten to contaminate [Monterey Bay](#)⁶.



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Fort Ord Fire Fuels Anger
Credit: Monterey Herald

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Fort Ord Unexploded Ordnance

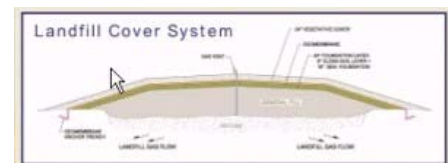
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*** Landfill Toxic Gas and Water Releases Near Student Homes:**

The several Fort Ord Landfills are leaking out of the top and bottom. The landfills have top liners, but no bottom linings allowing the toxics to easily leak into the groundwater.

[Toxic landfill gases](#) combined with [methane](#), built up inside the top liners have grown room-sized blisters and leaked. The landfills have apparently leaked these potentially toxic gases into Fort Ord’s air just upwind of and immediately adjacent to the California State University at Monterey Bay housing and campus.



Fort Ord LandFill - No Bottom Liner

*** Systematic Ignoring, Hiding, “Losing” and Refusing to Disclose Vital Cleanup Information (7):**

Hiding Vital Information: The Army employs a smoke screen called “[Steganography](#)” to hide vital information.

“Steganography is the art and science of writing hidden messages in such a way that no one, apart from the sender and intended recipient, suspects the existence of the message, a form of security through obscurity.”

The Army does this by flooding the public with thousands of trivial documents with highly technical names and language and burying the vital information in a few of them.

Losing Vital Information: Cleanup documents since about 2007 have omitted vital information on former ranges and large amounts of discovered munitions.

By creating this censored and now misleading new administrative record, former range / training areas are being mis-represented as safe when in reality they are highly hazardous with a high risk of occurring.

Refusing Vital Information: FOCAG has formally requested simple documents, sometimes years ago (e.g. beach area lead cleanup maps) that are never produced; or if after a long delay they do show up – they are, at best, unclear – even to technical experts in that field.

*** Willful Avoidance of Expert Concerns and Better Alternatives:**

Hundreds, more likely thousands, of serious reasonable concerns in formal comments over the past decade have been presented by highly trained experts, public interest agencies, public interest non-profit groups, public interest groups created specific to the failing Fort Ord Cleanup, highly informed public citizens, and the general public in writing and at dozens and dozens, more likely hundreds, of meetings.

Yet very few, if any, of the tens of thousands of “cleanup” actions has changed in any substantial way as a result of the serious concerns, unless the agencies were forced to do so by litigation that does not directly affect Superfund law.

*** Better Alternatives Exist Yet Are Ignored:**

Alternatives and “best available science and engineering” methods exist which are safer, more thorough, typically cheaper and almost always far more cost-effective for each “cleanup” facet, and would be illuminated with an Environmental Impact Statement (EIS). However, the US-ARMY, the US-EPA and other agencies persistently fight against preparing an EIS.

*** Permanent Danger Trend – with EPA Oversight Fully Blocked**

It is this body’s opinion that this systematic failure, this enormous waste of money and these serious, and several potentially deadly and expensive problems, are in large part because Court oversight is almost completely blocked by [Superfund / CERCLA](#) federal law.

One point that needs to be emphasized is that any litigation between US-EPA and the Department of Defense results in a conflict of interest, because they both have the same legal representation, the US Department of Justice. Therefore the EPA has no independent legal force to get the Department of Defense to comply with cleanup directives as they could a commercial polluter.

Worse, the State of California could force compliance, but the State of California did not have the staff or budget for such an endeavor. So the Department of Defense has funded the State of California’s effort which basically poses another conflict of interest.

Also under current law the Department of Defense is exempt from EPA regulations and other environmental laws when it comes to matters of national defense.

These three legal problems fully protect Department of Defense from having to do any meaningful cleanup of a SuperFund site. If DoD agrees to do a cleanup they can do it as recklessly as they want – with no concern about actual oversight from any other agency. That is exactly the situation we find at Fort Ord.

Since FOCAG as a body, and its members as individuals, have spent a total of decades of extraordinary and expert efforts to evoke a reasonable response from all accountable Federal and state agencies, and finding no meaningful improvements, we have now reached the carefully considered belief, based on file cabinets filled with evidence and attending hundreds of meetings, that with current trends and oversight Fort Ord will remain a toxic and dangerous place to live, work or visit and the wildland burning will continue to threaten existing residents' lives, health and property.

*** Congressional Review Needed**

Therefore we now respectfully request that the US Congress and Senate, and the California Senate and Legislature immediately hold hearings on this continuing disaster before further grave and irreversible harm is done.

Adopted _____

Signed by,

Michael Weaver, FOCAG Co-Chair

Vienna Merritt-Moore, FOCAG Co-Chair

Lance Houston, FOCAG member

David Dilworth, FOCAG member

Richard Bailey, FOCAG member

Dan O'Brien, FOCAG member

for the [California EPA's Fort Ord Community Advisory Group](#)

Notes and References –

1. Superfund law prohibits litigation until a Superfund site “cleanup” is ambiguously “complete.”

While this is likely a good idea when the polluter is a private business, when the EPA is charged with oversight of the ARMY, a sister agency, it allows avoidance of genuine cleanup and instead pays for worthless and harmful activities.

This allows agencies to use harmful “clean up” methods that cause serious environmental impacts and ignore evaluating alternatives. It also allows agencies to never decide the cleanup is complete – therefore preventing any litigation on the actual harms – essentially forever.

For example Superfund blocks requiring [NEPA](#) analysis in an [Environmental Impact Statement](#) for the wild land burning, even though the fire and smoke from this part of the “clean-up” is causing widespread, demonstrable harm to neighboring communities. There is no requirement

that US-EPA ever decide a “cleanup” is complete thus permanently excluding agencies from facing litigation that would require a genuine cleanup.

While prohibiting litigation until a cleanup is complete may be a good way to expedite a non-governmental cleanup, when the polluter is a sister federal agency to US-EPA as the US-ARMY is in this case – the Superfund prohibition blocks genuine environmental impact analysis and examination of best available methods and less costly alternatives.

2. Costs: “More than \$500 Million” US-ARMY’s Melissa Broadston, FOCAG Meeting August 2009. (It remains unclear if this is for both SuperFund cleanup and Munitions UXO cleanup.)

3. [Fort Ord was 28,000 acres. Fort McLelland closed 40,000 acres.](#)

4. Lead: Lead is often the [most toxic of ATSDR’s “20 most hazardous toxics“](#), [Lead causes Cancer \(US Dept of Health & Human Services, Feb 2005\)](#), [Lead is a Cumulative Poison \(Sax’s Properties of Dangerous Materials\)](#) Lead causes Irreversible Damage (263 J. American Medical Assoc 790-91),

Lead: “... small areas of high bullet density and elevated lead concentrations may still exist onsite...” (pg 3) “Lead was detected in discrete samples at this location at concentrations ranging from 49.5 mg/kg to 13,500 mg/kg” (pg 6) – [Post-Remediation Health Risk Assessment \(PRHRA\)](#) and [Post-Remediation Ecological Risk Assessment \(PRERA\) 2007.](#)

5. ATSDR’s website claims the beach ranges pose “No apparent public health hazard” even though they admit **96% of the beach weapons area had no lead cleanup at all.** These are areas “moderately” and “lightly” contaminated with lead (“moderate” areas had a mean of 256 ppm, and up to 32,600 ppm). (US-EPA website)

6. Groundwater contamination: [“On-site ground water is contaminated with volatile organic compounds \(VOCs\). One plume near Marina has migrated offsite.”](#) Other leaking Fort Ord VOCs include [Benzene \(cancer causing\)](#), Chloroform (cancer causing), [Perchloroethylene \(PCE\)](#), and [MethylEthylKetone \(MEK – inhaling large doses can cause birth defects\)](#). (US-EPA Website)

7. “there are specific provisions under Superfund Law prohibiting knowingly destroying, concealing, erasing, mutilating, falsifying or otherwise rendering unavailable records or otherwise rendering unavailable records required by EPA regulations to be kept for any hazardous substance storage facility.

[RCRA](#) prohibits knowingly destroying, altering a manifest or other document “required to be maintained ... for purposes of compliance with regulations.”

Further Reading:

[Superfund, Wikipedia](#)

[New Battle on Vieques, Over Navy’s Cleanup of Munitions, by Mireya Navarro, 2009](#)

[Superfund Reference, New York Times](#)

[Not So Super Superfund, New York Times, 1994](#)

[The Return of Superfund, New York Times, 2010](#)

[Burn Plan Comments on the proposed RI/FS \(Remedial Investigation and Feasibility Study\), 2002](#)

[“Mitchell Report” Former US-EPA Division Head \(Office of Research and Development\) writes a scathing review of the Fort-Ord “clean-up.”](#)

[Spreckels School District Resolution Against Fort Ord Burning](#)



[Monterey Bay Toxics Project Cover Letter for their three Experts hired to comment on the Remedial Investigation/Feasibility Study \(RI/FS\)](#)

[Consultant analysis and comments on the Remedial Investigation/Feasibility Study \(RI/FS\)](#)

[HOPE: “Our Local Man-Made Disaster – Why Is Fort Ord Burning so Harmful?”](#)

[Cover Letter from “Say No to Fort Ord’s Toxic Burnings” collecting 449 postcards of opposition to the wild land burning](#)

Central Coast Alliance for Health (Chaired at the time by Monterey County Supervisor Edith Johnsen) Unanimous 2003 Resolution Opposing the Burning of Fort Ord until a Health Analysis is conducted of the burning.

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This entry was posted in [Bad Acts](#), [Bureaucratic Fraud](#), [Censorship](#), [Clean](#), [Clean Air](#), [Clean Water](#), [Education](#), [Public Participation](#), [Solutions](#), [Staffocracy](#), [Toxics](#), [Understanding](#). Bookmark the [permalink](#).

One Response to *Fort Ord Military Base’s Ongoing and Potentially Permanent Toxic Cleanup Tragedy*

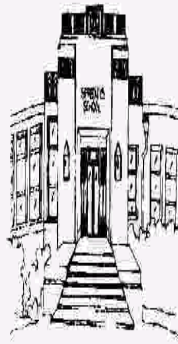


Jean Mannhaupt says:

June 19, 2012 at 7:14 am

Residents of CA need to replace ALL their elected officials from the Gov. to local, period.

[Reply](#)



Joan C. Hillard, Ed.D., Superintendent

Spreckels Union School District

P.O. Box 7308
Spreckels, California 93962
Tel: (831) 455-1831
Fax: (831) 455-1871

RESOLUTION NO. 98/99 - 15: OPPOSITION TO BURNING ON THE FORT ORD SITE

Whereas, the Spreckels Union School District is concerned about the health effects of smoke on individual students and their learning, on District staff, and on the overall instructional environment;

Whereas, the American Lung Association reports that more than 8,000 Monterey County children suffer from asthma, the leading cause of school absenteeism and hospital admissions and most common chronic illness among children;

Whereas, the American Lung Association states that asthma rates have increased more than 40% in the past decade;

Whereas, the American Lung Association reports that children have a 50% higher oxygen exchange rate than adults and exposure to airborne toxins and particulates from smoke can have life long consequences for children;

Whereas, approximately 3 % of Spreckels students were unable to attend school during the Fort Ord burns on September 16, 17, 18 and 23, 1998, due to asthma, respiratory-related illnesses or other health concerns;

Whereas, both schools (Spreckels School and Buena Vista Middle School) within Spreckels Union School District have developed and implemented procedures to minimize the health effects of smoke on students attending school;

Whereas, the dangers of smoke and tobacco use are integrated and taught throughout the District's K-8 Health and Science curriculums;

Now, therefore, be it resolved that the Spreckels Union School District oppose the continuation of any burns at the Fort Ord site, encourage parents and other community members to contact their public officials regarding this matter, and urge the appropriate government officials to seek other alternatives to the cleanup of the Fort Ord acreage; and

Be it further resolved that this Board hereby approve this resolution and direct the Superintendent to distribute this document to school districts throughout Monterey County, to the Spreckels school community, and to government officials who may have any influence in any decision making affecting the burn at Fort Ord.

□ Spreckels School • P.O. Box 7308 • Spreckels, CA 93962 • Tel: (831) 455-1831 • Fax: (831) 455-1871

□ Buena Vista Middle School • 18250 Tara Drive • Salinas, CA 93908 • Tel: (831) 455-8936 • Fax: Appendix XII - a

Spreckles School District Resolution Opposing Burning at Fort Ord

Vickie Bermea

From: Michael Weaver [michaelrweaver@mac.com]
Sent: Friday, June 15, 2012 4:56 PM
To: Darren McBain
Subject: Fort Ord Reuse plan Reassessment

FORA

Comments specific to the 1997 Fort Ord Reuse Plan.

June 15, 2012

Re: Transportation

The South-West Alternative (Highway 68 Bypass) was the major traffic mitigation measure for the build out of the '97 Fort Ord Reuse Plan. In fact the Official Plan Lines (OPL) had to be later altered for Don Orosco's Stone Creek Shopping Center in Del Rey Oaks. The Official Plan Lines also cross the 360-acres of former Fort Ord land that Del Rey Oaks annexed in an early Economic Development Conveyance.

The April 2005 FORA Fee Reallocation Plan was basically an agreement to spend future developer impact fees mostly "onsite" rather than "offsite". The major traffic mitigation measure for the build out of the 1997 Reuse Plan, the South West Alternative, was sidestepped. FORA agreed to send approximately \$250,000 to the County of Monterey instead. The last time we checked, even this hasn't been paid.

The 1997 Re-Use Plan called for necessary improvements to be made to surrounding roadways to enable them to handle the traffic to be generated by the 1997 Reuse Plan. It also called for the South West Alternative. Again, This was largely scrapped in April of 2005 with the FORA Fee Reallocation. Transportation mitigations were changed but without specifics, and a lack of funding. However, there was not a comparable reduction in the size of the 1997 Reuse Plan.

TAMC Sales Tax Measures A and Z tried to drum up money for road projects necessary for Fort Ord build out, that is offsite road improvements. Both Measures lost.

The 1997 Fort Ord Reuse Plan was overly ambitious when adopted. It's Programmed EIR was not helpful and is now out of date. The 1997 Fort Ord Reuse Plan needs far more than a "tweaking". It needs to be scrapped and start over.

Thank you,

Mike Weaver
Chair, The Highway 68 Coalition
831-484-6659

Vickie Bermea

From: Susan Alexander [salexander@csumb.edu]
Sent: Friday, June 15, 2012 2:47 PM
To: Darren McBain; Lena Spilman; ingramgp@ix.netcom.com
Subject: Reassessment of the Base Reuse Plan

Dear FORA,

Please add my recommendations for the REASSESSMENT of the Base Reuse Plan to the public record:

1. Build on urban-blighted areas first.
2. Protect the Beach-to-BLM recreation/open space corridors (Fort Ord Dunes State Beach to National Monument in Marina and also in Seaside).
3. Require an Environmental Impact Report for the Eastside Parkway.
4. REASSESS and MODIFY the Base Reuse Plan, consistent with the needs and interests of our region as they exist now. Water is a significant issue that must be readdressed.
5. Make the National Monument the keystone of Fort Ord land reuse.
6. Give CSUMB a vote on the FORA Board. CSUMB is a significant occupant of FORA land, and yet does not currently have a vote on FORA.

Thank you,
Dr. Susan Alexander