

ESCA/LRA TRANSITION REVISED AGREEMENT

Monterey County Board of Supervisors
February 11, 2020 meeting
Agenda Item # 20

ESCA and LRA TRANSITION

- ESCA = Environmental Services Cooperative Agreement
 - Removal of remnants of munitions and explosives of concern (MEC)
- LRA = Local Redevelopment Authority (Federal terminology)
 - Transfer property received from the Army for local economic development under the Economic Development Conveyance Agreement
 - Properties are transferred by the LRA to the underlying jurisdiction at no cost.
 - Underlying jurisdictions may sell or lease the properties to private parties and use the proceeds for valid governmental purposes
- FORA proposes to transfer the ESCA and LRA functions to the City of Seaside
 - FORA Administrative Committee – support (2nd vote 2/13/20)
 - County staff – support (with agreement/terms)
 - County Fort Ord Committee - support

TRANSFER PARCELS – MONTEREY COUNTY

- 15 parcels remain to be transferred to Monterey County.
- Remediation completed on all parcels.
- FORA is preparing Site Wide Report to be completed before remaining parcels are transferred.
- Funds from the sale or lease of any transferred parcel are currently shared by FORA and the underlying jurisdiction 50%/50%.
- After transition to City of Seaside, proceeds from sale or lease of parcels will be kept by the underlying jurisdiction, in their entirety.
- FORA used their share of proceeds for CIP funds.
- County is currently not envisioning sales or leases of parcels.

Jurisdiction	Parcel Number	Army Parcel Name	Army/FOIA In-Deed (with Recorder's Number)	Old MEC CRUP Recorder's Number	Finish Survey Mods - ARCADIS	DTSC Completes CRUP Amendment	New MEC CRUP Recorded (With Recorder's Number)	State Remedial Completion Concurrence - DTSC	BRAC CERCLA Warranty & Deed Amendment	FOIA Property Transfer Notification Letters	FOIA Out-Deeds Ready to Sign
ESCA FOSET-5 CERCLA Warranty & Deed Notices											
CSUMB	S1.3.2	Expansion Area 3B (CSUMB Off-Campus)	DACA05-9-07-507, RN 2009028287	RN 2009028285	Complete	Complete	RN 2016033452	Complete	Request made September 2019	Notification made October 2019	Dec-19
Seaside	E18.1.3	Housing future	DACA05-9-07-506, RN 2009028282	RN 2009028281	Complete	Complete	RN 2019057763	Dec-19	Request made October 2019	Notification made October 2019	Jan-20
	E18.4	Water Tank									
	E20c.2	Housing Future									
	E23.1	ROW / retail									
	E23.2	ROW / Housing future									
MPC	E24	ROW / Housing future	DACA05-9-07-508, RN 2009028274	RN 2009028273	Complete	Complete	RN 2020001066	Dec-19	Request made October 2019	Notification made October 2019	Jan-20
	E34	ROW / Housing future									
	E21b.3	Housing Single Family									
	E38	MPC Reserve									
	E39	MPC Reserve									
	E40	Range Extension									
	E41	MPC Habitat Reserve									
County	E42	MPC Habitat Reserve	DACA05-9-07-505, RN 2009028280	RN 2009028279	Complete	Complete	RN 2020001067	Jan-20	Request made January 2020	Request made January 2020	Feb-20
	F1.7.2	BLM Parcel H / MOUT									
	L23.2	Habitat / field study area									
	E11b.6.1	Habitat Reserve									
	E11b.7.1.1	Habitat Reserve									
	E11b.8	Development / mixed use									
	E19a.1	County Development									
	E19a.2	Habitat Reserve									
	E19a.4	Habitat Reserve / County									
	L20.18	ROW / Eucalyptus Road									
	L20.19.1.1	ROW / Barloy Canyon									
	L20.3.1	Woll Hill									
	L20.3.2	ROW / Woll Hill									
L20.5.1	Lookout Ridge										
L20.5.2	ROW / Lookout Ridge										
L20.5.3	Lookout Ridge										
L20.5.4	South Boundary Park -										
L20.8	Barloy Canyon Road -										
Del Rey Oaks	L20.13.1.2	ROW / Gen. Jim Moore	DACA05-9-07-502, RN 2009028278	RN 2009028277	Complete	Complete	RN 2020001064	Feb-20	Request made December 2019	Notification made December 2019	Feb-20
	L20.13.3.1	ROW / South Boundary									
Monterey	E29.1	Business Park / Light	DACA05-9-07-501, RN 2009028276	RN 2009028275	Complete	Complete	RN 2020001063	Feb-20	Request made December 2019	Notification made December 2019	Feb-20
MRPD - Parks	L6.2	Frog Pond	DACA05-9-07-504, RN 2009028270	RN 2009028269	Complete	Complete	RN 2020001065	Jan-20	Request made January 2020	Request made January 2020	Feb-20
Other Fort Ord Property Transfers				Old CRUP Number							
County	E8a.1.1	Landfill	Deed Needed		N/A	N/A	Unknown	N/A	N/A	N/A	After 2020
	E8a.2	Landfill carrot									
County	E4.7.2	Imjin Park w/ ay Gas Extraction	DACA05-9-09-505, RN 2009028284	RN 2009028283	N/A	N/A	N/A	N/A	Complete	N/A	Jan-20
County	L2.3	MST - North Gigling	FOIA reviewing Deed		N/A	N/A	N/A	N/A	N/A	N/A	Feb-20
	L2.4.1	MST - North Gigling									
Seaside	E20c.1	Housing Future	Deed Needed		N/A	N/A	N/A	N/A	2020	N/A	Unknown
Seaside	L36	Rescinded Diocese	FOST 13 & Deed Needs		Army finishing Environmental	Army and Kutak Rock developing deeds		N/A	N/A	N/A	Feb-20

Property To Be Transferred, By Jurisdiction

POWERS OF LRA

- Convey parcels to underlying jurisdictions
- No land-use authority will transfer to Seaside
- Allocate Army's water rights, if relinquished in the future, based on existing formula for allocation of water.
- Allocate waste-water discharge rights equitably
- FORA: Transfer pollution liability insurance (PLL) to Seaside through 12/31/24.
- Seaside: Obtain PLL insurance, at Army's expense from 1/1/2025 through 6/30/2030

PROTECTIONS FOR AFFECTED JURISDICTIONS PROVIDED IN THE REVISED SUCCESSOR IMPLEMENTING AGREEMENT

- Successor Implementing Agreement revised since first FORA vote
- Seaside will not have land-use authority.
- Affected jurisdictions will not bear financial liability, as result of ESCA.
- Water rights allocations to be done by formula prescribed in Successor Implementing Agreement.
- Waste-water discharge rights to be done equitably and in consultation with jurisdictions.
- Seaside may not charge Grantees for costs associated with transfers of parcels nor request funds from the sale or lease of such parcels by Grantees.
- Jurisdictions are designated as “Third Party Beneficiaries”, with enforcement rights, for matters related to conveyance, water rights, and waste-water discharge rights.

ADMINISTRATIVE COSTS FUNDING

ESCA:

- All foreseen ESCA responsibilities are currently funded by the Army through 2028, when the ESCA agreement expires.
- Unforeseen expenses need to be negotiated by the ESCA authority with the Army.
- Army obligated to fund all ESCA related activities.

LRA:

- Seaside to request funding from FORA Board.
- Seaside willing to take on responsibility for LRA, provided adequate funding.

OPTIONS & NEXT STEPS

Fort Ord Committee considered revised agreement and recommends Seaside be designated the ESCA and LRA Successor

At this point in time...

Option A – FORA Board approves Seaside as successor to ESCA & LRA

Option B – FORA Board does not approve Seaside, ESCA properties/rights revert back to the Army

