

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



W18b

Prepared July 10, 2017 for July 12, 2017 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager

Subject: Additional hearing materials for W18b
CDP Number 3-14-1613 (Fort Ord Dunes State Park Campground)

Where checked in the boxes below, this package includes additional materials related to the above-referenced hearing item as follows:

- ☐ Staff report addendum
- ☒ Additional correspondence received in the time since the staff report was distributed
- ☐ Additional ex parte disclosures received in the time since the staff report was distributed
- ☐ Other.

Robert D. "Dan" O'Brien
4226 Leavelle St. NW
Olympia WA 98502
360-867-1783
dan@fastisfun.com

July 7, 2017

California Coastal Commission
C/o Michael Watson
via email: michael.watson@coastal.ca.gov

Re: Coastal Commission Meeting July 12, 2017
Fort Ord Dunes State Park Plan

A friend recently sent me a copy of a newspaper article on the proposal to build this park and all the reasons given why it would be such a fine thing to do. My reaction was one of complete horror.

That site was used for around 100 years as a shooting range for those trained at Ft. Ord. There were millions of rounds of ammunition fired into the sand. The Army did a cleanup of the lead expended bullets, but there was no way they could remove all the lead dust contained in the sand.

The State Parks Dept knows this as does the Army. Building a park on this site is criminal. It exposes anyone who camps there to inhaling dust particles laced with lead anytime the wind is blowing. The reason people are kept off the dunes is not to protect the flora, but to protect the health of anyone venturing out there.

There is some sort of mania about leaving a parcel of land vacant without building something on it. I am in no way opposed to building parks. I am opposed to poisoning the unsuspecting. Building a park on this site is even more evil than building a new school and specifying lead paint to be used on the interior finish.

Any place with lead paint has been a number one cause for alarm. No end of evidence on how bad this is for our health, and in particular to that of any child.

I used to live in Marina and was involved in the Fort Ord Citizen's Advisory Group that was formed to oversee the cleanup of what was and still is a Superfund Site. There is all sorts of hard irrefutable evidence on the record of what was done and the existing danger to human health. Look at the true facts and build your park someplace else.

A handwritten signature in black ink, appearing to read 'D O B', with a stylized flourish at the end.

Robert D. "Dan" O'Brien

FAX COVER

JULY 7, 2017

Re: COMMENTS C-C-C- AGENDA for
FORESTED GUNES STATE PARK

FAX TO: MIKE WATSON

831-427-4877

From: MIKE WEAVER / FOCA6

PHONE: 831-484-6659

4 PAGE LETTER TO C-C-C.

EXHIBIT A 10 PAGES

EXHIBIT B 5 PAGES

EXHIBIT C 2 PAGES

RECEIVED

JUL 07 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Fort Ord Community Advisory Group

"The Fort Ord Community Advisory Group is a public interest group formed to review, comment, and advise on the remediation (cleanup) of the Fort Ord Army Base Superfund Site, to ensure that human health, safety, and the environment are protected to the greatest extent possible." - Mission Statement

California Coastal Commission
%Mike Watson
Coastal Planner
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060
Direct: 831 427-4898
Office: 831 427-4863

RECEIVED

JUL 07 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Via Fax: 831-427-4877

Re: Fort Ord Dunes State Park Plan

July 12, 2017 - California Coastal Commission Meeting, Agenda Item #8b

July 7, 2017

Dear Coastal Commissioners,

The Fort Old Community Advisory Group (FOCAG) has the following comments and concerns for your consideration.

The staff report and previous environmental documents prepared for State Parks have been light on the lead issues. The Beach ranges were extensively used by the Army for infantry rifle training during WWII, the Korean War, the Viet Nam War and times before and in between. Thousands of tons of lead bullets were fired at targets in beach areas. Some of this lead was removed by Army contractors using a sand sifting method and transferred to the CAMU inland on Fort Ord following the

Page 2

closure of the Army base. The Army contractors concentrated on what they determined were "hot spots" in the beach areas for lead contamination.

A lot of lead, lead fragments, and lead dust remain. These are lead fragments, (that further break down with time), and lead dust, in and about the beach. The coastal winds blow the sand, uncovering and recovering areas

Graduate students at the Monterey Institute of International Studies and their Professor analyzed the Army clean up methodologies and the statistical assumptions of this lead clean up in a report they published in 1997. The quality of the lead clean up and effectiveness of the lead clean up were called into question in their analysis.

The M.I.I.S. report is titled: "Options for Fort Ord Dunes State Park" Site 3-075AR dated May 1997

Here is the link:

http://docs.fortordcleanup.com/ar_pdfs/AR-SITE3-075A/SITE3-075A.pdf

There remains a long term liability at this beach area for human health issues involving lead contamination. Fort Ord was also home for CDEC, "Combat Development Experimentation Command". New experimental weaponry and ammunitions were used and evaluated both at Fort Ord and at Hunter Liggett. The chemicals used and residual trace amounts are unknown. The Army also extensively used flares for night time warfare training. The flares included propellants and white phosphorus. Residual amounts remaining in beach sands are unknown.

The FOCAG's assumption based on documents we reviewed on the transfer of this property to State Parks was it was to be for limited public use. There were established Land Use Controls and Restrictions. One restriction was for no residential. However, now State Parks is asking the Coastal Commission for permission to be able to implement a plan to accommodate Recreational

Page 3

Vehicles with full hook ups, for up to 30 days. People living in their motorhomes, in one spot, somehow is not a residential use?

Another restriction was for no camping. However, the Parks Plan calls for camping. Restricted parcels are now going to be allowed camping.

People visiting a beach do deviate off paths and hike over and around dunes. Children build sand castles, and play in the sand.

The public needs to be notified of lead contamination issues in and about these former Army beach areas. Proposition 65 in California requires it.

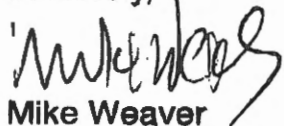
There has been a lack of public meetings regarding this beach property and future proposed uses. The FOCAG does not recall any Army meetings, FORA meetings, ESCA meetings, meetings in Seaside or Marina, other than occasional generalities. But there has been no opportunity for public scoping of a project, or alternatives. The process has been one of Top Down State Park Plans. Further, it has been difficult to get information from State Parks. The last the FOCAG heard, any plans were unfunded anyway. Now, I guess State Prop. 84 funds are planned to be used. Prop 84 was the California Safe Drinking Water Proposition, no?

How ironic Prop. 84 money is planned to be used by State Parks for campgrounds associated with lead contamination issues.

The FOCAG requests that the California Coastal Commission delay action on this agenda item to allow other project alternatives to be proposed, and studied. This item is not time critical.

Thank you for your consideration. We are attaching some exhibits for your review and for the record.

Sincerely,



Mike Weaver
Co-Chair, FOCAG
831-484-6659

Page 4

Exhibits:

Exhibit #A - Codes, Covenants & Restrictions - (Fort Ord Dunes State Park)
From CA Dept. of Toxic Substance Control to State Parks. Recorded document.
Dated February 4, 2009

10 pages (some FOCAG underlining and arrows)

Highlights:

"excavation and screening of 162,800 cubic yards of soil contaminated with lead"

"lead bullet slugs have and will continue to break down"

"1.07 Because residual lead concentrations may exist in concentrations greater than would be acceptable for use as: residential, day care, hospitals, schools, campgrounds, etc. DTSC has determined that this Covenant is reasonably necessary."

1.08.....The MOU specifies annual reporting requirements as well as specific handling requirements for 1) lead bullet slugs uncovered due to wind and erosion on the Restricted property 2) soil management 3) MEC recognition training...

Exhibit #B - 5 pages

Michael Weaver March 24, 2017 email letter to/from DTSC wherein DTSC references a DTSC MOU with State Parks dated year 2007. DTSC reply includes three maps of areas labeled Unrestricted.

Not answered by DTSC, as yet, is how to deal with CA Prop. 65 and lead issues.

Exhibit C - 2 pages

Two maps from the Fort Ord Dunes General Plan and E.I.R., dated September 17, 2004. One map includes multiple suggested uses. No mention of lead issues or constraints of any kind on either map.

EXHIBIT A - FODSP LETTER TO C.C.C. RE: FORT ORD DUNES
10 PAGES

STEWART 52108018

RECORDING REQUESTED BY:

Department of Toxic Substances Control
Sacramento Office
Brownfields and Environmental Restoration Program
ATTN: Anthony J. Landis, Chief
8800 Cal Center Drive
Sacramento, California 95826

This CCR Recorded on Feb 24, 2009
to serial # 2009-10457 in the
Official Records of Monterey County, CA.
Stewart Title Company

WHEN RECORDED, MAIL TO:

Department of Toxic Substances Control
Sacramento Office
Brownfields and Environmental Restoration Program
ATTN: Anthony J. Landis, Chief
8800 Cal Center Drive
Sacramento, California 95826

(Space Above This Line For Recorder's Use Only)

**COVENANT TO RESTRICT USE OF PROPERTY
ENVIRONMENTAL RESTRICTION**

The Restricted Property is Parcel Number one of the future Fort Ord Dunes State Park (FODSP), excluding approximately 121.9 acres of unrestricted area to be used for a campground and other park visitor activities (Exhibit B). The Restricted Property consists of approximately 258 acres of the total 980 acres formerly owned by the United States Department of the Army (U.S. Army). The Restricted Property was part of the former U.S. Army Fort Ord. The eastern boundary of the proposed FODSP is the railroad right of way owned by the Transportation Agency for Monterey County (TAMC). The western boundary of the proposed FODSP is the mean high tide line of the Pacific Ocean. The Restricted Property is limited to the north by the Marina State Beach (which is within the limits of the City of Marina) and to the south by a privately-owned former sand mine (which is within the limits of Sand City). The Restricted Property is subject to the Restrictions of this Covenant and is hereinafter referred to as the "Restricted Property". This covenant is referred to as the FODSP Soil Covenant.

This Covenant and Agreement (hereinafter Covenant) is made by and between the State of California Department of Parks and Recreation (DPR) (and also referred to herein as the Covenantor), the current owner of the Restricted Property and the State of California acting by and through the California Department of Toxic Substances Control (DTSC). The Restricted Property is located in the County of Monterey, State of California, as described in Exhibit A, attached hereto and incorporated herein by this reference.

The United States Environmental Protection Agency (U.S. EPA) placed Fort Ord on the National Priorities List (Superfund) in 1990. All of the Fort Ord facility is subject to the requirements of the federal Comprehensive Environmental Response Compensation

GE 160

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and Liability Act (CERCLA). Pursuant to California Civil Code Section 1471, DTSC has determined that this Covenant is reasonably necessary to protect present or future human health or safety, or the environment as a result of the presence of hazardous materials, as defined in the California Health and Safety Code (H&SC) Division 20, Section 25260(d).

The Covenantor and DTSC, collectively referred to as the Parties, hereby agree that the use of the Restricted Property will be restricted as set forth in this Covenant.

ARTICLE I

STATEMENT OF FACTS

1.01 The Restricted Property, totaling approximately 860 acres, is shown in Exhibit B and described on Exhibit A. The Property is located on the former Fort Ord U.S. Army Base, California.

1.02 A covenant restricting groundwater use (FODSP Groundwater Covenant) was recorded with Monterey County on October 18, 2006 as document number 2006092246 that prohibits construction of groundwater wells or other activities that would interfere with or adversely affect the groundwater remediation systems, provides notification of discovery of activities affecting the groundwater systems, and provides reasonable right of entry and access for the regulatory agencies, U.S. Army and their contractors for inspections, testing, and monitoring. An amendment to the FODSP Groundwater Covenant will be signed and recorded after DPR takes ownership of the property. The amendment will expand the groundwater restriction area and provide improved illustrations showing: 1) the County Ordinance groundwater protection zones; 2) revised restricted area; and, 3) the groundwater remediation system subsurface infrastructure locations.

1.03 The Restricted Property was used extensively as less than 50-caliber small arms rifle ranges (small arms ranges) numbered Range 1 through Range 17. This activity deposited large volumes of lead bullets consisting of the slugs and miscellaneous metal casings and/or debris on and in several areas on the Restricted Property. The contaminant of concern that is restricted in this Covenant is lead, including "lead bullet slugs."

1.04 During the process to finalize the 1995 Basewide Remedial Investigation/Feasibility Study, the U.S. Army determined that there was lead contamination on the Restricted Property attributed to the lead bullet slugs which required cleanup.

1.05 The U.S. Army conducted remedial actions, pursuant to the 1997 Site 3 - Interim Record of Decision (ROD) that entailed the excavation and screening of 162,800 cubic yards of soil contaminated with lead from the bullet slugs at the beach firing ranges. The U.S. Army was able to remove high concentrations of bullet slugs and

contaminated soil pursuant to the ROD. The lead bullet slugs and contaminated soil were either recycled or deposited in the Operable Unit 2 landfill. Some lead, in the form of bullet slugs, may remain on portions of the Restricted Property at levels inconsistent with residential and other sensitive uses. Due to wind and erosion, it is likely that accumulations of lead bullet slugs may become visible in the future.

1.06 The U.S. Army's cleanup of the lead was sufficient for use of this Restricted Property as a public park; however, lead contamination may continue to exist, and more contamination could possibly be discovered in the future on the Restricted Property. The concentrations of lead at this Restricted Property warrants restricted land use at this time. In addition, the lead bullet slugs have, and will continue to break down, adding additional small particles of lead to the soil. This will create additional lead contamination to some portions of the surface and subsurface soils of the Restricted Property. Lead is classified as a hazardous material as defined in H&SC Section 25260.

1.07 Because residual lead concentrations may exist in concentrations greater than would be acceptable for use as: residential, day care, hospitals, schools, campgrounds, etc., DTSC has determined that this Covenant is reasonably necessary.

1.08 California Department of Parks and Recreation and DTSC entered into a Memorandum of Understanding (MOU) on November 27, 2007. The MOU specifies annual reporting requirements as well as specific handling requirements for 1) lead bullet slugs uncovered due to wind and erosion on the Restricted Property 2) soil management; and 3) Incidental Munitions and Explosives of Concern (MEC) recognition training for Department of Parks and Recreation employees. Because the predominant use of the small arms ranges was for less than 50-caliber target practice and resulted in lead bullet slugs, MEC are not anticipated to be present on the Restricted Property, although incidental MEC may be present. The MOU requires MEC recognition training as a safety precaution for any workers who disturb soils. The MOU references U.S. Army Regulation 75-15, and FORSCOM Supplement 1, that states that the U.S. Army will conduct, at its expense, the MEC recognition training, which is part of the former Fort Ord Site MEC Site Security Program (MEC Site Security Program).

ARTICLE II

DEFINITIONS

2.01 DTSC. "DTSC" is the State of California by and through the California Department of Toxic Substances Control and includes any successor agencies.

2.02 U.S. EPA. "U.S. EPA" is the United States Environmental Protection Agency

2.03 U.S. Army. "U.S. Army" is the United States Department of the Army

2.04 Covenantor. "Covenantor" is the California Department of Parks and Recreation

2.05 Owner. "Owner" is the title holder, and its successors in interest, including heirs and assigns, who hold title to all or any portion of the Restricted Property.

2.06 Munitions and Explosives of Concern. "Munitions and Explosives of Concern" (MEC) are specific categories of military munitions that may pose unique explosive risks, including unexploded ordnance, discarded military munitions, and munitions constituents present in high enough concentrations to pose an explosive hazard. Lead bullet slugs from small arms ranges that are less than 50-calibre in size are not considered MEC at the former Fort Ord and are not considered to have explosive properties.

ARTICLE III

GENERAL PROVISIONS

3.01 Restrictions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as Restrictions), under which the Restricted Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and every Restriction: a) runs with the land pursuant to H&SC Sections 25222.1 and 25355.5(a)(1)(c), and Civil Code section 1471; b) inures to the benefit of DTSC and passes with each and every portion of the Restricted Property; c) is for the benefit of and is enforceable by DTSC; and d) is imposed upon the entire Restricted Property unless expressly stated as applicable only to a specific portion thereof.

3.02 Binding Upon Owners and Occupants. Pursuant to H&SC Sections 25222.1 and 25355.5(a)(1)(C) and Civil Code section 1471, this Covenant binds all Owners and Occupants of the land, their heirs, successors, and assignees, and their agents, employees, and lessees. Pursuant to Civil Code Section 1471(b), all successive Owners and Occupants of the Restricted Property are expressly bound hereby for the benefit of DTSC.

3.03 Written Notice of Presence of Lead Contamination. Prior to the sale, lease, or sublease of the Restricted Property, or any portion thereof, or the execution of a license or easement on the Restricted Property, the owner, lessor, or sub-lessor shall give the buyer, lessee, or sub-lessee written notice that there is the potential for the presence of lead contamination in the soil of the Restricted Property.

3.04 Accompaniment to Deeds and Leases. This Covenant shall accompany all deeds and leases for any portion of the Restricted Property.

3.05 Conveyance of Restricted Property. The Owner shall notify DTSC not later than thirty (30) days after executing any document conveying any ownership interest in the Restricted Property (excluding short-term rentals and leases, mortgages, liens, and other non-possessory encumbrances for those who will have minimal potential for

disturbing the soil). DTSC shall not, by reason of this Covenant, have authority to approve, disapprove, or otherwise affect any proposed conveyance, except as otherwise provided by law, by administrative order, or by a specific provision of this Covenant.

3.06. Costs of Administering the Covenant to be paid by Owner. The Department has already incurred and will in the future incur costs associated with the administration of this Covenant. Therefore the Owner hereby covenants for themselves and for all subsequent Owners that, pursuant to California Code of Regulations, Title 22, Section 67301 1(h), the Owner agrees to pay the Department's cost in administering the Covenant. Section 5.16 of the MOU between DPR and DTSC reiterates that DPR will be liable for all of DTSC costs incurred in activities and oversight associated with the MOU and the covenants.

3.07 Reporting: On February 1st of each year, the Owner shall submit an annual letter report to DTSC summarizing compliance with this Covenant during the previous period January 1 through December 31. The recommended annual letter report contents is provided in the Memorandum of Understanding (MOU), but at a minimum shall include descriptions of soil disturbance activities, any MEC or MFC related items discovered and reported, and the specific compliance with each of the provisions of this Covenant.

ARTICLE IV

RESTRICTIONS

4.01 Prohibited Uses. The Restricted Property shall not be used for any of the following purposes:

1. Residential use;
2. Public or private school for persons under the age of 21,
3. Hospital;
4. Day care center for children;
5. Campgrounds.

4.02 Soil Management. No soil will be moved from the Restricted Property without a Soil Management Plan approved by DTSC and a Health and Safety Plan. Any soil removed from the site shall be appropriately sampled and managed in accordance with all applicable provisions of H&SC Division 20, Chapters 6.5 and 6.8.

4.03 Access. DTSC, U.S. EPA and its contractors and agents shall have reasonable right of entry and access to the Restricted Property for inspection, monitoring, testing, sampling and other activities consistent with the purpose of this Covenant as deemed necessary by DTSC in order to protect the public health and safety or the environment and oversee any required activities, provided such access does not unreasonably interfere with either construction activities or the Owner's use of the Restricted Property.

ARTICLE V

ENFORCEMENT

5.01 Enforcement. Failure of the Owner or Occupant to comply with any of the Restrictions shall be grounds for DTSC, by reason of this Covenant, to require that the Owner or Occupant modify or remove any improvements. Improvements herein shall include, but are not limited to, any building, road, driveway, and paved parking area, etc., constructed or placed upon any portion of the Restricted Property or soil removed from the Restricted Property in violation of the Restrictions. Violation of this Covenant shall be grounds for DTSC to file civil and/or criminal actions, including nuisance or abatement, against the Owner or Occupant as provided by law.

ARTICLE VI

VARIANCE, TERMINATION AND TERM

6.01 Variance. Any Owner or, with the Owner's written consent, any Occupant of the Restricted Property may apply to DTSC for a written variance from the provisions of this Covenant. Such application shall be made in accordance with H&SC Section 25233.

6.02 Termination. Any Owner, and/or Occupant, with the Owner's written consent, may apply to DTSC for a termination of the Restrictions or other terms of this Covenant as they apply to all or any portion of the Restricted Property. DTSC shall, under the appropriate circumstances, review and consider such application requesting termination. Such application shall be made in accordance with H&SC Section 25234.

6.03 Term. Unless ended in accordance with the Termination paragraph above, by law, or by DTSC in exercising its discretion, this Covenant shall continue in effect in perpetuity.

ARTICLE VII

MISCELLANEOUS

7.01 No Dedication Intended. Nothing set forth in this Covenant shall be construed to be a gift or dedication, or offer of a gift or dedication of the Restricted Property, or any portion thereof, to the general public or anyone else for any purpose whatsoever.

7.02 State of California References. All references to the State of California and DTSC include successor agencies/departments or other successor entity(ies) and delegated agencies.

7.03 Recordation. The Covenantor shall record this Covenant, with all referenced Exhibits, in the County of Monterey at the time of its acquisition of the Restricted Property.

7.04 Notices. Whenever any person gives or serves any Notice (Notice as used herein includes any demand or other communication with respect to this Covenant), each such Notice shall be in writing and shall be deemed effective: 1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served; or 2) three (3) business days after deposit in the mail, if mailed by United States mail, postage paid, certified, return receipt requested.

To Covenantor: District Superintendent, Monterey District
California Department of Parks and Recreation
2211 Garden Road
Monterey, California 93940

To DTSC: Supervising Hazardous Substances Engineer II
Department of Toxic Substances Control
Sacramento Office
Brownfields and Environmental Restoration Program
8800 Cal Center Drive
Sacramento, California 95826

Any party may change its address or the individual to whose attention a Notice is to be sent by giving written Notice in compliance with this paragraph.

7.05 Partial Invalidity. If any portion provision of this Covenant is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

7.06 Exhibits. All exhibits referenced in this Covenant are deemed incorporated into this Covenant by reference.

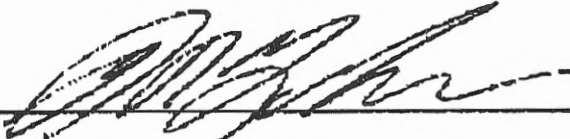
7.07 Section Headings. The section headings set forth in this Covenant are included for convenience and reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Covenant.

7.08 Statutory References. All statutory references include successor provisions.

7.09 Representative Authority. The undersigned representative of each party to this Covenant certifies that he or she is fully authorized to enter into the terms and conditions of this Covenant and to execute and legally bind that party to this Covenant.

IN WITNESS WHEREOF, the DEPARTMENT OF PARKS AND RECREATION, STATE OF CALIFORNIA has caused these presents to be executed on this 17th day of February, 2009.

DEPARTMENT OF PARKS AND RECREATION



Stephen R. Lehman
Deputy Director, Acquisition and Development

ACKNOWLEDGMENT

STATE OF CALIFORNIA

) ss

COUNTY OF SACRAMENTO

On _____ before me, _____
personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature of Notary

California Acknowledgment Form

State of California
County of Sacramento } ss.

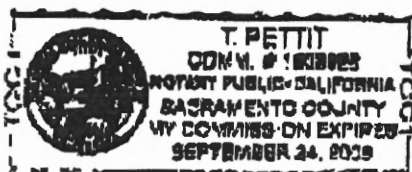
On February 17, 2009, before me, T. Pettit, Notary Public,
personally appeared Stephen R. Jahnke

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed in the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Seal



Signature of Notary

Notes

Please provide information about the document and the parties attached to
"This is not required under California State notary public law"

Conveyance in Restricted Use of Property


DTSC

NAB

Fort Ord Dunes S?

IN WITNESS WHEREOF, the DEPARTMENT OF TOXIC SUBSTANCES CONTROL, STATE OF CALIFORNIA has caused these presents to be executed on this 4th day of February, 2009.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



ANTHONY J. LANDIS, P.E.
Supervising Hazardous Substances Engineer II
Sacramento Office
Brownfields and Environmental Restoration Program

ACKNOWLEDGMENT

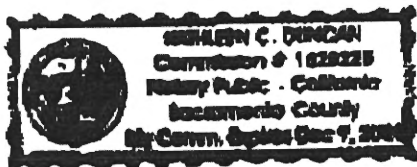
STATE OF CALIFORNIA)
) ss
COUNTY OF SACRAMENTO)

On February 4, 2009 before me, Kathleen C. Duncan, Notary Public
personally appeared Anthony J. Landis ^{as he}

who proved to me on the basis of satisfactory evidence to be the person(s) ^{as he} name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.




Signature of Notary

EXHIBIT B - FOAG LETTER TO C.C.C. RE: FORT ORD DUNES
5 PAGES

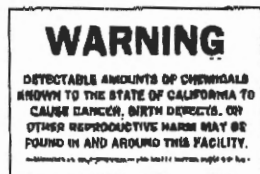


From: Michael Weaver michaelweaver@mac.com
Subject: Re: Evaluations of Lead Concentrations -Former Fort Ord - Site 3, Beach Ranges and surroundings
Date: March 24, 2017 at 11:01 AM
To: Gettmann, Kimberly@DTSC Kimberly.Gettmann@dtsc.ca.gov
Cc: Wu, Min@DTSC Min.Wu@dtsc.ca.gov

Kim,

Thank you for the response. However, the FOAG does not believe simply putting an LUC on portions of Site 3 addresses the safety issues that you and I discussed, including lead dust around the site, including "LUC" areas with no restrictions. The dust blows up into May 1 also. The coastal winds are well known locally, and should be to DPR, unless they are making all decisions out of Sacramento.

May we ask how DPR plans to comply with California Prop 65?



We would appreciate your feedback on this.

Thank you,

Mike Weaver

Please note: I will be out of the office for approximately 10 days, returning on or about April 3.

On Mar 24, 2017, at 8:08 AM, Gettmann, Kimberly@DTSC <Kimberly.Gettmann@dtsc.ca.gov> wrote:

Michael,

HERO looked at the document you sent in your email, "Options for Fort Ord Dunes State Park: Site 3", dated May 1997 by Post Graduate Students at the Monterey Institute of International Studies, "Fort Ord Dunes State Park Memorandum of Understanding and Land Use Covenant," dated November 2007 (MOU) between DTSC and the Department of Parks and Recreation (DPR) of "Lead Concentrations at Selected Sites," document dated February 2017.

According to the MOU, and the land use covenant (LUC) dated November 2007, the agreement between DTSC and DPR for the areas that the paper by the Post Graduate Students at the Monterey Institute results for have a LUC on them and prohibited from use for the following: residential use; public or private school for persons under the age of 21; hospital; day care center for children; and campgrounds, motorized vehicles, low impact construction materials, such as raised walking trails, and possibly paved trails and boardwalks.

The area proposed for unrestricted land use is approximately 122 acres that according to the figures in both the student paper and the "Final Technical Memorandum: Evaluation of Lead Concentrations at Plumes" are the attached figures. I attached three figures with a hand written "A", "B" or "C".

According to the paper by the graduate students, DPR was proposing to develop the firing ranges 4, 5, 6, and 7 into campgrounds. However, this area now has a LUC on it as documented in the 2007 MOU.

The soil lead evaluation presented in the table on page 67 of the student paper, evaluated several areas: 1) areas with surface bullet distribution of 1-10% and 2) greater than 10%. Looking at the figures we see shaded in orange and had no spent ammunition present at the surface. If you look at the areas in green (less than 1% of surface covered by spent ammunition) and blue (1 to 10% of surface covered), we see that these areas have a LUC.

Regards
Kim

Kimberly Day Gettmann, Ph.D.
Staff Toxicologist
Human and Ecological Risk Office
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826
Phone - (916) 255-6688
Kimberly.Gettmann@dtsc.ca.gov

From: Michael Weaver <michaelweaver@mac.com>
Sent: Monday, March 20, 2017 12:46:04 PM
To: Gettmann, Kimberly@DTSC; Wu, Min@DTSC
Subject: Evaluations of Lead Concentrations -Former Fort Ord - Site 3, Beach Ranges and surroundings

Hello Kimberly Day-Gettmann and Min Wu,

My name is Mike Weaver and I am Co-Chair of the Fort Ord Community Advisory Group. (FOCAG)
I was initially appointed by DTSC. I am writing you today as a follow up to DTSC comments found in the "Technical Memorandum, Evaluation of Lead Concentrations at Selected Sites, Former Fort Ord, California" DCN: SH4914-145

Specifically, the FOCAG has concerns regarding lead, lead contamination, and lead dust at Site #3, the Beach Ranges area with regard to State Parks Plans to put a campground(s) and other public amenities there.

We reviewed 8.0 References, dated February 2017, in the above referenced document and do not find a very significant document listed there. It's funny because it is a document that is in the Fort Ord Administrative Record and offers criticism and analysis of this Site #3 and the Army methodology and the measuring of lead. The document was written by Post Graduate students at the Monterey Institute of International Studies and their Professor.

It is titled: "Options for Fort Ord Dunes State Park" Sites-075A AR dated May 1997

Here is the link:

http://test.qeios.com/er_pdfs/AR-SITE1-075A/SITE1-075A.pdf

The sections on lead are particularly telling.

I would appreciate your feedback on this document.

Thank you,

Mike Weaver

831-484-6689

<Site 3 Beach Range Figures A and B.pdf><Site 3 Beach Range Figure C.pdf>

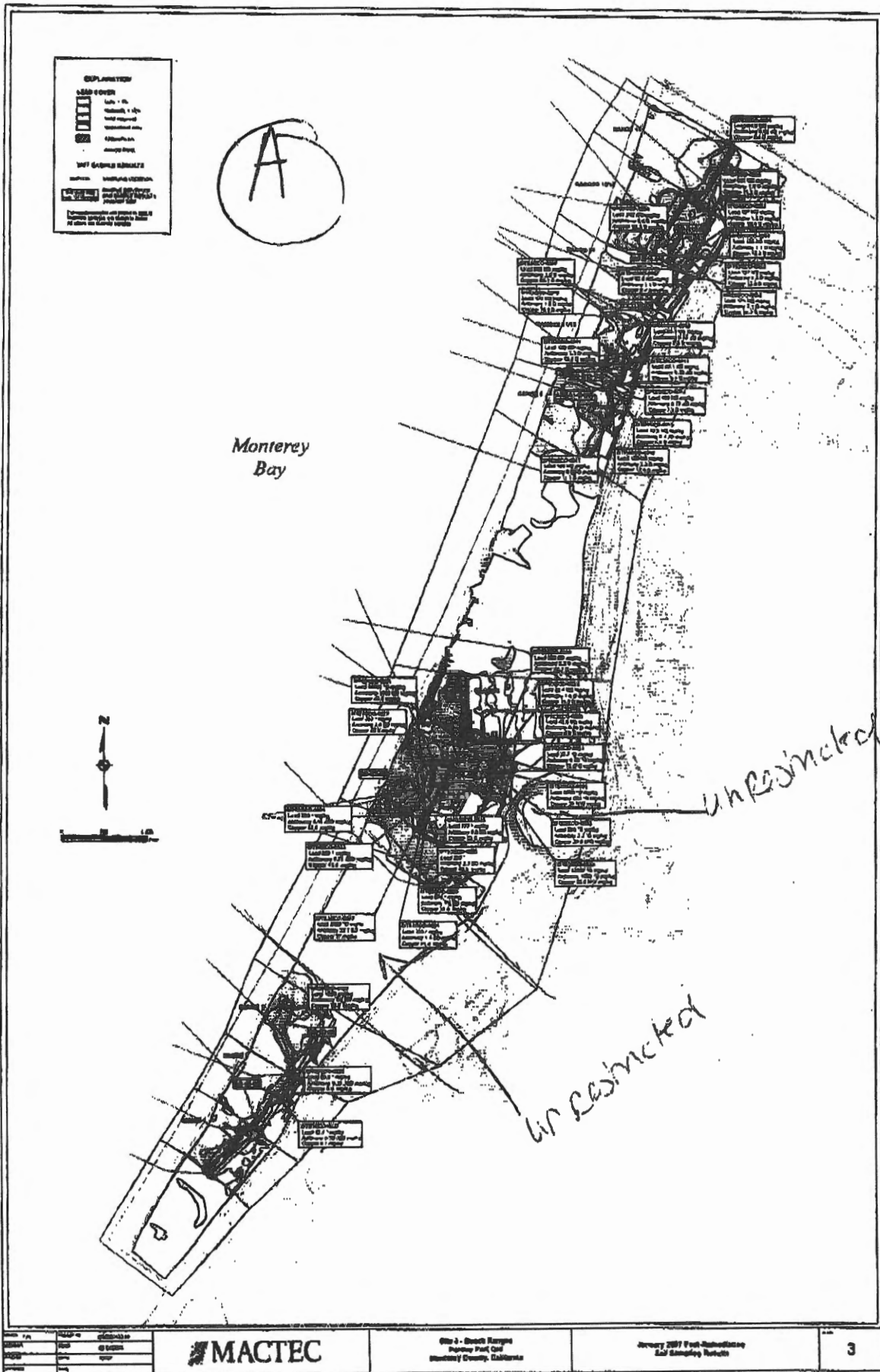
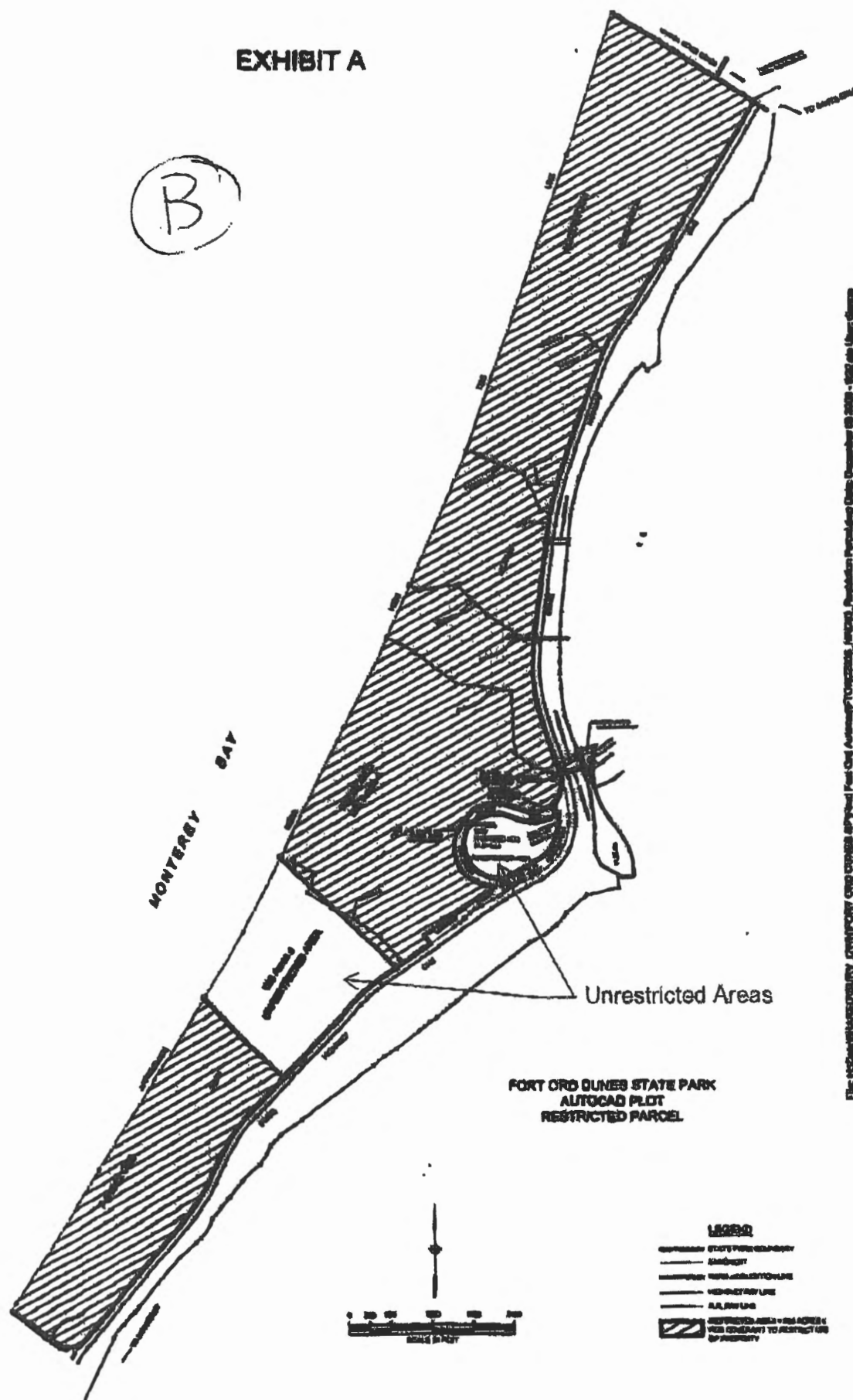


EXHIBIT A

(B)



MONTEREY
DAY

Unrestricted Areas

**FORT ORD DUNES STATE PARK
AUTOCAD PLOT
RESTRICTED PARCEL**

15250

Copyright © 2005 by John Wiley & Sons, Inc.

_____ **Signature**

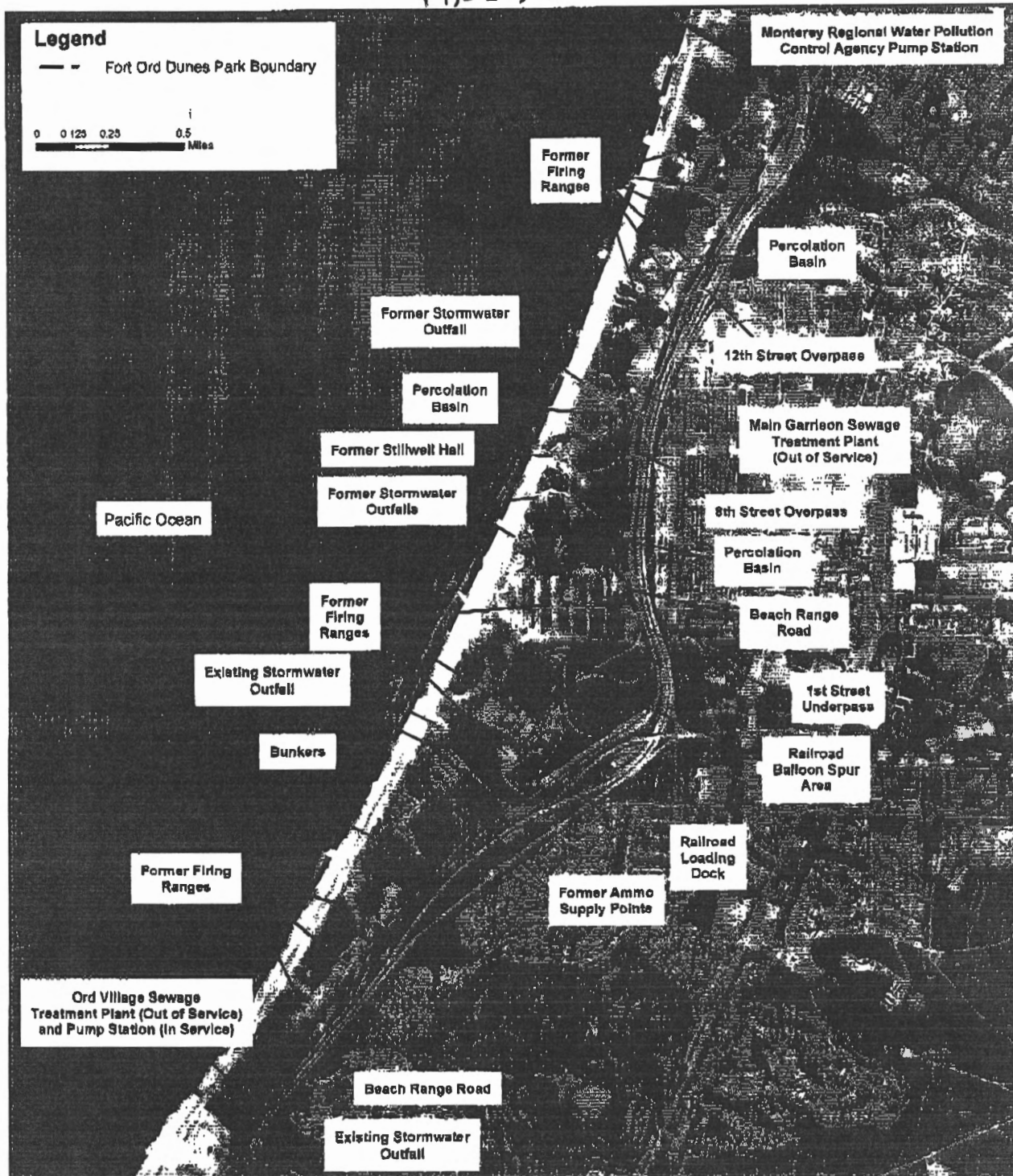
MANUSCRIPT NUMBER: 2019-0104

AAJWU

DO NOT WRITE IN THESE SPACES

EXHIBIT C- FOCAL LETTER TO C.C.C. RE: FORT ORD DUNES
2 PAGES

PAGE 37



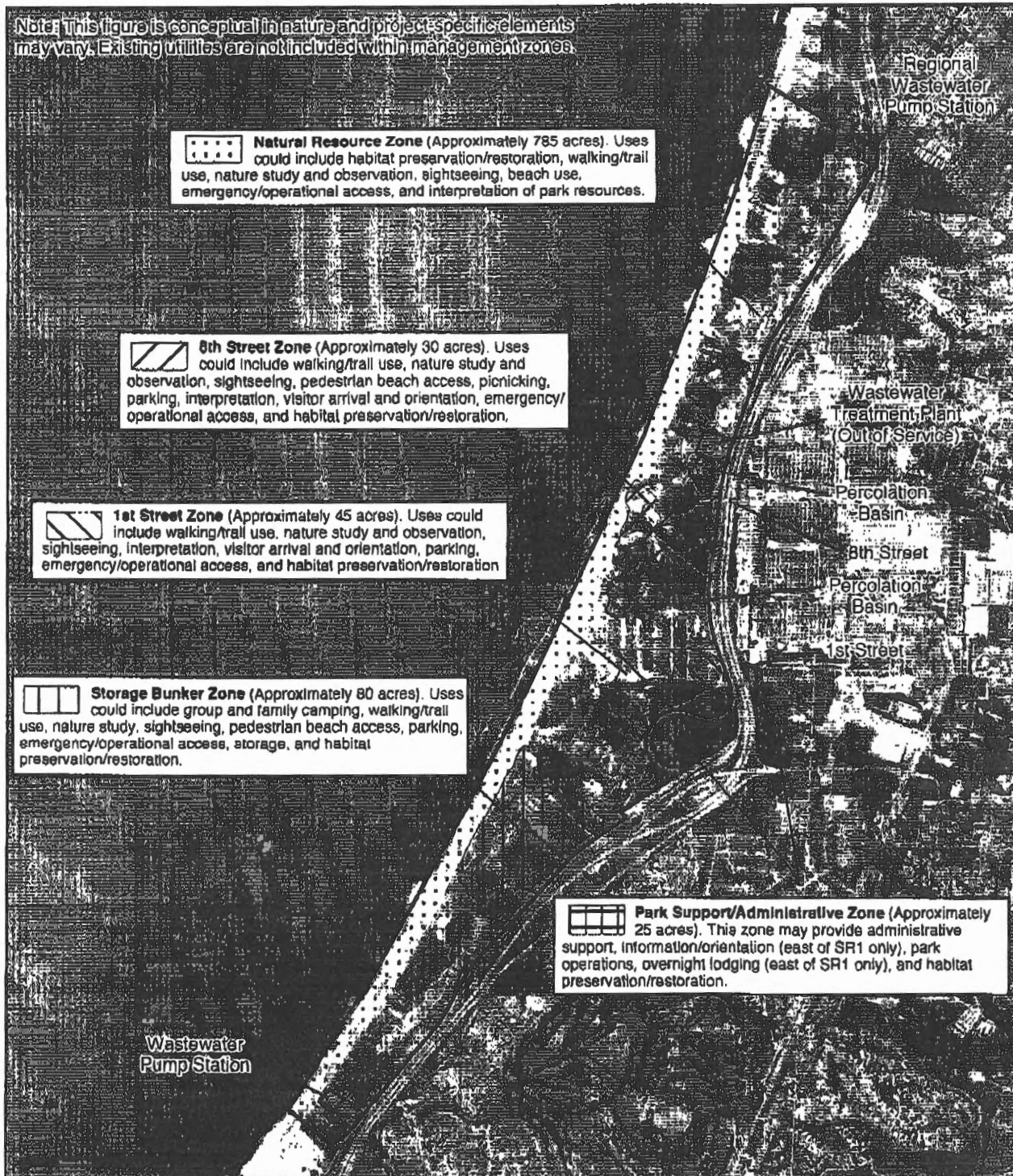
Fort Ord Dunes State Park

SOURCE: CDPR, 2003a; ESA, 2003; USACE, 1993

Figure 1-2
 Project Site and Existing Facilities

Fort Ord Dunes State Park GENERAL PLAN AND EIR - PAGE 25 SEPT 17, 2004

Note: This figure is conceptual in nature and project-specific elements may vary. Existing utilities are not included within management zones.



SOURCE: CDPR, 2003a; ESA, 2003

Fort Ord Dunes State Park

Figure ES-1

Fort Ord Dunes State Park Management Zones

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



W18b

3-14-1613 (FORT ORD DUNES STATE PARK CAMPGROUND)

JULY 12, 2017

CORRESPONDENCE

From: Watson.Michael@Coastal
To: Michael.Weaver
Subject: RE: Fort Ord Dunes State Park proposed campground(s) CDP App# 3-14-1613 **
Date: Monday, November 24, 2014 9:11:46 AM

Still not filed. We asked for additional information and are awaiting their reply.

From: Michael Weaver [michaelrweaver@mac.com]
Sent: Saturday, November 22, 2014 3:40 PM
To: Watson, Michael@Coastal
Subject: Fwd: Fort Ord Dunes State Park proposed campground(s)

Hi Michael Watson,

Can you provide me with an update on the California Coastal Commission's processing of a State Parks application for camping/campgrounds at the Fort Ord Dunes State Park?

Is there a specific application number for this proposed project?

Can the public read more about it online?

The continuing concern is the lead dust on site as well as the lead dust blowing about as the Dunes are in a windy area.

Thank you,

Mike Weaver
831-484-6659

.....

Begin forwarded message:

From: Michael Weaver <michaelrweaver@mac.com>
Date: September 25, 2014 7:48:44 PM PDT
To: "Michael@Coastal Watson" <Michael.Watson@coastal.ca.gov>
Subject: Re: Fort Ord Dunes State Park

Michael Watson.

Thank you for the response . Please put me on the notice list for all notices and information, including hearing dates, times:

Mike Weaver
52 Corral de Tierra
Salinas, CA 93908
email: michaelrweaver@mac.com
Phone: 831-484-6659

I do not know what the specific proposal now is because I haven't received it.
The Monterey office

of State Parks has not responded to my requests for information regarding what is the flagging?

Now there are posted Notices, Shouldn't posted Notices of Pending Permit include contact information?

Michael, please send me the proposal.

Thank you,

Mike Weaver

On Sep 25, 2014, at 7:27 PM, Watson, Michael@Coastal wrote:

Mike,

I have been working on several large projects that has kept me pretty busy, but can report that we have received an application from DPR for campground improvements at Fort Ord Dunes State Park. I haven't yet had a chance to review the application and thus, cannot provide any specific details other than it would involve both tent and RV campsites, restoration of sand dunes, public access and other related amenities. We will be reviewing the application for completeness in the coming weeks, and then begin to analyze the project for conformance with Coastal Act regulations. As I noted above, there are several big projects in the door ahead of the campground application and so it would likely be a few months before we can prepare a staff report recommendation and calendar the item for a hearing. If you would like to receive notice of any future hearing, please forward your current mailing address and I'll make sure that you are on the notice list. Also, if you would like to provide comment on the proposal now, please feel free to send written comments to my attention. Mike

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Thursday, September 25, 2014 3:57 PM
To: Watson, Michael@Coastal
Subject: Fwd: Fort Ord Dunes State Park

CA Coastal Commission
c/o Michael Watson
September 25, 2014

Hi Michael Watson,

There are currently Notices posted at Fort Ord Dunes State Park of Pending Permit

but no contact information or way to find out more. I have not heard from you and assumed maybe you were on a well deserved vacation.

Can you please contact me as soon as possible and let me know what the Coastal Commission knows of this Pending Permit, what it's all about, when are hearings? Where? What time?

Thank you,
Mike Weaver

831-484-6659

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From: Michael Weaver <michaelrweaver@mac.com>
Date: September 5, 2014 12:44:57 PM PDT
To: "Michael@Coastal Watson" <Michael.Watson@coastal.ca.gov>
Subject: re: Fort Ord Dunes State Park

Michael,

Any updates on this Park? I ask because the red flagging has come down and there seems to be quite a few State cars coming and going recently.

Mike Weaver

From: [Michael Weaver](#)
To: Watson.Michael@Coastal
Subject: Re: Fort Ord Dunes State Park proposed campground(s) CDP App# 3-14-1613
Date: Friday, February 24, 2017 10:18:53 AM

Hello Michael Watson,

Are there any California Coastal Commission updates on the lead and lead dust issues at Fort Dunes State Park?

Thank you,

Mike Weaver
831-484-6659

On Nov 24, 2014, at 9:11 AM, Watson, Michael@Coastal
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Still not filed. We asked for additional information and are awaiting their reply.

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52 Corral de Tierra
Salinas, CA 93908
email: michaelrweaver@mac.com
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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]

Sent: Thursday, September 25, 2014 3:57 PM

To: Watson, Michael@Coastal

Subject: Fwd: Fort Ord Dunes State Park

CA Coastal Commission
c/o Michael Watson
September 25, 2014

Hi Michael Watson,

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Can you please contact me as soon as possible and let me know what the Coastal Commission knows of this Pending Permit, what it's all about, when are hearings? Where? What time?

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Subject: re: Fort Ord Dunes State Park

Michael,

Any updates on this Park? I ask because the red flagging has come down and there seems to be quite a few State cars coming and going recently.

Mike Weaver

From: [Michael Weaver](#)
To: Watson.Michael@Coastal
Subject: Re: Fort Ord Dunes State Park proposed campground(s) CDP App# 3-14-1613
Date: Friday, February 24, 2017 4:31:34 PM

Hello Michael Watson,

You were included in my email of 2/25/14 regarding lead dust. Also I emailed you on 11/22/14 regarding lead dust issues at Fort Ord Dunes State Park. I asked to be put on the CCC notification list for all things associated with Fort Ord Dunes State Park.

Here is a link previously sent to the CCC, State Parks, and DTSC regarding lead and lead dust at the Fort Ord Dunes. This study/analysis was done by Graduate Students and Professor at the M.I.I.S.

Here's the link. Read lead concentrates.

http://docs.fortordcleanup.com/ar_pdfs/AR-SITE3-075A/SITE3-075A.pdf

Please advise.

Thank you,

Mike Weaver
831-484-6659

On Feb 24, 2017, at 2:21 PM, Watson, Michael@Coastal
<Michael.Watson@coastal.ca.gov> wrote:

Hello Michael,

I am not aware of any lead or lead dust issues at FODSP. The issue of site remediation was address by the Army during the conveyance of the property to the State. The Fort Ord Reuse Agency continues to monitor the condition of the former Fort Ord and may have some information on the subject. Mike

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Friday, February 24, 2017 10:19 AM
To: Watson, Michael@Coastal
Subject: Re: Fort Ord Dunes State Park proposed campground(s) CDP App# 3-14-1613

Hello Michael Watson,

Are there any California Coastal Commission updates on the lead and lead dust issues at Fort Dunes State Park?

Thank you,

Mike Weaver
831-484-6659

On Nov 24, 2014, at 9:11 AM, Watson, Michael@Coastal
<Michael.Watson@coastal.ca.gov> wrote:

Still not filed. We asked for additional information and are awaiting their reply.

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52 Corral de Tierra
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Phone: 831-484-6659

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Mike

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Sent: Thursday, September 25, 2014 3:57 PM
To: Watson, Michael@Coastal
Subject: Fwd: Fort Ord Dunes State Park

CA Coastal Commission
c/o Michael Watson
September 25, 2014

Hi Michael Watson,

There are currently Notices posted at Fort Ord Dunes State Park of Pending Permit but no contact information or way to find out more. I have not heard from you and assumed maybe you were on a well deserved vacation.

Can you please contact me as soon as possible and let me know what the Coastal Commission knows of this Pending Permit, what it's all about, when are hearings? Where? What time?

Thank you,
Mike Weaver

831-484-6659

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Date: September 5, 2014 12:44:57 PM PDT
To: "Michael@Coastal Watson" <Michael.Watson@coastal.ca.gov>
Subject: re: Fort Ord Dunes State Park

Michael,

Any updates on this Park? I ask because the red flagging has come down and there seems to be quite a few State cars coming and going recently.

Mike Weaver

From: [Michael Weaver](#)
To: [Baugh, Heather@CNRA](#)
Cc: [Davis, Don@CNRA](#); [CNRA Office of the Secretary](#); [erica.parker@asm.ca.gov](#); [kieran.kelly@asm.ca.gov](#); [Lynch, Tara@Parks](#); [Randolph, Liane@CNRA](#); [Walker, Ed@DTSC](#); [Racca, Roman@DTSC](#); [Watson, Michael@Coastal](#); [Viola Cooper](#)
Subject: Re: PRR - Fort Ord Dunes State Park, and previous MIIS Study
Date: Tuesday, February 25, 2014 9:20:53 AM
Attachments: [20140223_a9.dune.0224-1 GALLERY.jpg](#)

Good morning Ms. Baugh,

I was surprised to see the attached photo featured in yesterday's Monterey County Herald newspaper.

The issue of lead dust at Fort Ord Dunes State Park is very real. Visitors to the park are unaware of this lead issue. There seems to be little supervision. But even with additional supervision, visitors can and do go outside of selected areas. This is, and has been the FOCAG's concern. Also, again, here is the link to the MIIS Report. It is a part of the Fort Ord (BRAC) Administrative Record.

State Parks must have this MIIS report.

Mike Weaver
831-484-6659

Here is the link to the report I was talking about:

http://www.fortordcleanup.com/adminrec/ar_pdfs/AR-SITE3-075A/SITE3-075A.pdf



Anthony Salvia of Santa Cruz slides down a sand dune on a boogie board at Fort Ord Dunes State Park on Sunday. (DAVID ROYAL/The Herald)

On Jan 28, 2014, at 9:05 AM, Baugh, Heather@CNRA wrote:

Well, there we have it. Saved once again by an excellent team.

Best,

HB

Heather C. Baugh, Assistant General Counsel
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Telephone: 916-653-5656

Fax: 916-653-8123

Confidentiality Notice: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Davis, Don@CNRA

Sent: Tuesday, January 28, 2014 8:59 AM

To: Baugh, Heather@CNRA

Cc: Michael Weaver; CNRA Office of the Secretary; erica.parker@asm.ca.gov; Lynch, Tara@Parks; Randolph, Liane@CNRA

Subject: Re: PRR - Fort Ord Dunes State Park, and previous MIIS Study

Files on the CD are in PDF format and readable on PC or MAC with a PDF reader.

Don Davis

(916) 764-2928

On Jan 28, 2014, at 8:55 AM, "Baugh, Heather@CNRA"

<heather.baugh@resources.ca.gov> wrote:

Dear Mr. Weaver,

The CD was already prepared and I am not certain, but doubt given the state's technological capabilities, that it can be used with an iMAC, but have copied my IT support Don to verify this for you. That said, if it is not compatible, I am sure you can open it and use it at the local library or your local assembly member's office, print what you need, and call it a day.

Best,

HB

Heather C. Baugh, Assistant General Counsel

California Natural Resources Agency

1416 Ninth Street, Suite 1311

Sacramento, CA 95814

Telephone: 916-653-5656

Fax: 916-653-8123

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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Tuesday, January 28, 2014 7:25 AM
To: Baugh, Heather@CNRA
Cc: CNRA Office of the Secretary; erica.parker@asm.ca.gov; Lynch, Tara@Parks; Randolph, Liane@CNRA
Subject: Re: PRR - Fort Ord Dunes State Park, and previous MIIS Study

Thank you very much. Can you please ensure that the CD can be opened and viewed with an iMAC computer?

Mike Weaver
831-484-6659

On Jan 27, 2014, at 1:53 PM, Baugh, Heather@CNRA wrote:

Dear Mr. Weaver,

A CD is being mailed to your attention with the requested materials. Normally, a fee would be applied for this service, but given the confusion here, State Parks chief counsel Ms. Lynch has graciously agreed to waive it this once. If you require follow-up documentation or any additional materials that are not at your local district office, you will need to anticipate Parks' standard fee for printing and copying them, whether they are located there or not.

Sincerely,

HB

Heather C. Baugh, Assistant General Counsel
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
Telephone: 916-653-5656
Fax: 916-653-8123

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the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Wednesday, January 15, 2014 12:45 PM
To: Baugh, Heather@CNRA
Cc: CNRA Office of the Secretary; erica.parker@asm.ca.gov
Subject: Re: PRR - Fort Ord Dunes State Park, and previous MIIS Study

Dear Ms. Baugh,

It was nice talking to you this afternoon. Thank you for looking into my PRR request to the Monterey office of State Parks.

Attached please find the MIIS Report I referenced regarding the Fort Ord Dunes State Park. The parts regarding lead analysis are particularly troubling.

Please feel free to contact me at your earliest convenience.

Here is the link to the report I was talking about:

http://www.fortordcleanup.com/adminrec/ar_pdfs/AR-SITE3-075A/SITE3-075A.pdf

Mike Weaver
831-484-6659

From: [Michael Weaver](#)
To: Watson.Michael@Coastal
Subject: Re: Public Records Act Request - Fort Ord Dunes
Date: Monday, June 30, 2014 2:06:05 PM

Thanks Mike. It's been tough trying to get information about what is going on.

Mike Weaver

On Jun 30, 2014, at 11:37 AM, Watson, Michael@Coastal wrote:

Michael,

From what I understand, the red flagging was placed there to indicate the location and size of a proposed new park facility. We have not yet seen the plans for such a facility. Let me know if I can answer any other questions. Mike

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Friday, June 13, 2014 11:10 AM
To: Watson, Michael@Coastal
Subject: Fwd: Public Records Act Request - Fort Ord Dunes

Michael,

Re: Fort Ord Dunes State Park

There is still red flagging there, some of it falling down.
Does the CCC know what this flagging is for or what pending proposed project it represents?

Thank you,
Mike Weaver

Begin forwarded message:

From: Michael Weaver <michaelrweaver@mac.com>
Date: May 27, 2014 11:39:35 AM PDT
To: "Watson, Michael@Coastal" <Michael.Watson@coastal.ca.gov>

Subject: Re: Public Records Act Request - Fort Ord Dunes

Michael,

May 2014:

I am trying to find out what the red flagging on the Fort Ord Dunes Park represents and what it is about. Does the CCC know?

Thanks,

Mike Weaver
831-484-6659

On Nov 15, 2013, at 11:27 AM, Watson, Michael@Coastal wrote:

Oops. Jill is 649-2980

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]

Sent: Friday, November 15, 2013 11:19 AM

To: Watson, Michael@Coastal

Subject: Re: Public Records Act Request - Fort Ord Dunes

Thanks, Jill's number is Terry Palmasino's number at Fish & Wildlife. I left a message for Terry.

She may know how to contact Jill, or share an office and/or phone.

Steve Bachman is out of the office until December 16 and I was referred to the general phone number in the message.

I am also trying another avenue through Assembly Member Stones' office that's offering advice.

Mike Weaver

On Nov 15, 2013, at 11:03 AM, Watson, Michael@Coastal wrote:

Try Jill Poudrette 649-2890 or Steve Bachman 649-2862 and be sure to leave a

message

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]

Sent: Friday, November 15, 2013 9:23 AM

To: Watson, Michael@Coastal

Subject: Re: Public Records Act Request - Fort Ord Dunes

Mike:

I drove to the suggested Parks Garden Road office last Friday during business hours. The front door was locked.
A man inside saw me and came to the door to tell me the office was closed for the day.
He wasn't sure why, as he was there working. He asked why I'd come and I briefly told him I was seeking information on the Fort Ord Dunes State Park. He replied Parks was closed for the day and that Monday was a holiday. He provided me a phone number and suggested I call next week sometime to check their schedule.

I have called twice today. The phone rings 30 times with no message machine and no one answering.

I am sorry to have to report this but I'm glad I didn't drive over there again. It shouldn't have to be this hard to get information.

Mike Weaver
484-6659

On Nov 6, 2013, at 2:55 PM, Watson, Michael@Coastal wrote:

Mike

I would go directly to Parks' Garden Road office and make your request. The address is 2211 Garden Road in Monterey and they are open during normal M-F business hours.
Good luck

Mike

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Wednesday, November 06, 2013 10:39 AM
To: Watson, Michael@Coastal
Subject: Fwd: Public Records Act Request - Fort Ord Dunes

Good morning Mr. Watson.

I have had a PRR with State Parks regarding Fort Ord Dunes since April 30, 2013, seeking to view Parks Monterey Office records on this proposed project. I spoke briefly to you about this proposed campground project on the deadline day for comments to the environmental review.

Can you Coastal commission Office assist in my effort to view these records here in Monterey and possibly flag some of these records for copies?

Thank you,
Mike Weaver
831-484-6659

Begin forwarded message:

From: Michael Weaver <michaelrweaver@mac.com>
Date: October 31, 2013 9:55:40 AM PDT
To: "McDowell, Kelli@Parks" <Kelli.McDowell@parks.ca.gov>
Cc: "Carpenter, Joan@Parks" <Joan.Carpenter@parks.ca.gov>, "Tobias, Kathryn@Parks" <Kathryn.Tobias@parks.ca.gov>
Subject: Re: Public Records Act Request - Fort Ord Dunes

Ms. McDowell,

I contacted my Legislator's office about this PRR issue. The office is researching whom best to speak with at the Governor's offices regarding my request to be able to view the Monterey documents locally at the Monterey Parks Office. My request is reasonable and I've offered to pay the postage both ways if need be, from Sacramento

to Monterey.

I have been assured again this morning they are working on this, so I ask for a bit of patience on this until we get this resolved. I remain anxious to view the requested documents.

Thank you,
Mike Weaver
831-484-6659

On Oct 17, 2013, at 4:42 PM, McDowell, Kelli@Parks wrote:

On behalf of California State Parks, please see attached.

Sincerely,

*Kelli McDowell
Administrative Assistant
Department of Parks and Recreation
Legal Office
1416 9th Street, Room 1404-6
Sacramento, California 95814
Phone: (916) 651-8454
Fax: (916) 653-1819*

Please note my new email address: Kelli.McDowell@parks.ca.gov

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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]

Sent: Tuesday, October 15, 2013 10:32 AM

To: Tobias, Kathryn@Parks

Cc: McDowell, Kelli@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks

Subject: Re: Public Records Act Request - Fort Ord Dunes

Ms. Tobias,

Has the coordinator returned? Can you provide me his/her contact information?

Thanks,

Mike Weaver

On Oct 4, 2013, at 9:17 AM, Tobias, Kathryn@Parks wrote:

The records must be reviewed here. Or, if you want to skip review, they will be copied here and sent to you. The District does not have the capacity to copy records in the District Office for a PRA request.

As I mentioned below, the coordinator will be back on Oct. 14. She can probably answer the question about confidential records within that week.

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Sent: Thursday, October 03, 2013 4:57 PM
To: Tobias, Kathryn@Parks
Cc: McDowell, Kelli@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Ms. Tobias,

This is the first I've heard of this procedure. Previously I was told the PRAR request was large and that the State Parks Department was large, and there were likely documents in many places all over the State. I have repeatedly said the request was for records from the Monterey District office for the Fort Ord Dunes project. You indicated that there might be as many as 2,000. Now it is 883.

So now all the records have been shipped up to Sacramento?
As you say you have reviewed them, will they be shipped back to the District Office?

Can you provide me an estimate when, after October 14, I might know what records, how many records, are considered confidential and why?

Sincerely,

Mike Weaver

On Oct 1, 2013, at 11:24 AM, Tobias, Kathryn@Parks wrote:

No, that's the date the coordinator is back. It would be later that week.

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Sent: Tuesday, October 01, 2013 11:15 AM
To: Tobias, Kathryn@Parks
Cc: McDowell, Kelli@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Ms. Tobias,

From what I gather you are telling me, October 14 is the soonest State Parks can answer the question about any confidential records that may have been withheld and for what specific reasons?

Mike Weaver

On Oct 1, 2013, at 10:54 AM, Tobias, Kathryn@Parks wrote:

Yes, the records were shipped to Sacramento. As I said, that is our procedure. They have to be reviewed by Legal before they are released.

I assume the office in Monterey has a copy machine. But we are not going to ship the records back there. They need to be reviewed here.

The coordinator will be back on Oct. 14. She can probably answer the question about confidential records within that week.

From: Michael Weaver [<mailto:michaelweaver@mac.com>]
Sent: Tuesday, October 01, 2013 10:48 AM
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Cc: McDowell, Kelli@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Ms. Tobias,

Thank you for your response. However, my questions are not rhetorical.

Did you ship Monterey District records to Sacramento for review?

Does your Monterey District office have a copy machine?

When will your PRA coordinator return from vacation?

How long might I have to wait to get an answer as to whether any records are being withheld?
and for what specific reason(s).

Mike Weaver

On Oct 1, 2013, at 10:34 AM, Tobias, Kathryn@Parks wrote:

Mr. Weaver: I assume your questions are rhetorical, since my previous email explains our process and answers your first two questions. I do not know whether there were records withheld; our PRA coordinator is on vacation. I do know that she has advised you that there are a number of records here and that you may review them. We'll await your decision to review the records here or whether you wish to pay to have the records copied and sent to you.

Kathryn Tobias

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Tuesday, October 01, 2013 10:00 AM
To: Tobias, Kathryn@Parks
Cc: McDowell, Kelli@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Dear Ms. Tobias,

I'm trying to understand. You shipped the records from Monterey to Sacramento for your review?

Are you saying your Monterey office does not have a copy machine?

Are there any records you are not releasing?

Mike Weaver

On Oct 1, 2013, at 8:26 AM, Tobias, Kathryn@Parks wrote:

Mr. Weaver: in a public record request, our process is to gather the materials in Sacramento. The material has to be reviewed by the Legal Office prior to release. If you want to review the records prior to copying, you will need to review them here in Sacramento. We cannot ship them back to Monterey for review and then ship them back here for copying. If you want to review the records here, you may want to arrange to bring in a copy service who could copy the records while you review.

Kathryn J. Tobias
Senior Staff Counsel
California State Parks
1416 9th Street, P.O. Box 942896
Sacramento, CA 94296-0001
kathryn.tobias@parks.ca.gov (Preferred)
916-651-8772 Office
916-997-4335 Blackberry

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Monday, September 30, 2013 8:43 AM
To: McDowell, Kelli@Parks
Cc: Tobias, Kathryn@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Dear Ms. McDowell,

Thank you for your response.

My PRA specifically asked:

"I am seeking access to inspect, and possibly copy the records,"

Your offer to copy all, may be wasting paper for records I'd like to inspect but not necessarily have copies of all of them. The request was to inspect Monterey records at the Monterey office. I drive by it all the time on Garden Road.

Please advise,

Mike Weaver

On Sep 30, 2013, at 8:23 AM, McDowell, Kelli@Parks wrote:

Dear Mr. Weaver,

There are a total of 883 pages being copied for this PRA request. Please provide an address for these documents to be shipped to so we can calculate postage costs. Once we get the shipping address, I will send you a formal request for payment (document duplication cost + shipping cost).

Sincerely,

*Kelli McDowell
Administrative Assistant
Department of Parks and Recreation
Legal Office
1416 9th Street, Room 1404-6
Sacramento, California 95814
Phone: (916) 651-8454
Fax: (916) 653-1819*

Please note my new email address: Kelli.McDowell@parks.ca.gov

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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]

Sent: Friday, September 20, 2013 11:52 AM

To: McDowell, Kelli@Parks

Cc: Tobias, Kathryn@Parks; Carpenter, Joan@Parks

Subject: Re: Public Records Act Request - Fort Ord Dunes

Dear Ms. McDowell,

I would like to clarify, that on the phone call you are referring to, you did initially tell me you thought the PRAR request was too broad. You said you are a Statewide Department. I responded to your concern by telling you that the PRAR is addressed to the Monterey District Office of State Parks, not Statewide. Specifically the PRAR is addressed to the Monterey District Project Manager, of the specific project for which I am seeking records. That specific project is the Monterey Dunes State Park Project.

You told me that there are over 2,000 pages involved. You ended the call by telling me it was necessary for you to review these first.

The following did not come up in our phone call:

The campground has been in the General Plan and other documents since we acquired the property from the federal government.

Thank you for informing me of this.

In an effort to move forward. I would like to modify this PRAR to the Monterey District Office to include:

- 1) Records of "lead" in the State Parks area called the Fort Ord Dunes State Park. Records to include lead fragments, lead dust, air quality sampling, soil sampling, water sampling, for lead contamination.
- 2) Records, including letters and reports from students, citizens, and other outside groups regarding lead issues in the soil, sand, and air, of this property.

The time frame for this request to the Monterey District Office, is from the time State parks acquired this specific property from the Federal Government until April 30, 2013, which is the date of my initial PRAR to Ms. Joan Carpenter, of the Monterey District Office.

Additionally, I would like to view a copy of the General Plan that you have referred to. I expect that each District Office must have a copy of that on a handy shelf.

Please contact me as soon as possible as to when these Monterey District Office records will be available at the Monterey District Office for viewing and possibly my requesting copies of

some of them.

Thank you for your courtesy,

Mike Weaver
831-484-6659

On Sep 12, 2013, at 7:07 PM, McDowell, Kelli@Parks wrote:

Dear Mr. Weaver,

On the call, we had informed you that your request is too broad. We believe we do not have the type of documents that you are looking for. The campground has been in the General Plan and other documents since we acquired the property from the federal government. Unless you can be more specific regarding the documents you are looking for, giving explicit dates and names of the persons who may have these documents, we will be unable to fulfill your request.

If you still wish to discuss, please call me to set up a time for you, Kathryn and I to discuss.

Sincerely,

*Kelli McDowell
Administrative Assistant
Department of Parks and Recreation
Legal Office
1416 9th Street, Room 1404-6
Sacramento, California 95814
Phone: (916) 651-8454
Fax: (916) 653-1819*

Please note my new email address: Kelli.McDowell@parks.ca.gov

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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]

Sent: Tuesday, September 10, 2013 11:35 AM

To: McDowell, Kelli@Parks

Subject: Re: Public Records Act Request - Fort Ord Dunes

Hello Ms. McDowell,

Thank you for your email. You may recall I have previously spoken by phone to Ms. Tobias following a request by your office to please call you and her. During that call, Ms. Tobias asked about the scope of the PRAR. My response was the PRAR was to the Monterey Office of State Parks. It was sent to the Monterey District Project Manager, Joan Carpenter. The request was regarding the Fort Ord Dunes Campground Project. The time frame was from whenever the Monterey Office started on this, up to the date of my request, April 30, 2013.

Ms. Tobias told me that over 2,000 pages had been collected and asked it that wouldn't be a burden for me to go through and read?

I assured her that it wouldn't be a burden for me at all. I could go through and read and prioritize. I indicated I would make an appointment to do so.

I also said I may wish copies of some of it. I'd know after viewing it.

A chair and a countertop or desk in Monterey would suffice to read it.

Ms Tobias asked me the reason for my request.

I thought this to be an unusual question regarding a PRAR request. However, I told Ms. Tobias

that the history of lead particles and lead dust at the proposed site was an issue.

I then asked Ms. Tobias if she had read the previous letter I had sent to State Parks regarding

the Neg Dec. about Fort Ord Dunes State Park Campground? That letter was followed up

by the PRAR under discussion.

Ms Tobias seemed a bit vague about a letter sent. I further explained that the letter

was sent following a news article that appeared in the local Monterey County Herald newspaper

regarding this Fort Ord Dunes Campground proposed project.

I asked Ms. Tobias when I might be able to access the documents? She

responded she was still going

through the papers and would get back to me.

Ms. McDowell, I'm asking if you can please inform me by email specifically of what there is to discuss?

I do have several other commitments for my time out of my office.

Thank you very much,

Mike Weaver
831-484-6659

On Sep 8, 2013, at 2:00 PM, McDowell, Kelli@Parks wrote:

Hello Mr. Weaver,

On July 30, 2013, during the 9:00 hour, Senior Staff Counsel Kathryn Tobias and I placed a call to you to discuss this PRA request and received your voicemail, in which we left you a message to call us to discuss this PRA request. I just wanted to make you aware that this is the first that we've heard back from you since that time.

We would be happy to set up some time with you this week to discuss. Please let us know when you are available for a phone call on or after this Tuesday, September 10. Thanks.

*Kelli McDowell
Administrative Assistant
Department of Parks and Recreation
Legal Office
1416 9th Street, Room 1404-6
Sacramento, California 95814
Phone: (916) 651-8454
Fax: (916) 653-1819*

Please note my new email address: Kelli.McDowell@parks.ca.gov

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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Tuesday, September 03, 2013 7:28 AM
To: McDowell, Kelli@Parks
Subject: Fwd: Public Records Act Request

Ms. McDowell,

Can you please provide me an update on my PRAR to the Monterey District Office

Thank you,
Mike Weaver

Begin forwarded message:

From: "Carpenter, Joan@Parks" <Joan.Carpenter@parks.ca.gov>
Date: August 28, 2013 1:20:27 PM PDT
To: Michael Weaver <michaelrweaver@mac.com>
Subject: RE: Public Records Act Request

You should talk to the legal office. I believe they are responding to your request.

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Wednesday, August 28, 2013 12:22 PM
To: Carpenter, Joan@Parks
Cc: focagemail@yahoo.com
Subject: Fwd: Public Records Act Request

Ms. Carpenter,

Can you please provide me an update on My Public Records Act Request?
I am still waiting.

Thank you,
Mike Weaver

Begin forwarded message:

From: Michael Weaver <michaelweaver@mac.com>
Date: April 30, 2013 12:14:57 PM PDT
To: "Joan@Parks Carpenter" <joan.carpenter@parks.ca.gov>
Cc: focagemail@yahoo.com
Subject: Public Records Act Request

Monterey District Office
California State Parks
2211 Garden Road
Monterey, CA 93940
831-649-2836
c/o Joan Carpenter
PE, District Project Manager

April 30, 2013

Dear Ms. Carpenter,

I am seeking access to inspect, and possibly copy the records, including files, letters, correspondence, emails and phone records of the Monterey Office of State Parks for the following:

Fort Ord Dunes Campground Project

The request includes inter-departmental records, files, correspondence, emails and phone records. Records and files may also be under the name Monterey Dunes State Park Project, Monterey Dunes Campground, Former Fort Ord Coastal Camping, or variation on these names.

Please contact me as soon as possible regarding these records.

Thank you,

Mike Weaver
Co-Chair, Fort Ord Community Advisory Group (FOCAG)
831-484-6659

<13-061.Fort Ord Dunes.Weaver.101713-resp.pdf>

From: Watson.Michael@Coastal
To: ["Michael Weaver"](#)
Subject: RE: Public Records Act Request - Fort Ord Dunes1
Date: Monday, June 30, 2014 11:37:35 AM

Michael,

From what I understand, the red flagging was placed there to indicate the location and size of a proposed new park facility. We have not yet seen the plans for such a facility. Let me know if I can answer any other questions. Mike

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Michael Weaver [mailto:michaelrweaver@mac.com]
Sent: Friday, June 13, 2014 11:10 AM
To: Watson, Michael@Coastal
Subject: Fwd: Public Records Act Request - Fort Ord Dunes

Michael,

Re: Fort Ord Dunes State Park

There is still red flagging there, some of it falling down.
Does the CCC know what this flagging is for or what pending proposed project it represents?

Thank you,
Mike Weaver

Begin forwarded message:

From: Michael Weaver <michaelrweaver@mac.com>
Date: May 27, 2014 11:39:35 AM PDT
To: "Watson, Michael@Coastal" <Michael.Watson@coastal.ca.gov>
Subject: Re: Public Records Act Request - Fort Ord Dunes

Michael,

May 2014:

I am trying to find out what the red flagging on the Fort Ord Dunes Park represents and what it is about. Does the CCC know?

Thanks,

Mike Weaver

831-484-6659

On Nov 15, 2013, at 11:27 AM, Watson, Michael@Coastal wrote:

Oops. Jill is 649-2980

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Friday, November 15, 2013 11:19 AM
To: Watson, Michael@Coastal
Subject: Re: Public Records Act Request - Fort Ord Dunes

Thanks, Jill's number is Terry Palmasino's number at Fish & Wildlife. I left a message for Terry.

She may know how to contact Jill, or share an office and/or phone.

Steve Bachman is out of the office until December 16 and I was referred to the general phone number in the message.

I am also trying another avenue through Assembly Member Stones' office that's offering advice.

Mike Weaver

On Nov 15, 2013, at 11:03 AM, Watson, Michael@Coastal wrote:

Try Jill Poudrette 649-2890 or Steve Bachman 649-2862 and be sure to leave a message

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300 v. 831/ 427-4898
Santa Cruz, CA 95060 f. 831/ 427-4877
michael.watson@coastal.ca.gov

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Friday, November 15, 2013 9:23 AM
To: Watson, Michael@Coastal
Subject: Re: Public Records Act Request - Fort Ord Dunes

Mike:

I drove to the suggested Parks Garden Road office last Friday during business hours. The front door was locked.

A man inside saw me and came to the door to tell me the office was closed for the day. He wasn't sure why, as he was there working. He asked why I'd come and I briefly told him I was seeking information on the Fort Ord Dunes State Park. He replied Parks was closed for the day and that Monday was a holiday. He provided me a phone number and suggested I call next week sometime to check their schedule.

I have called twice today. The phone rings 30 times with no message machine and no one answering.

I am sorry to have to report this but I'm glad I didn't drive over there again. It shouldn't have to be this hard to get information.

Mike Weaver
484-6659

On Nov 6, 2013, at 2:55 PM, Watson, Michael@Coastal wrote:

Mike

I would go directly to Parks' Garden Road office and make your request. The address is 2211 Garden Road in Monterey and they are open during normal M-F business hours. Good luck

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California Coastal Commission
Central Coast Office
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I have been assured again this morning they are working on this, so I ask for a bit of patience on this until we get this resolved. I remain anxious to view the requested documents.

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Department of Parks and Recreation
Legal Office
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Sacramento, California 95814
Phone: (916) 651-8454
Fax: (916) 653-1819*

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Mike Weaver

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Cc: McDowell, Kelli@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

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Mike Weaver

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Sent: Tuesday, October 01, 2013 10:48 AM
To: Tobias, Kathryn@Parks
Cc: McDowell, Kelli@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

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Mr. Weaver: I assume your questions are rhetorical, since my previous email explains our process and answers your first two questions. I do not know whether there were records withheld; our PRA coordinator is on vacation. I do know that she has advised you that there are a number of records here and that you may review them. We'll await your decision to review the records here or whether you wish to pay to have the records copied and sent to you.

Kathryn Tobias

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Tuesday, October 01, 2013 10:00 AM
To: Tobias, Kathryn@Parks
Cc: McDowell, Kelli@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Dear Ms. Tobias,

I'm trying to understand. You shipped the records from Monterey to Sacramento for your review?

Are you saying your Monterey office does not have a copy machine?

Are there any records you are not releasing?

Mike Weaver

On Oct 1, 2013, at 8:26 AM, Tobias, Kathryn@Parks wrote:

Mr. Weaver: in a public record request, our process is to gather the materials in Sacramento. The material has to be reviewed by the Legal Office prior to release. If you want to review the records prior to copying, you will need to review them here in Sacramento. We cannot ship them back to Monterey for review and then ship them back here for copying. If you want to review the records here, you may want to arrange to bring in a copy service who could copy the records while you review.

Kathryn J. Tobias

Senior Staff Counsel
California State Parks
1416 9th Street, P.O. Box 942896
Sacramento, CA 94296-0001
kathryn.tobias@parks.ca.gov (Preferred)
916-651-8772 Office
916-997-4335 Blackberry

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Monday, September 30, 2013 8:43 AM
To: McDowell, Kelli@Parks
Cc: Tobias, Kathryn@Parks; Carpenter, Joan@Parks; Leeper, Natalia@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Dear Ms. McDowell,

Thank you for your response.

My PRA specifically asked:

"I am seeking access to inspect, and possibly copy the records,"

Your offer to copy all, may be wasting paper for records I'd like to inspect but not necessarily have copies of all of them. The request was to inspect Monterey records at the Monterey office. I drive by it all the time on Garden Road.

Please advise,

Mike Weaver

On Sep 30, 2013, at 8:23 AM, McDowell, Kelli@Parks wrote:

Dear Mr. Weaver,

There are a total of 883 pages being copied for this PRA request. Please provide an address for these documents to be shipped to so we can calculate postage costs. Once we get the shipping address, I will send you a formal request for payment (document duplication cost + shipping cost).

Sincerely,

*Kelli McDowell
Administrative Assistant
Department of Parks and Recreation
Legal Office
1416 9th Street, Room 1404-6
Sacramento, California 95814
Phone: (916) 651-8454
Fax: (916) 653-1819*

Please note my new email address: Kelli.McDowell@parks.ca.gov

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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Friday, September 20, 2013 11:52 AM
To: McDowell, Kelli@Parks
Cc: Tobias, Kathryn@Parks; Carpenter, Joan@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Dear Ms. McDowell,

I would like to clarify, that on the phone call you are referring to, you did initially tell me you thought the PRAR request was too broad. You said you are a Statewide Department.

I responded to your concern by telling you that the PRAR is addressed to the Monterey District Office of State Parks, not Statewide. Specifically the PRAR is addressed to the Monterey District Project Manager, of the specific project for which I am seeking records.

That specific project is the Monterey Dunes State Park Project.

You told me that there are over 2,000 pages involved. You ended the call by telling me it was necessary for you to review these first.

The following did not come up in our phone call:

The campground has been in the General Plan and other documents since we acquired the property from the federal government.

Thank you for informing me of this.

In an effort to move forward. I would like to modify this PRAR to the Monterey District Office to include:

- 1) Records of "lead" in the State Parks area called the Fort Ord Dunes State Park. Records to include lead fragments, lead dust, air quality sampling, soil sampling, water sampling, for lead contamination.
- 2) Records, including letters and reports from students, citizens, and other outside groups regarding lead issues in the soil, sand, and air, of this property.

The time frame for this request to the Monterey District Office, is from the time State parks acquired this specific property from the Federal Government until April 30, 2013, which is the date of my initial PRAR to Ms. Joan Carpenter, of the Monterey District Office.

Additionally, I would like to view a copy of the General Plan that you have referred to. I expect that each District Office must have a copy of that on a handy shelf.

Please contact me as soon as possible as to when these Monterey District Office records will be available at the Monterey District Office for viewing and possibly my requesting copies of some of them.

Thank you for your courtesy,

Mike Weaver
831-484-6659

On Sep 12, 2013, at 7:07 PM, McDowell, Kelli@Parks wrote:

Dear Mr. Weaver,

On the call, we had informed you that your request is too broad. We believe we do not have the type of documents that you are looking for. The campground has been in the General Plan and other documents since we acquired the property from the federal government. Unless you can be more specific regarding the documents you are looking for, giving explicit dates and names of the persons who may have these documents, we will be unable to fulfill your request.

If you still wish to discuss, please call me to set up a time for you, Kathryn and I to discuss.

Sincerely,

*Kelli McDowell
Administrative Assistant
Department of Parks and Recreation
Legal Office
1416 9th Street, Room 1404-6
Sacramento, California 95814
Phone: (916) 651-8454
Fax: (916) 653-1819*

Please note my new email address: Kelli.McDowell@parks.ca.gov

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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Tuesday, September 10, 2013 11:35 AM
To: McDowell, Kelli@Parks
Subject: Re: Public Records Act Request - Fort Ord Dunes

Hello Ms. McDowell,

Thank you for your email. You may recall I have previously spoken by phone to Ms. Tobias following a request by your office to please call you and her. During that call, Ms. Tobias asked about the scope of the PRAR. My response was the PRAR was to the Monterey Office of State Parks. It was sent to the Monterey District Project Manager, Joan Carpenter. The request was regarding the Fort Ord Dunes Campground Project. The time frame was from whenever the Monterey Office started on this, up to the date of my request, April 30, 2013.

Ms. Tobias told me that over 2,000 pages had been collected and asked if that wouldn't be a burden for me to go through and read? I assured her that it wouldn't be a burden for me at all. I could go through and read and prioritize. I indicated I would make an appointment to do so. I also said I may wish copies of some of it. I'd know after viewing it. A chair and a countertop or desk in Monterey would suffice to read it.

Ms. Tobias asked me the reason for my request. I thought this to be an unusual question regarding a PRAR request. However, I told Ms. Tobias that the history of lead particles and lead dust at the proposed site was an issue. I then asked Ms. Tobias if she had read the previous letter I had sent to State Parks regarding the Neg Dec. about Fort Ord Dunes State Park Campground? That letter was followed up

by the PRAR under discussion.

Ms Tobias seemed a bit vague about a letter sent. I further explained that the letter was sent following a news article that appeared in the local Monterey County Herald newspaper regarding this Fort Ord Dunes Campground proposed project.

I asked Ms. Tobias when I might be able to access the documents? She responded she was still going through the papers and would get back to me.

Ms. McDowell, I'm asking if you can please inform me by email specifically of what there is to discuss?

I do have several other commitments for my time out of my office.

Thank you very much,

Mike Weaver
831-484-6659

On Sep 8, 2013, at 2:00 PM, McDowell, Kelli@Parks wrote:

Hello Mr. Weaver,

On July 30, 2013, during the 9:00 hour, Senior Staff Counsel Kathryn Tobias and I placed a call to you to discuss this PRA request and received your voicemail, in which we left you a message to call us to discuss this PRA request. I just wanted to make you aware that this is the first that we've heard back from you since that time.

We would be happy to set up some time with you this week to discuss. Please let us know when you are available for a phone call on or after this Tuesday, September 10. Thanks.

Kelli McDowell
Administrative Assistant
Department of Parks and Recreation
Legal Office
1416 9th Street, Room 1404-6
Sacramento, California 95814
Phone: (916) 651-8454
Fax: (916) 653-1819

Please note my new email address: Kelli.McDowell@parks.ca.gov

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From: Michael Weaver [<mailto:michaelrweaver@mac.com>]
Sent: Tuesday, September 03, 2013 7:28 AM
To: McDowell, Kelli@Parks
Subject: Fwd: Public Records Act Request

Ms. McDowell,

Can you please provide me an update on my PRAR to the Monterey District Office

Thank you,
Mike Weaver

Begin forwarded message:

From: "Carpenter, Joan@Parks" <Joan.Carpenter@parks.ca.gov>
Date: August 28, 2013 1:20:27 PM PDT
To: Michael Weaver <michaelrweaver@mac.com>
Subject: RE: Public Records Act Request

You should talk to the legal office. I believe they are responding to your request.

From: Michael Weaver [<mailto:michaelrweaver@mac.com>]

Sent: Wednesday, August 28, 2013 12:22 PM
To: Carpenter, Joan@Parks
Cc: focagemail@yahoo.com
Subject: Fwd: Public Records Act Request

Ms. Carpenter,

Can you please provide me an update on My Public Records Act Request?
I am still waiting.

Thank you,

Mike Weaver

Begin forwarded message:

From: Michael Weaver <michaelweaver@mac.com>
Date: April 30, 2013 12:14:57 PM PDT
To: "Joan@Parks Carpenter" <joan.carpenter@parks.ca.gov>
Cc: focagemail@yahoo.com
Subject: Public Records Act Request

Monterey District Office
California State Parks
2211 Garden Road
Monterey, CA 93940
831-649-2836
c/o Joan Carpenter
PE, District Project Manager

April 30, 2013

Dear Ms. Carpenter,

I am seeking access to inspect, and possibly copy the records, including files, letters, correspondence, emails and phone records of the Monterey Office of State Parks for the following:

Fort Ord Dunes Campground Project

The request includes inter-departmental records, files, correspondence, emails and phone records. Records and files may also be under the name Monterey Dunes State Park Project, Monterey Dunes Campground, Former Fort Ord Coastal Camping, or variation on these names.

Please contact me as soon as possible regarding these records.

Thank you,

Mike Weaver
Co-Chair, Fort Ord Community Advisory Group (FOCAG)
831-484-6659

<13-061.Fort Ord Dunes.Weaver.101713-resp.pdf>