



UNITED STATES MARINE CORPS
MARINE CORPS BASE
BOX 555010
CAMP PENDLETON, CALIFORNIA 92055-5010

IN REPLY REFER TO:
5700
CPLO

22 NOV 1996

From: Commanding General, Marine Corps Base, Camp Pendleton
To: Commander, Southwest Division, Naval Facilities Engineering Command

Subj: REQUEST FOR REAL ESTATE TRANSFER ACTION IN SUPPORT OF THE
FOOTHILL TRANSPORTATION CORRIDOR

Encl: (1) Map depicting CP and BX Alignments of the Foothill Transportation Corridor

1. We request that NAVFAC prepare the documentation needed to transfer appropriate Camp Pendleton real estate interests in support of the Foothill Transportation Corridor (FTC). The FTC is a future Orange County toll road, proposed for construction in the year 2000, and being planned to accommodate traffic growth in the southern portion of the County. As our Department of the Navy real estate agent, we request that you actively involve those members of my staff who are familiar with the history and background of this project in your real estate planning activity.
2. The Foothill/Eastern Transportation Corridor Agency (TCA), a joint powers authority, is conducting a CEQA/NEPA study of two alignment alternatives for the FTC. One of these two alignments is the CP Alignment. Should the CP Alignment ultimately be selected for construction, its southernmost five miles would traverse Camp Pendleton as illustrated in enclosure (1).
3. The CEQA/NEPA study for the FTC project was initiated in August 1995, with a final EIS and Record of Decision (ROD) scheduled for completion/signature in September 1999. Since one of the proposed FTC alignments is through Camp Pendleton, the Marine Corps has been involved in the environmental planning process from the beginning. The Marine Corps has agreed to the construction and operation of the FTC on Camp Pendleton under the following conditions:
 - a. that only a route which closely adheres to Camp Pendleton's northern boundary would be considered as a potential alignment alternative on the Base;
 - b. that the FTC must not become a major intrusion on Camp Pendleton's operational flexibility;
 - c. that TCA must conduct a fair, unbiased NEPA evaluation of all potential alignment alternatives, including a least one off-base alternative;
 - d. that the CP Alignment must be certified as the environmentally superior alignment in the NEPA documentation;
 - e. that the TCA would provide fair market value compensation to the Marine Corps for any transfer of a real property interest or severance damages that may be created by this project;
 - f. that TCA will compensate the Marine Corps for negative impacts to operational and mission performance capabilities; and

5.200.2.3

g. that TCA will satisfy any environmental mitigation requirements resulting from impacts of the FTC project at no expense to the Marine Corps, and with no new dedication of Camp Pendleton property for environmental mitigation purposes or in support of existing leasehold interests.

4. In the event the TCA satisfies these conditions, a real estate transfer will be necessary. We request that any compensation from a real estate transfer to TCA be used to directly support the mission of Marine Corps Base, Camp Pendleton.¹ We understand this and other requirements may require special congressional action. As you pursue special legislation, we request that you coordinate closely with my staff and with Headquarters Marine Corps. The likely requirement for special legislation means you must complete much of your real estate transfer preparation actions by summer 1997 in order to seek congressional approval in 1998.

5. Any real estate transfer to TCA must be consistent with the Marine Corps-established FTC position as described in paragraph 3 above. Additionally, there are specific issues which we believe warrant special attention in any DON real estate transfer to the TCA in support of the FTC project. We request that the preparation of and transfer of Camp Pendleton lands in support of the FTC address these issues.

a. Although a real estate interest may initially be granted to the TCA, once the FTC has been constructed and is opened for public use, the TCA will transfer ownership of the FTC to the State of California Department of Transportation (Caltrans). Caltrans will then assume "Grantee" status of the real estate interest. Therefore, it is requested that NAVFAC appropriately involve Caltrans in the real estate transfer planning process. In particular, you should require that Caltrans review and agree to the terms and conditions of the DON real estate interest and any associated land management obligations prior to granting of the real estate interest to TCA.

b. You should incorporate appropriate language into the real estate transfer document which provides for Camp Pendleton's retention and continued utilization of the special use airspace (Restricted Areas and Military Operations Areas) which currently overly that portion of the Base through which the FTC's CP Alignment is proposed to be located. The Marine Corps does not want to diminish nor impair in any manner its present mission capability to conduct low altitude flight operations within this portion of the Base. An agreement to site the FTC in this area of Camp Pendleton must be granted with both the TCA's and Caltrans' acknowledgment that these special use airspace activities will continue to exist. It is suggested that the height of any real estate interest be limited to no more than fifty (50) feet AGL. This ceiling limitation should prevent any future construction of antenna or communication facilities within the real estate interest without the express written consent of the Marine Corps. Such facilities could become potential aviation safety hazards by posing obstructions to military low level aircraft flight operations.

c. Appropriate language should be inserted within the real estate transfer document which assigns environmental compliance liability and management responsibility for all federal, state, and local regulations to TCA/Caltrans. Additionally, the real estate transfer must ensure that TCA/Caltrans remain accountable for future environmental and land use management requirements as may arise through the Department of Defense and/or interagency planning and regulatory activities. As the underlying

¹ A precedent for this type of arrangement was executed for NAS Miramar. In this case, a DON easement was granted to Caltrans on NAS Miramar for construction of California State Road SR-22. Full value of the compensation received for this Grant of Easement was authorized, through congressional legislation, to be used for the Navy's purchase of family housing sites in the San Diego area.

landowner, the Marine Corps insists that the operation and maintenance of the FTC be consistent with Camp Pendleton's environmental and land use management requirements and practices.

d. You should draft appropriate real estate transfer language which assures that TCA/Caltrans will actively and constructively participate with the Marine Corps in the effective management of the various competing land uses which exist in the northern portion of Camp Pendleton. TCA/Caltrans should be required to participate in Marine Corps multiple land use planning activities involving the California Department of Parks and Recreation, Native American groups, agricultural users, and others.

e. Appropriate language should be incorporated into the real estate transfer document which provides for the protection and specified use of those severed Camp Pendleton lands which will be located to the north of the FTC's CP Alignment. We expect the mission requirement and use of the severed lands will be determined as part of our consultation with the United States Fish and Wildlife Service.

f. You should include appropriate language within the real estate transfer document which reserves the Marine Corps' right to establish future utility easements and/or rights-of-way over, under, or across the FTC easement at no cost to the federal government.

6. We request that you complete all necessary actions required for a special legislation package to be submitted no later than mid-summer 1997. It is my desire to forward such a package to DON (NavCompt) via the Marine Corps/Navy chain of command in sufficient time to include it in the FY-99 budget requirement.

7. My POC for any further information regarding this issue is Mr. Larry Rannals in the Community Planning & Liaison Office (DSN 365-6513) or Colonel Lyn Creswell in the Western Area Counsel Office (DSN 365-5610).


C. W. REINKE

Copy to:
CMC (LFL/CL)