



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132 - 5190

5090
Ser 06CC.MA/0716
April 25, 2003

Mr. Daniel Jung
Director of Strategic Programs
City of Irvine
One Civic Center Plaza
Post Office Box 19575
Irvine, CA 92623-9575

Dear Mr. Jung:

There have been many inquiries recently regarding Navy's environmental remediation activities and our public sale of the former Marine Corps Air Station El Toro. Unfortunately, both the Navy's clean-up efforts and the nature of contamination at the El Toro base are often inaccurately characterized.

As you know, our public sale plan includes a combination of title transfers and Leases in Furtherance of Conveyance. Initially, title will transfer for that portion of the public sale property that has been determined to be suitable for transfer by a DOD Finding of Suitability to Transfer (FOST) (approximately 70 percent).

However, environmental remediation projects remain in progress on the remainder of the base. These portions of the public sale property will be covered via a Lease in Furtherance of Conveyance (LIFOC), under which the Navy will lease these portions of the property to the buyer for its occupancy and use, while Navy continues to be responsible for managing all existing environmental matters. As remediation activities for these portions of the property are completed, the Navy will prepare subsequent FOSTs and then fee title will pass to the buyer.

I want to take this opportunity to assure you of the Navy's commitment to complete all necessary remedial actions before title to the property is transferred from Federal ownership. As you may know, even after the title is transferred, the federal government is required to conduct further remediation, if additional contamination caused by Navy actions is discovered or if a remedy fails to perform adequately. Federal law also provides that DOD may be required to indemnify the new owners or certain other parties for liabilities arising from claims for personal injury or property damage resulting from the release or threatened release of any hazardous substances, pollutants or contaminants attributable to DoD activities on military installations.

The Department of the Navy looks forward to working with the City of Irvine with regard to the remediation activities at El Toro through its active participation in the Restoration Advisory Board (RAB).

Sincerely,

A handwritten signature in cursive script, reading "Kimberly Kesler", is written over a horizontal line.

KIMBERLY KESLER
Director, Base Realignment
and Closure Department
By direction of the Commander