

**Land Use Control Implementation Plan
Former Choccolocco Corridor Ranges**

**Fort McClellan
Calhoun County, Alabama**

Prepared for:

**U.S. Army Corps of Engineers, Mobile District
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Mobile, Alabama 36602**

Prepared By:

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**Contract No. W912DY-10-D-0023
Task Order CK01**

June 2019

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Table of Contents

	<i>Page</i>
List of Figures	i
List of Acronyms	ii
1.0 Introduction	1
2.0 Site Description and History	2
2.1 Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q	3
2.2 Former Range 41, Parcel 95Q, and Impact Area, Parcel 131Q-X	3
2.3 Former Range 42, Parcel 96Q; Range, Parcel 145Q-X; and Impact Area, Parcel 148Q-X	4
2.4 Former Range 43, Parcel 97Q; Range, Parcel 144Q-X; and Impact Area, Parcel 147Q-X	4
2.5 Previous Investigations and Response Actions	5
3.0 Land Use Control Objectives	6
4.0 Description of Land Use Controls	7
4.1 Land Use Restrictions	7
4.2 Land Use Control Mechanisms	7
5.0 Monitoring, Maintaining, and Enforcing Land Use Controls	8
6.0 Reducing or Removing Land Use Controls	8
7.0 Points of Contact	8
8.0 Administrative Record	9
9.0 References	9

Appendix A – Environmental Covenant

List of Figures

<i>Figure</i>	<i>Title</i>
1	Site Location Map
2	Site Map
3	Areal Extent of Soil Excavations

List of Acronyms

ADEM	Alabama Department of Environmental Management
ASR	Archives Search Report
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
COC	chemical of concern
EBS	Environmental Baseline Study
ESE	Environmental Science and Engineering, Inc.
FFS	focused feasibility study
FTMC	Fort McClellan
LUC	land use control
LUCIP	land use control implementation plan
MEC	munitions and explosives of concern
mm	millimeter
mg/kg	milligram(s) per kilogram
RI	remedial investigation
ROD	Record of Decision
Shaw	Shaw Environmental, Inc.
SI	site investigation
USACE	U.S. Army Corps of Engineers
XRF	X-ray fluorescence

1.0 Introduction

The Army completed an environmental response action at the former Fort McClellan under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA 42 U.S.C. 9601 et. seq.). Land Use Controls (LUC) were a component of the selected remedy. This Land Use Control Implementation Plan (LUCIP) applies to the Former Choccolocco Corridor Ranges located within the Choccolocco Corridor, which was leased by the U.S. government from the State of Alabama from 1941 until 1998. The Choccolocco Corridor lease was terminated in May 1998. Today the former ranges are part of the *Choccolocco Wildlife Management Area* managed by the Alabama Forestry Commission in cooperation with the Alabama Department of Conservation and Natural Resources, the U.S. Forest Service, and the U.S. Fish and Wildlife Service. The general public uses the wildlife management area for hunting, fishing, hiking, mountain biking, and other recreational activities.

A Record of Decision (ROD) for the Former Choccolocco Corridor Ranges was finalized in April 2014 (Shaw, 2014). The final ROD was signed by the Army on April 22, 2014. The ROD summarizes the results of a site investigation (SI), remedial investigation (RI), focused feasibility study (FFS), and proposed plan for the Choccolocco Corridor Ranges and documents the Selected Remedy to address soil contamination at the ranges. Soil/sediment at the Choccolocco Corridor Ranges is contaminated with chemicals of concern (COC), primarily lead, at concentrations exceeding cleanup levels established for the Former Choccolocco Corridor Ranges. The ROD addressed the major components of the Selected Remedy [Alternative 3b from the FFS (Shaw, 2013a)] which include the following:

- **Excavation of Soil/Sediment.** The Selected Remedy involves the excavation of soil and sediment from areas where the concentrations of lead and the other COCs (antimony, copper, and zinc) exceed the cleanup levels selected for protection of industrial/recreational site users and ecological receptors.
- **On-Site stabilization.** The excavated soil/sediment will be treated onsite using a reagent-based stabilization technology, referred to as stabilization.
- **Off-site disposal.** The treated soil/sediment would be considered nonhazardous special waste rather than a hazardous waste for disposal purposes. Therefore, the stabilized material would be disposed of off-site as nonhazardous special waste at a permitted Subtitle D disposal facility.
- **Land use controls.** Because the Selected Remedy will not achieve cleanup to a concentration that would allow unrestricted reuse, land use controls (LUC) that prohibit unrestricted use would be required for portions of the site where lead concentrations continue to exist in soil above unrestricted cleanup levels.

No remedy selection was determined to be warranted for any other media (i.e., groundwater, surface water) at the Former Choccolocco Corridor Ranges. The Selected Remedy was implemented in 2016 through 2017 as detailed in Section 2.5 below.

The cleanup was based on protection of ecological receptors and industrial/recreational site users, consistent with the current and expected future land use of the property. Because the remedial action did not achieve cleanup to unrestricted (residential) use standards, the final ROD specified that the Army would implement LUCs to prohibit unrestricted use of the site and conduct five-year reviews to ensure that the remedy is protective of human health and the environment. Sediment cleanup levels are not applicable to the ephemeral drainage features. Rather, human health or ecological cleanup levels for soil will be applied to the ephemeral site drainage features. This document specifies the LUC objectives; describes the actual LUCs; provides the LUC monitoring, maintenance, and enforcement requirements; and identifies the conditions under which the LUCs may be reduced or removed at the Former Choccolocco Corridor Ranges.

2.0 Site Description and History

The former FTMC is located in the foothills of the Appalachian Mountains of northeastern Alabama near the cities of Anniston and Weaver in Calhoun County. FTMC consisted of three main areas: Main Post, Pelham Range, and Choccolocco Corridor, a 4,488-acre tract of land that was leased from the State of Alabama until May 1998. The Main Post, which occupied 18,929 acres, is bounded on the east by the Choccolocco Corridor, which previously connected the Main Post with the Talladega National Forest. Pelham Range, which occupies 22,245 acres, is located approximately 5 miles due west of the former Main Post and adjoins the Anniston Army Depot to the south.

The Former Choccolocco Corridor Ranges are located east of the Choccolocco Mountains along the eastern flank of Mokeley Hill near the eastern boundary of the FTMC Main Post (Figure 1). Collectively, the ranges encompass approximately 212 acres and consist of ten parcels grouped in four adjacent areas (Figure 2) and include the following:

- Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q
- Former Range 41, Parcel 95Q, and Impact Area, Parcel 131Q-X
- Former Range 42, Parcel 96Q; Range, Choccolocco Corridor, Parcel 145Q-X; and Impact Area, Choccolocco Corridor, Parcel 148Q-X
- Former Range 43, Parcel 97Q; Range, Choccolocco Corridor, Parcel 144Q-X; and Impact Area, Choccolocco Corridor, Parcel 147Q-X.

Each of the ranges and associated parcels are described further below. Conditions represent those prior to the site investigations and remedial investigations performed.

2.1 Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q

Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q are two ranges that partially overlap and occupy a total area of approximately 125 acres. These ranges comprise the southernmost parcels that form the Choccolocco Corridor Ranges.

Former Range 40 was used as a small-arms range, according to the Environmental Baseline Study (EBS) (Environmental Science and Engineering, Inc. [ESE], 1998). The EBS estimated that parcel 94Q is approximately 25 acres in size. Former FTMC personnel indicated during interviews that Former Range 40 was used for small-arms training during World War II, the Korean War, and the Vietnam War. Evidence of smoke training was also observed in the vicinity of this range (ESE, 1998).

Parcel 146Q is approximately 102 acres in size. The parcel is also presumed to be a small-arms range. A review of historical aerial photographs indicates that this range was active in 1949, 1954, and 1972 (ESE, 1998).

2.2 Former Range 41, Parcel 95Q, and Impact Area, Parcel 131Q-X

Former Range 41, Parcel 95Q, and Impact Area, Parcel 131Q-X occupy a total area of approximately 12 acres (Parcel 95Q occupies about 8 acres and Parcel 131Q-X occupies approximately 4.4 acres). These ranges are located near the central portion of the Choccolocco Corridor Ranges.

Former Range 41 appeared on 1966 and 1971 historical maps, which coincide with reports from long-time FTMC personnel who indicated that this range was a small-arms range during the Vietnam War era (ESE, 1998). The Archives Search Report (ASR) indicated that Former Range 41 was listed as a Battle Drill & Assault Range and probably did not include live fire. The range was abandoned by 1974. Expended M-16 rifle blanks, smoke grenades, and 40-millimeter (mm) Target Practice grenade cases were found on this range (U.S. Army Corps of Engineers [USACE], 2001). Former Range 41 contains a large berm, presumed to have served as a backstop, positioned along the southwestern and western parcel boundaries. The berm ranges in height from approximately 10 to 30 feet.

Impact Area, Parcel 131 Q-X, a former impact area within Former Range 40, contains an observation tower and a 3-foot-high berm adjacent and parallel to a 4-foot-deep ditch. A remnant of a small building with electrical power is located to the southeast of the parcel. It is possible that pop-up targets were controlled from this location.

2.3 Former Range 42, Parcel 96Q; Range, Parcel 145Q-X; and Impact Area, Parcel 148Q-X

Former Range 42, Parcel 96Q; Range, Parcel 145Q-X; and Impact Area, Parcel 148Q-X are three overlapping ranges that occupy a total area of approximately 49 acres. These ranges are located near the northern portion of the Choccolocco Corridor Ranges.

The ASR states that Former Range 42 was built during the Vietnam War era and was known as the Squad Defense Range (USACE, 2001). However, some FTMC personnel recalled that the area was also used during World War II and the Korean War. According to the ASR, the approximately 24-acre range was abandoned by 1974. An old building with electrical power was identified near the northern boundary of Parcel 96Q. Firing positions/firing lines were also identified. The main firing line was built up approximately 10 feet higher than the surrounding area and remnants of shooting boxes built behind a bermed area were also noted. Small-arms munitions debris (such as projectiles and casings) was not identified in the Parcel 96Q area.

Range, Choccolocco Corridor, Parcel 145Q-X, is an approximate 44-acre parcel where larger caliber weapons were presumably fired (cratered impact areas were identified within the range areas). A review of historical aerial photographs indicates that Parcel 145Q-X was active in 1949, 1954, and 1972 (ESE, 1998). Some expended flares and empty drums and cylinders were found next to a surface depression located in the eastern portion of Parcel 145Q-X. A trench and area of shallow depressions were also found in this area.

The EBS described Parcel 148Q-X as an impact area that occupies about 6 acres entirely within the boundaries of Parcels 96Q and 145Q-X. Several target bunkers used for pop-up targets are located in the central portion of the range. Electrical system remnants and old target structures are also present.

2.4 Former Range 43, Parcel 97Q; Range, Parcel 144Q-X; and Impact Area, Parcel 147Q-X

Former Range 43, Parcel 97Q; Range, Parcel 144Q-X; and Impact Area, Parcel 147Q-X are three partially overlapping ranges that occupy a total of approximately 26.5 acres. These ranges comprise the northernmost parcels that form the Choccolocco Corridor Ranges.

Former Range 43, Parcel 97Q, is identified as a former small-arms range that encompasses approximately 8 acres. Interviews with long-time FTMC personnel indicated that the range was used for small-arms training during World War II, the Korean War, and the Vietnam War. The direction of fire was to the southwest. Evidence of smoke training has also been observed in the vicinity of this former range (ESE, 1998). Numerous 5.56-mm rifle blank casings have been identified in the central portion of the Parcel 97Q area of investigation.

Range, Choccolocco Corridor, Parcel 144Q-X, is approximately 19 acres in size. The presence of cratered impact areas within the range suggests that larger caliber weapons were fired at this range. A review of historical aerial photographs indicates that this range was active in 1949, 1954, and 1972 (ESE, 1998).

Parcel 147Q-X is identified as a former impact area approximately 3 acres in size. It is not known which range is associated with this impact area. This parcel is located almost entirely within the boundaries of Parcel 144Q-X. Surface depressions that may have functioned as foxholes used as firing positions are located in the northeastern portion of Parcel 147Q-X. The depressions contained an ammunition box, an expended 40-mm flare, and an expended pop flare. An observation tower is located near the northwestern edge of the parcel.

Following the EBS and ASR, SI and RI activities were conducted at the ranges and documented in the final RI report (Shaw, 2010). These investigations included sampling of all potentially affected environmental media at the site, including surface and subsurface soil, sediment and surface water, and groundwater. The RI determined the nature and extent of environmental contamination resulting from historical military activities and waste disposal activities at the site. The results of these investigations are discussed in greater detail in the next section.

Today, the former ranges are part of the *Choccolocco Wildlife Management Area* used by the general public for hunting, fishing, and other recreational activities.

2.5 Previous Investigations and Response Actions

- **Environmental Baseline Survey.** The 1998 EBS classified the Former Choccolocco Corridor Ranges as Category 1 Qualified parcels. Category 1 parcels were defined as those areas where no release or disposal of hazardous substances or petroleum products occurred (including no migration of these substances from adjacent areas). However, the parcels were qualified because chemicals of potential concern and/or munitions and explosives of concern (MEC) may be present as a result of historical range activities.

- **Site Investigation.** Shaw conducted four separate SIs at the Former Choccolocco Corridor Ranges in 2002 to determine the presence or absence of contamination. The SIs consisted of the collection of 89 surface and depositional soil samples, 70 subsurface soil samples, 12 groundwater samples, and 3 collocated surface water/sediment samples. In addition, 15 monitoring wells were installed during the SI; however, 3 of the wells did not produce sufficient groundwater for sampling (Shaw, 2004a, b, c, and d).
- **Remedial Investigation.** Shaw conducted an RI at the Former Choccolocco Corridor Ranges in 2003-2004 to define the horizontal and vertical extent of contamination in all site media. The RI consisted of the collection of 62 additional surface and depositional soil samples, 86 subsurface soil samples, 19 groundwater samples (eight new monitoring wells were installed), and 20 collocated surface water/sediment samples. The RI field activities also included three phases of x-ray fluorescence (XRF) soil screening and the collection of 805 XRF soil samples (Shaw, 2010).
- **Soil Remedial Action.** In 2016 and 2017, HydroGeoLogic, Inc. (HGL) implemented the Selected Remedy at the Former Choccolocco Corridor Ranges to remove contaminated soil and sediment with concentrations of lead and the other COCs (antimony, copper, and zinc) above the cleanup levels presented in the Final ROD. The cleanup levels for the soil COCs were as follows:
 - Antimony – 18 mg/kg
 - Copper – 334 mg/kg
 - Lead – 500 mg/kg (surface soil); 800 mg/kg (subsurface soil).
 - Zinc – 100 mg/kg.
 Lead was the only COC identified in sediment. The cleanup level for lead in sediment was as follows:
 - Lead – 68 mg/kg.

The remedial action successfully removed the COCs to concentrations below the cleanup levels as documented in the Remedial Action Completion Report (HGL, 2018). A total of 37,123 tons of contaminated soil/sediment were excavated, treated onsite using a reagent-based stabilization process as necessary, and transported and disposed as nonhazardous special waste at an offsite permitted Subtitle D disposal facility. Because the remedial action did not achieve cleanup to a concentration that would allow for unrestricted future site use, LUCs will be required for the site.

The LUCs for the Former Choccolocco Corridor Ranges are briefly discussed in the following sections.

3.0 Land Use Control Objectives

Because the Selected Remedy (Alternative 3b – excavation of soil, LUCs, on-site stabilization, and off-site disposal) did not achieve cleanup to a concentration that would allow unrestricted reuse, LUCs as described in Section 4.0 will be required for portions of the site where lead remains in soil above the residential cleanup level of 400 mg/kg. Sediment cleanup values are not applicable to the ephemeral drainage features at the site. Rather, human health or ecological

cleanup levels for soil will be applied to the ephemeral site drainage features. The LUC area was determined based on surface lead concentrations above 400 mg/kg, including results from the removal action and previous studies that used XRF surveys. All subsurface results at the site were below 800 mg/kg and do not impact the LUC area. To the extent practicable the area was selected to maximize land use but be as contiguous as possible to minimize inspection burden in the future.

The overall objective for the LUCs described in this LUCIP is to prevent unacceptable risk to human health and the environment and to promote human safety by minimizing the potential for exposure to any substances that may present an unacceptable risk. The purpose of the LUCs is to prohibit residential use of the Former Choccolocco Corridor Ranges where concentrations of lead exceed the residential cleanup level. The excavation areas are shown on Figure 3. The areas where LUCs will be implemented encompass approximately 25 acres (estimated area where lead will remain above 400 mg/kg) at the Former Choccolocco Corridor Ranges, as shown on Exhibit A.

4.0 Description of Land Use Controls

In accordance with the Environmental Covenant provided as Appendix A, the following LUCs have been implemented to meet the objectives in Section 3.0.

4.1 Land Use Restrictions

Residential use is prohibited. Under EPA guidance and the Alabama Risk-Based Corrective Action Guidance, “unrestricted use” refers to “residential use” and includes, but is not limited to, schools, dwellings, homes, hospitals, child-care centers, nursing homes, playgrounds, recreation centers, and any other areas/structures with sensitive human activity (ADEM, 2017).

4.2 Land Use Control Mechanisms

- The Environmental Covenant prohibiting residential use of the property was filed in Probate on _____.
- The Alabama Forestry Commission or its successor will conduct annual inspections and reviews of these LUCs to verify that the LUCs have not been violated.

5.0 Monitoring, Maintaining, and Enforcing Land Use Controls

The Alabama Forestry Commission is responsible for monitoring, maintaining, and enforcing the LUCs specified in Section 4.0. The Army and ADEM also have authority to enforce the LUCs if necessary. The Alabama Forestry Commission and the Army will meet to discuss and enter an agreement regarding the enforcement of the LUCs and the division of LUC responsibilities. The Alabama Forestry Commission shall report any observed LUC violations to the Army and ADEM and take other appropriate preventive action if danger to human health and the environment is indicated.

Should a third party violate the terms and intent of these LUCs, the Alabama Forestry Commission will attempt to resolve the violation with the offender and if not corrected within 30 days, the Alabama Forestry Commission will consider use of all options (e.g., civil action, criminal prosecution) available to correct the violation.

6.0 Reducing or Removing Land Use Controls

The LUCs are required because the lead concentrations are above those allowed for residential use and shall remain in effect until:

- a. Changes in applicable Federal and State risk-based cleanup standards indicate that site contaminants no longer pose an unacceptable risk; or
- b. There is a reduction in site contaminant concentrations to below Federal and State residential risk-based cleanup standards.

and

- c. Until a request to remove or reduce the LUCs has been approved by ADEM.

7.0 Points of Contact

Fort McClellan Site Manager
U.S. Army Transition Force
681 Castle Avenue
Anniston, Alabama 36205

Regional Forester
Alabama Forestry Commission
6650 Old Highway 31 North
Gardendale, Alabama 35071

Chief, Land Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059

8.0 Administrative Record

Pertinent LUC records and other documents in the Administrative Record for the former Choccolocco Corridor Ranges can be found at the information repository maintained at the following location:

McClellan Center Library
100A Gamecock Drive (Room 1153)
Anniston, Alabama 36205
Telephone: (256) 238-9352

9.0 References

Environmental Science and Engineering, Inc., 1998, *Final Environmental Baseline Survey (EBS)*, Fort McClellan, Alabama, prepared for the U.S. Army Environmental Center, Aberdeen Proving Grounds, Maryland, January.

HydroGeologic Inc. (HGL), 2018, *Remedial Action Completion Report for the Former Choccolocco Corridor Ranges*, Fort McClellan, Anniston, Alabama, Draft, March.

Shaw Environmental, Inc. (Shaw), 2004a, *Site Investigation Report, Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q, Fort McClellan, Calhoun County, Alabama*, Final, February.

Shaw Environmental, Inc. (Shaw), 2004b, *Site Investigation Report, Former Range 41, Parcel 95Q and Impact Area, Choccolocco Corridor, Parcel 131Q-X, Fort McClellan, Calhoun County, Alabama*, Final, January.

Shaw Environmental, Inc. (Shaw), 2004c, *Site Investigation Report, Former Range 42, Parcel 96Q; Range, Choccolocco Corridor, Parcel 145Q-X, and Impact Area, Choccolocco Corridor, Parcel 148Q-X, Fort McClellan, Calhoun County, Alabama*, Final, March.

Shaw Environmental, Inc. (Shaw), 2004d, *Site Investigation Report, Former Range 43, Parcel 97Q; Range, Choccolocco Corridor, Parcel 144Q-X, and Impact Area, Choccolocco Corridor, Parcel 147Q-X, Fort McClellan, Calhoun County, Alabama*, Final, April.

Shaw Environmental, Inc. (Shaw), 2010, *Remedial Investigation Report, Former Choccolocco Corridor Ranges, Fort McClellan, Calhoun County, Alabama*, Final Revision 1, August.

Shaw Environmental, Inc. (Shaw), 2013a, *Focused Feasibility Study, Former Choccolocco Corridor Ranges, Fort McClellan, Calhoun County, Alabama*, Final, April.

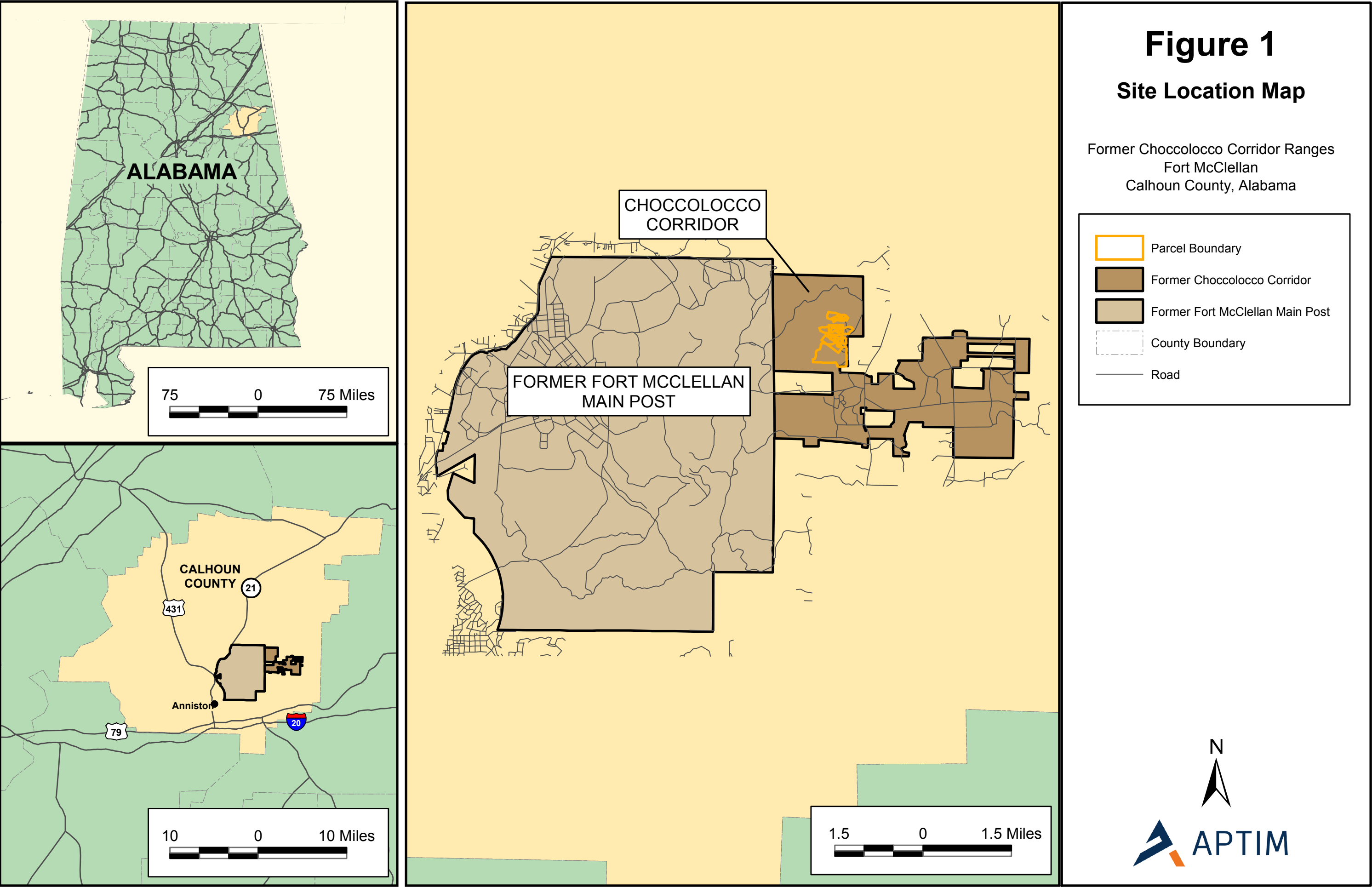
Shaw Environmental, Inc. (Shaw), 2013b, *Proposed Plan, Former Choccolocco Corridor Ranges, Fort McClellan, Calhoun County, Alabama*, Final, May.

Shaw Environmental, Inc. (Shaw), 2014, ***Record of Decision, Former Choccolocco Corridor Ranges, Fort McClellan, Calhoun County, Alabama***, Final, April.

U.S. Army Corps of Engineers, St. Louis District, 2001, ***Archives Search Report, Fort McClellan, Anniston, Alabama***, Revision 1, September.

FIGURES

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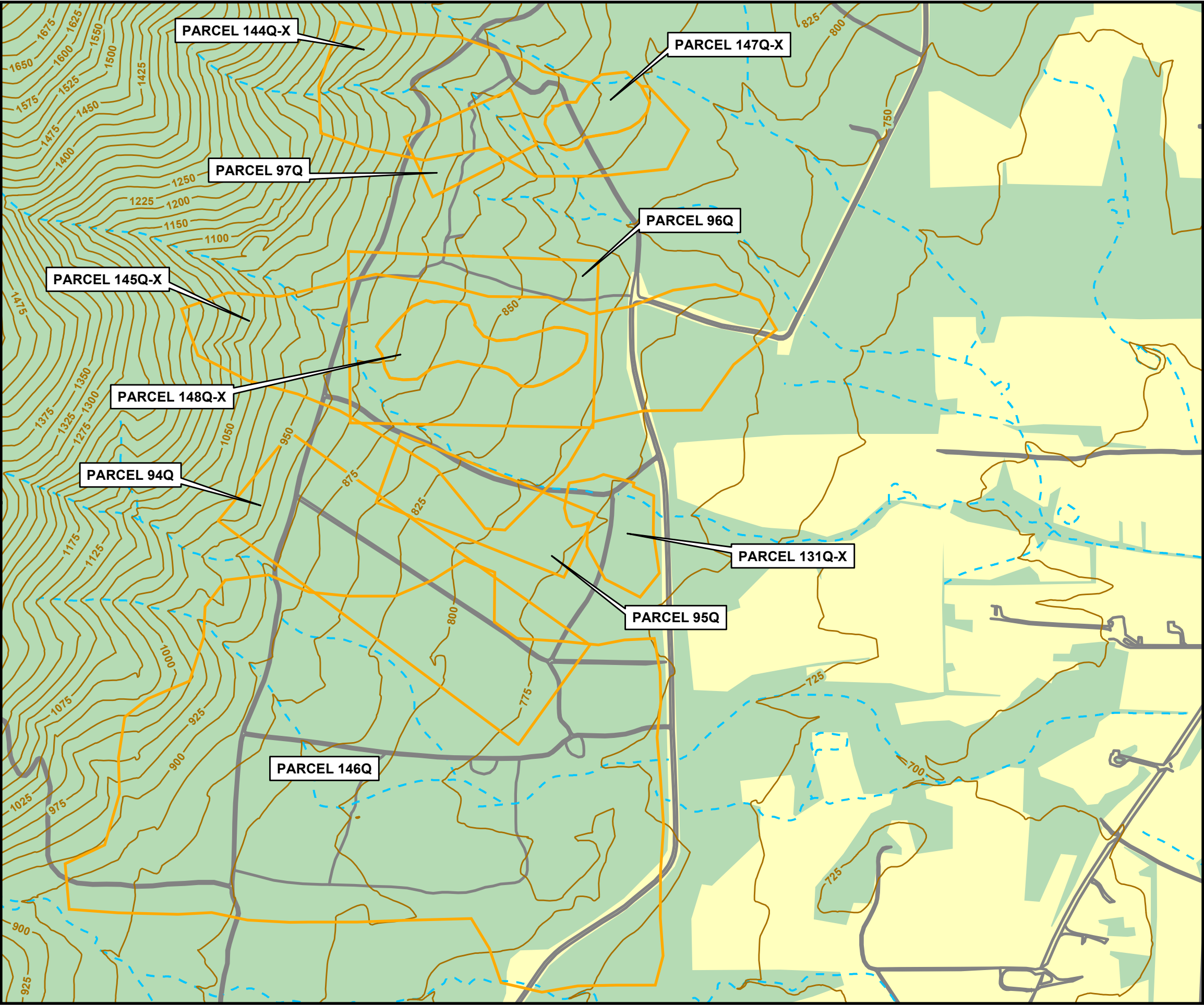
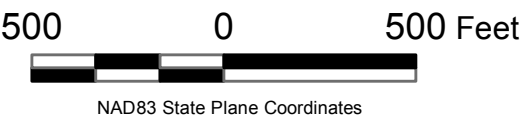
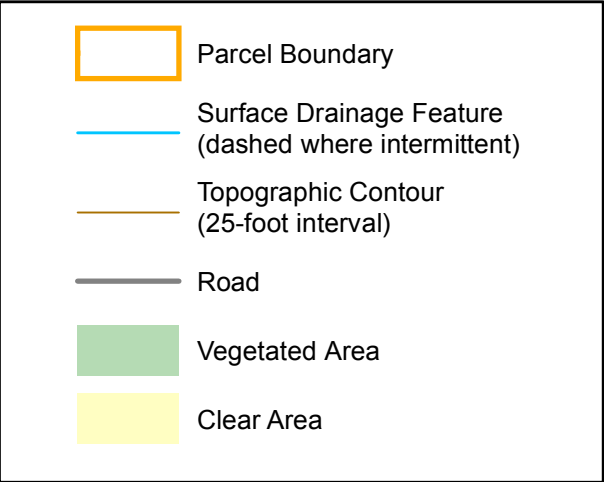


Figure 2

Site Map

Former Choccolocco Corridor Ranges
Fort McClellan
Calhoun County, Alabama



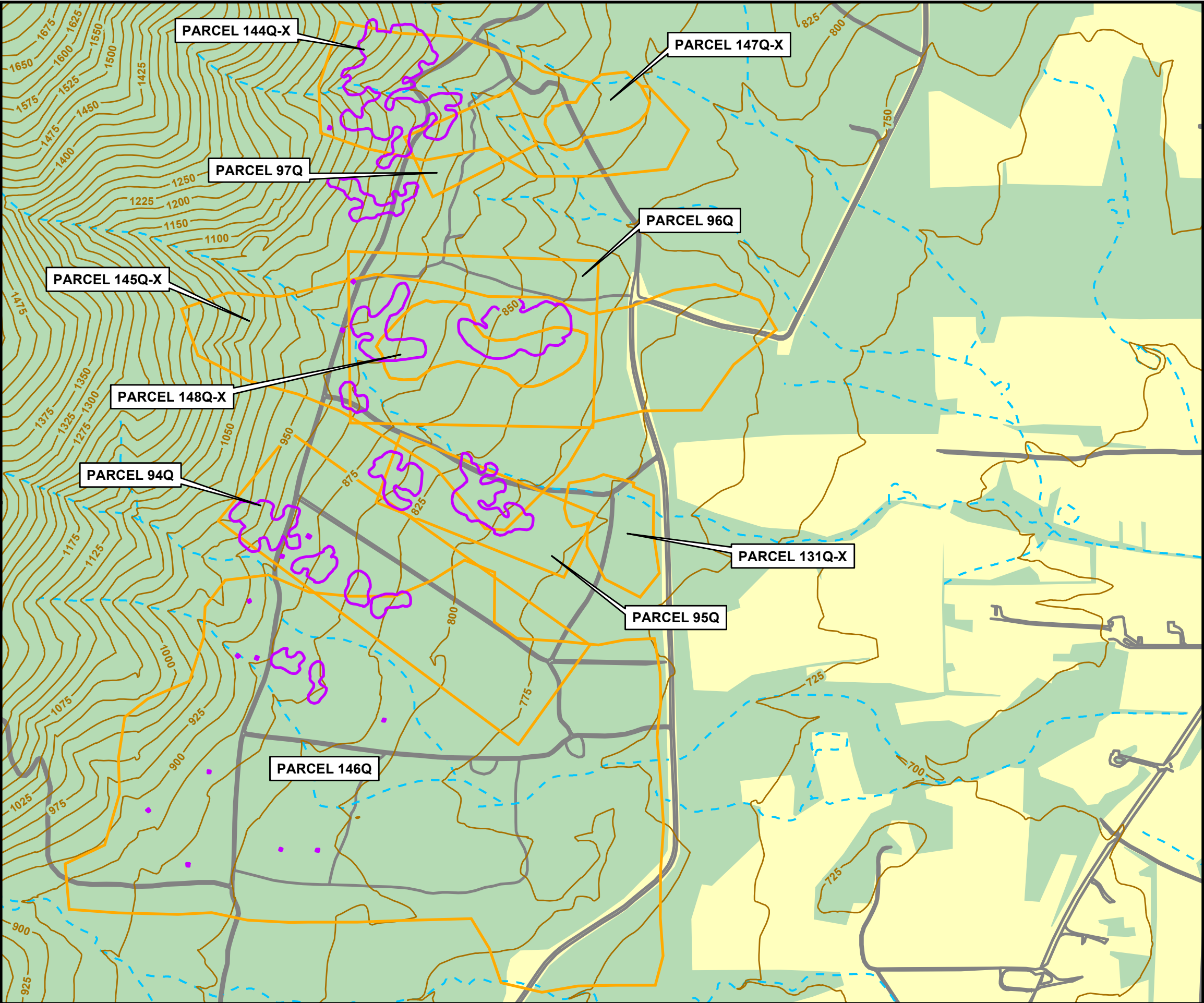
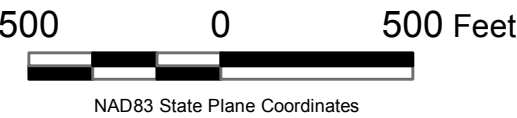
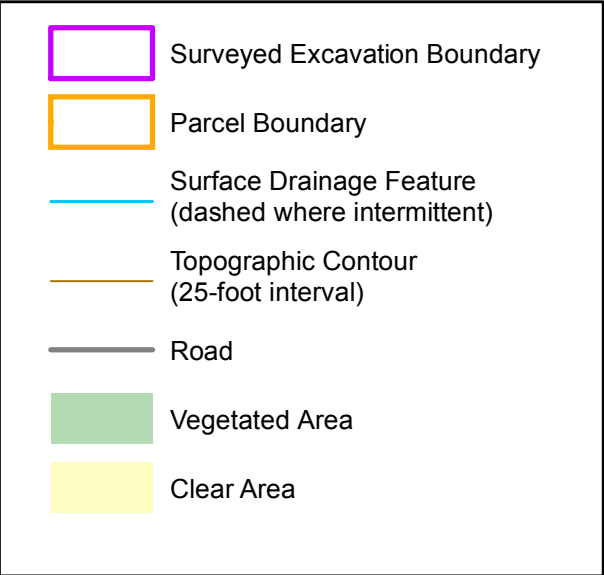


Figure 3

**Areal Extent of
Soil Excavation**

Former Choccolocco Corridor Ranges
Fort McClellan
Calhoun County, Alabama



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APPENDIX A
ENVIRONMENTAL COVENANT

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STATE OF ALABAMA)
CALHOUN COUNTY)

ALABAMA FORESTRY COMMISSION
ENVIRONMENTAL COVENANT
NUMBER CCR-01

KNOW ALL MEN BY THESE PRESENTS: That pursuant to the Alabama Uniform Environmental Covenants Act, §§ 35-19-1 through 35-19-14, Code of Alabama 1975, as amended, (the "Act") and the ADEM Administrative Code of Regulations promulgated thereunder,

THE ALABAMA FORESTRY COMMISSION

(hereinafter "AFC" or "Grantor") grants this Environmental Covenant, Numbered CCR-01, which constitutes a servitude arising under an environmental response project that imposes activity and/or use limitations, to the following statutory Holder:

THE ALABAMA FORESTRY COMMISSION

("AFC"), (hereinafter "Grantee" or "Holder"), to-wit:

WHEREAS, the Grantor is the owner of that certain real property known as "Former Choccolocco Corridor Ranges" which is located in the Choccolocco Wildlife Management Area of the Shoal Creek Ranger District – Talladega National Forest hereinafter referred to as "the Property"; and,

WHEREAS, the Property is more particularly described as follows:

Parcels of land (collectively 25 acres, more or less) situated in portions of Sections 8, 9, 16, and 17, lying in Township 15 South, Range 9 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

POINT OF BEGINNING at LUC Area 1 being an unmarked point (Point 1 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1177209.6570 and East 693923.2841 runs thence as follows:

South 89 degrees 24 minutes 36 seconds East, 264 feet;

South 43 degrees 20 minutes 24 seconds East, 282 feet;

South 50 degrees 19 minutes 12 seconds West, 156 feet;

South 0 degrees 0 minutes 0 seconds West, 51 feet;

South 88 degrees 57 minutes 36 seconds East, 189 feet;

South 0 degrees 0 minutes 0 seconds West, 279 feet;

South 88 degrees 55 minutes 12 seconds West, 216 feet;

South 1 degree 54 minutes 0 seconds East, 246 feet;

South 49 degrees 1 minutes 48 seconds West, 261 feet;
North 83 degrees 51 minutes 36 seconds West, 216 feet;
North 0 degrees 31 minutes 48 seconds East, 147 feet;
South 89 degrees 35 minutes 60 seconds West, 99 feet;
North 0 degrees 0 minutes 0 seconds East, 96 feet;
North 74 degrees 30 minutes 36 seconds East, 162 feet;
North 90 degrees 0 minutes 0 seconds East, 84 feet;
North 2 degrees 3 minutes 0 seconds West, 75 feet;
North 77 degrees 14 minutes 24 seconds West, 297 feet;
North 16 degrees 36 minutes 36 seconds East, 354 feet;
North 27 degrees 25 minutes 12 seconds East, 308 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 2 and an unmarked point (Point 20 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175730.6846 and East 693932.3187, runs thence as follows:

South 90 degrees 0 minutes 0 seconds East, 69 feet;
South 0 degrees 0 minutes 0 seconds East, 42 feet;
North 90 degrees 0 minutes 0 seconds West, 69 feet;
North 0 degrees 0 minutes 0 seconds West, 42 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 3 and an unmarked point (Point 24 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175528.1659 and East 694265.6930, runs thence as follows:

North 88 degrees 16 minutes 48 seconds East, 69 feet;
South 1 degrees 40 minutes 48 seconds East, 45 feet;
South 88 degrees 16 minutes 48 seconds West, 69 feet;
North 1 degrees 40 minutes 48 seconds West, 45 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 4 and an unmarked point (Point 28 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175779.1519 and East 694545.5823 runs thence as follows:

North 90 degrees 0 minutes 0 seconds East, 300 feet;
South 0 degrees 0 minutes 0 seconds West, 300 feet;
South 90 degrees 0 minutes 0 seconds West, 300 feet;

North 0 degrees 0 minutes 0 seconds East, 300 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 5 and an unmarked point (Point 32 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175267.9857 and East 693779.3338, runs thence as follows:

North 87 degrees 8 minutes 24 seconds East, 54 feet;

South 5 degrees 0 minutes 36 seconds East, 39 feet;

South 87 degrees 8 minutes 24 seconds West, 54 feet;

North 5 degrees 0 minutes 36 seconds West, 39 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 6 and an unmarked point (Point 36 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175080.1011 and East 693966.7764, runs thence as follows:

South 69 degrees 21 minutes 36 second East, 285 feet;

South 0 degrees 18 minutes 36 seconds West, 255 feet;

North 86 degree 53 minutes 24 seconds West, 213 feet;

North 0 degrees 0 minutes 0 seconds West, 78 feet;

North 56 degrees 45 minutes 36 seconds West, 144 feet;

North 19 degree 55 minutes 48 seconds East, 199 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 7 and an unmarked point (Point 42 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1174858.6141 and East 694324.3106, runs thence as follows:

South 88 degrees 27 minutes 0 seconds East, 405 feet;

South 30 degrees 33 minutes 36 seconds East, 132 feet;

South 2 degrees 31 minutes 12 seconds East, 156 feet;

North 89 degrees 3 minutes 36 seconds West, 249 feet;

North 58 degrees 45 minutes 0 seconds West, 261 feet;

North 2 degrees 42 minutes 0 seconds West, 141 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 8 and an unmarked point (Point 48 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1174818.5679 and East 693427.2428, runs thence as follows:

South 55 degrees 46 minutes 12 seconds East, 807 feet;

South 30 degrees 43 minutes 48 seconds West, 228 feet;

North 60 degrees 21 minutes 0 seconds West, 249 feet;
South 36 degrees 24 minutes 36 seconds West, 69 feet;
North 54 degrees 16 minutes 48 seconds West, 591 feet;
North 38 degrees 10 minutes 12 seconds East, 301.8 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 9 and an unmarked point (Point 54 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1174056.7630 and East 693444.7650, runs thence as follows:

South 88 degrees 24 minutes 36 seconds East, 171 feet;
South 45 degrees 17 minutes 24 seconds East, 96 feet;
South 39 degrees 19 minutes 48 seconds West, 126 feet;
North 80 degrees 51 minutes 36 seconds West, 159 feet;
North 0 degrees 55 minutes 12 seconds West, 144.5 feet to the point of beginning and;

WHEREAS, this instrument is an Environmental Covenant developed and executed pursuant to the Alabama Uniform Environmental Covenants Act and the regulations promulgated thereunder;

WHEREAS, pursuant to Ala. Code 35-19-11(b) (2), the terms of this Environmental Covenant are enforceable by the Alabama Department of Environmental Management;

WHEREAS, a release or potential for release of contaminants on the Property has been reported to the Alabama Department of Environmental Management (ADEM); designated as EPA ID Number: AL5000053611; and

WHEREAS, Fort McClellan, Alabama was required to perform certain environmental response actions as documented in an approved Record of Decision for the Property;

WHEREAS, the Property was used for weapons firing ranges where metals (primarily lead, copper, antimony, and zinc) from small-arms ammunition were released into the soil and sediment at target and impact areas.

WHEREAS, the selected remedial action for the Property includes excavation, on-site stabilization, and off-site disposal of soil and sediment from areas where the concentrations of metals exceed cleanup levels, and land use controls where metals remain in soil above the unrestricted cleanup level of 400 mg/kg;

WHEREAS, the Property has land use controls preventing residential site use;

WHEREAS, the GRANTOR and assignees agreed to perform annual inspections and reviews at the Property, pursuant to the Record of Decision (ROD) and the Land Use Control

Implementation Plan (LUCIP) to address the effects of the release/disposal, which includes controlling exposure to the hazardous wastes, hazardous constituents, hazardous substances, pollutants, or contaminants;

WHEREAS, the said ROD requires institutional controls to be implemented to address the effects of the release/disposal and to protect the remedy so that exposure to the hazardous waste, hazardous constituents, hazardous substances, pollutants, or contaminants is controlled by restricting the use of the Property and the activities on the Property;

WHEREAS, hazardous wastes, hazardous constituents, hazardous substances, pollutants, or contaminants remain on the Property;

WHEREAS, implementation of the approved ROD is expected to achieve risk-based cleanup levels deemed protective of public health and the environment based upon certain use restrictions imposed on the property to limit exposure to potential hazardous waste (HTRW); and,

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by placing restrictions on the Property in accordance with the approved ROD; and

WHEREAS, further information concerning the environmental response actions, including the Administrative Record, may be obtained by contacting:

Chief, Land Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, Alabama 36110
(334) 271-7700

NOW, THEREFORE, Grantor hereby grants this Environmental Covenant to the named Holder, and declares that the Property shall hereinafter be bound by, held, sold, used, improved, occupied, leased, hypothecated, encumbered, and/or conveyed subject to the requirements set forth below:

1. DEFINITIONS

Owner. "Owner" means the GRANTOR, its successors and assigns in interest.

2. USE RESTRICTIONS

Activities that violate the following restrictions shall not take place on the Property without obtaining prior written approval from ADEM:

- (i) Residential use of the property is prohibited. Residential uses include, but are not limited to, housing, daycare facilities, playgrounds and schools (excluding education and training programs for persons over 18 years of age), and assisted living facilities;

3. GENERAL PROVISIONS

A. Restrictions to Run with the Land. This Environmental Covenant runs with the land pursuant to §35-19-5, Code of Alabama 1975, as amended; is perpetual unless modified or terminated pursuant to the terms of this Covenant or §35-19-9 Code of Alabama 1975, as amended; is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof; inures to the benefit of and passes with each and every portion of the Property; and binds the Owner, the Holder, all persons using the land, all persons, their heirs, successors and assigns having any right, title or interest in the Property, or any part thereof who have subordinated those interests to this Environmental Covenant, and all persons, their heirs, successors and assigns who obtain any right, title or interest in the Property, or any part thereof after the recordation of this Environmental Covenant.

B. Notices Required. In accordance with §35-19-4(b), Code of Alabama 1975, as amended, the Owner shall send written notification pursuant to Section I, below, upon any of the following events affecting the property subject to this covenant: Transfer of any interest, any proposed changes in the use of the property, any applications for building permits, or any proposals for site work that could affect the contamination on the Property. The Owner shall send this notification within thirty (30) days of each event listed in this Section.

C. Registry/Recordation of Environmental Covenant; Amendment; or Termination. Pursuant to §35-19-12(b), Code of Alabama 1975, as amended, this Environmental Covenant and any amendment or termination thereof, shall be contained in the ADEM Registry of Environmental Covenants. After an environmental covenant, amendment, or termination is filed in the registry, a notice of the covenant, amendment, or termination may be recorded in the land records in lieu of recording the entire covenant in compliance with §35-19-12(b). Grantor shall be responsible for filing the Environmental Covenant within thirty (30) days of the final required signature.

D. Compliance Certification. In accordance with Ala. Code §35-19-4(b), as amended, the Owner shall submit a report on the effectiveness of the land use controls to the Chief of the ADEM Land Division, on an annual basis.

E. Right of Access. Subject to the requirements of the above-referenced ROD, the Owner hereby grants to ADEM, ADEM's agents, contractors and employees; the Owners' agents, contractors and employees; and any other named Holder, its agents, contractors and employees, the right of access to the Property for implementation or enforcement of this Environmental Covenant.

F. ADEM Reservations. Notwithstanding any other provision of this Environmental Covenant, ADEM retains all of its access authorities and rights, as well as all of its rights to require additional land/water use restrictions, including enforcement authorities related thereto.

G. Representations and Warranties. Grantor hereby represents and warrants as follows:

i) That the Grantor has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided, and to carry out all obligations hereunder;

That the Grantor is the sole owner of the Property and holds fee simple title which is free, clear and unencumbered;

That the Grantor has identified all other parties that hold any interest or encumbrance affecting the Property and has notified such parties of the Grantor's intention to enter into this Environmental Covenant.

That this Environmental Covenant will not materially violate, contravene, or constitute a material default under, any other agreement, document, or instrument to which Grantor is a party, by which Grantor may be bound or affected;

That this Environmental Covenant will not materially violate or contravene any zoning law or other law regulating use of the Property;

That this Environmental Covenant does not authorize a use of the Property which is otherwise prohibited by a recorded instrument that has priority over the Environmental Covenant.

H. Compliance Enforcement. In accordance with §35-19-11(b), Code of Alabama 1975, as amended, the terms of the Environmental Covenant may be enforced by the parties to this Environmental Covenant; any person to whom this Covenant expressly grants power to enforce; any person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the Covenant; or a municipality or other unit of local government in which the real property subject to the Covenant is located, in accordance with applicable law. Failure to timely enforce compliance with this Environmental Covenant or the use or activity limitations contained herein by any person shall not bar subsequent enforcement by such person and shall not be deemed a waiver of the person's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall limit the regulatory authority of ADEM under any applicable law with respect to the environmental response project.

I. Modifications/Termination. Any modifications or terminations to this Environmental Covenant must be made in accordance with §§ 35-19-9 and 35-19-10, Code of Alabama 1975, as amended.

J. Notices. Any document or communication required to be sent pursuant to the terms of this Environmental Covenant shall be sent to the following persons:

ADEM

Chief, Land Division A.D.E.M.
1400 Coliseum Boulevard
Montgomery, AL 36110

GRANTOR

The Alabama Forestry Commission
Calhoun County Office

3985 Highway 21 North
Jacksonville, AL 36265

K. No Property Interest Created in ADEM. Pursuant to §35-19-3(b), Code of Alabama 1975, as amended, the rights of ADEM under the Act or under this Environmental Covenant, other than a right as a holder, is not an interest in the real property subject to the covenant, nor does the approval by ADEM of this Environmental Covenant create any interest in the real property.

L. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

M. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Alabama.

N. Recordation. In accordance with §35-19-8(a), Code of Alabama 1975, as amended, Grantor shall have this Environmental Covenant, and any amendment or termination thereof, recorded in every county in which any portion of the real property subject to this Environmental Covenant is located. Grantor shall have this Environmental Covenant recorded within thirty (30) days after the date of the final required signature.

O. Effective Date. The effective date of this Environmental Covenant shall be the date the fully executed Environmental Covenant is recorded in accordance with paragraph "N" above.

P. Distribution of Environmental Covenant. In accordance with §35-19-7, Code of Alabama 1975, the Co-Grantor shall, within thirty (30) days of filing this Environmental Covenant, have a recorded and date stamped copy of same distributed to each of the following: (1) Each person who signed the covenant; (2) Each person holding a recorded interest in the property; (3) Each person in possession of the property; (4) Each municipality or other unit of local government in which the property is located; and (5) Any other person required by ADEM to receive a copy of the covenant. However, the validity of this Environmental Covenant will not be affected by the failure to provide a copy of the Covenant as herein provided.

Q. Party References. All references to ADEM, the Grantor, or other applicable parties, shall include successor agencies, departments, divisions, heirs, executors and/or administrators.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the _____
day of _____, 20____.

AFC Grantor

By: Rick Oates

Its: State Forester

STATE OF ALABAMA)
CALHOUN COUNTY)

I, the undersigned Notary Public in and for said County and State, hereby certify that Rick Oates whose name as State Forester of the Grantor is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date and with full authority to do so.

Given under my hand and official seal this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This Environmental Covenant is hereby approved by the State of Alabama, Department of Environmental Management.

Dated _____, 20____

By: _____

Chief, Land Division
Alabama Department of Environmental
Management

STATE OF ALABAMA)
MONTGOMERY COUNTY)

I, the undersigned Notary Public in and for said County and State, hereby certify that Stephen A. Cobb, whose name as Chief, Land Division, Alabama Department of Environmental Management is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he approved the same voluntarily on the day the same bears date and with full authority to do so.

Given under my hand and official seal this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

STATE OF ALABAMA)
CALHOUN COUNTY)

I, hereby certify that the foregoing Environmental Covenant has been recorded in the property records of Calhoun County, Alabama, at Deed Book_____, Page _____.

Dated_____, 20____

By: _____

Clerk, Office of Probate Judge

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Exhibit A

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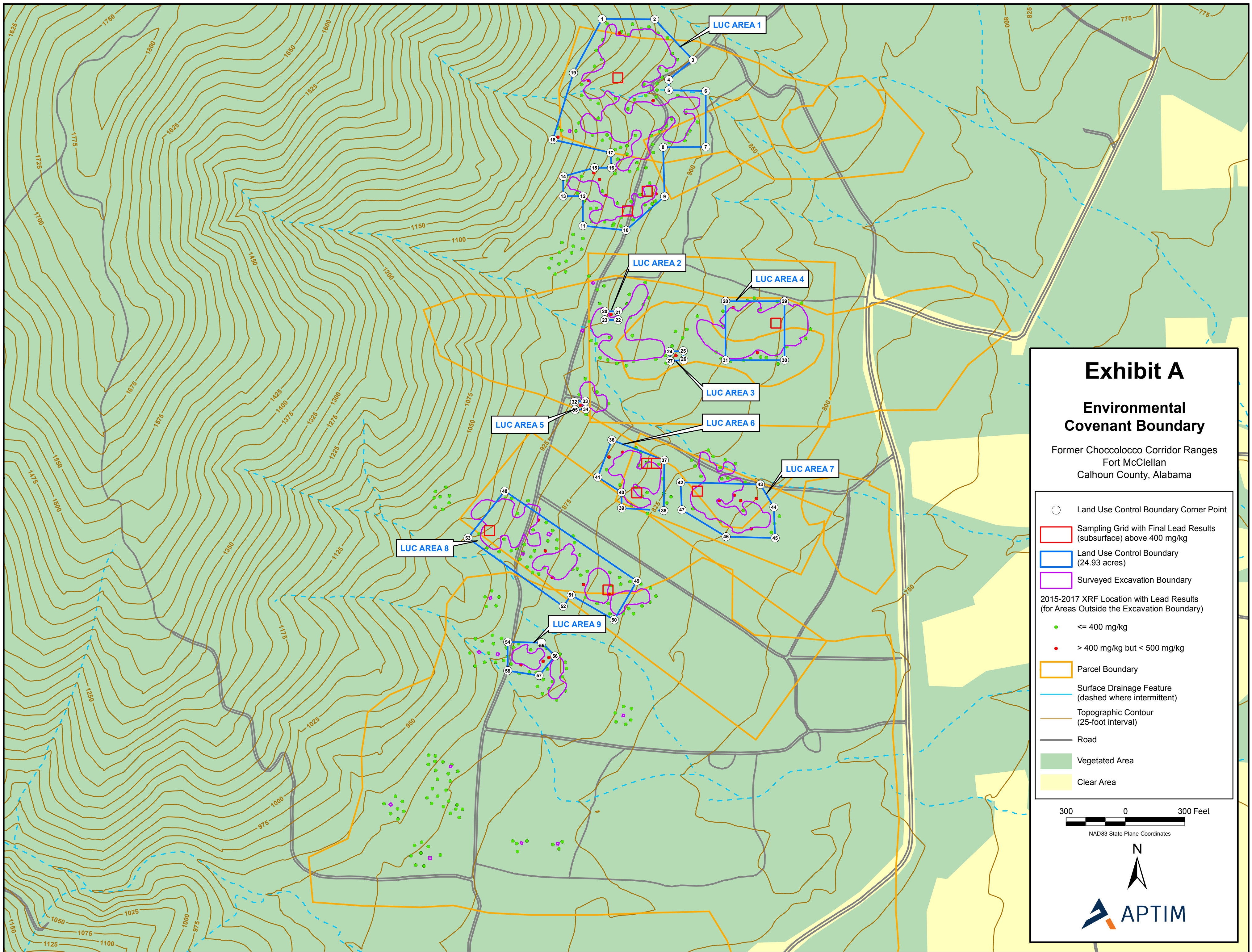


Exhibit A

Environmental Covenant Boundary

Former Choccolocco Corridor Ranges
Fort McClellan
Calhoun County, Alabama

- Land Use Control Boundary Corner Point
- Sampling Grid with Final Lead Results (subsurface) above 400 mg/kg
- Land Use Control Boundary (24.93 acres)
- Surveyed Excavation Boundary
- 2015-2017 XRF Location with Lead Results (for Areas Outside the Excavation Boundary)
 - ≤ 400 mg/kg
 - > 400 mg/kg but < 500 mg/kg
- Parcel Boundary
- Surface Drainage Feature (dashed where intermittent)
- Topographic Contour (25-foot interval)
- Road
- Vegetated Area
- Clear Area

300 0 300 Feet
NAD83 State Plane Coordinates



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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
600 ARMY PENTAGON
WASHINGTON DC 20310-2400

June 24, 2019

Base Realignment and Closure Division

Mrs. Brandi Little
Alabama Department of Environmental Management (ADEM)
Engineering Services Section
Governmental Hazardous Waste, Land Division
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

Dear Mrs. Little:

Please find the attached *Final Land Use Control Implementation Plan for Former Choccolocco Corridor Ranges*, June 2019, for your review. Please submit your comments or concurrence within 30 days from the date of receipt of this letter.

Copies of this correspondence were provided to Ms. Melissa Shirley, U.S. Army Corps of Engineers, and Jason Dockery, Alabama Forestry Commission.

If you have questions regarding this submittal or require additional information, please contact me at 404-469-3399 or by email at owen.m.nuttall.civ@mail.mil.

Sincerely,

Owen Nuttall
Site Manager

Attachment



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

August 5, 2019

Mr. Owen Nuttall
Site Manager
US Army Transition Force
681 Castle Avenue
Anniston, Alabama 36205

RE: ADEM Review and Concurrence: *Final Land Use Control Implementation Plan for the Former Choccolocco Corridor Ranges*; dated June 24, 2019
Fort McClellan, Calhoun County, Alabama
Facility I.D. No. AL5 000 053 611

Dear Mr. Nuttall:

The Alabama Department of Environmental Management (ADEM or the Department) has reviewed the Army's *Final Land Use Control Implementation Plan (LUCIP) for the Former Choccolocco Corridor Ranges*. The Department's April 17, 2019 comment letter requested numerous edits to the final document. The Army has adequately addressed all of ADEM's comments in the responses and has incorporated the requested edits into the Final LUCIP; therefore, the Department concurs with the Final LUCIP. ADEM also approves the environmental covenant presented in Appendix A and requests that the Army submit a signed covenant to ADEM for signature.

If you have any questions or concerns regarding this matter, please contact Mrs. Brandi Little at 334-274-4226 or via email at blittle@adem.alabama.gov.

Sincerely,

Jason Wilson, Chief
Governmental Hazardous Waste Branch
Land Division

JJW/ATM/BCL/tlp

cc: Ms. Melissa Shirley/USACE, Mobile District
Mrs. Ashley T. Mastin/ADEM
Ms. Leigh Lattimore/EPA Region 4
Ms. Lisa Holstein/Army



Response to Comments
Revised DRAFT Land Use Control Implementation Plan for Choccolocco Corridor Ranges
Environmental Remediation Services at Four Sites, Fort McClellan, Anniston, Alabama

Comment #	Reviewer	Page	Paragraph/Section	Comment	Response
1.	ADEM	7	Section 3.0, Paragraph 1	The first sentence begins by stating that "The LUC area was The LUC area was determined ... " Please revise.	Text revised as requested.
2.	ADEM	8	5.0	Please modify this section to state that any LUC (land use control) violations will also be reported to ADEM.	Text revised to denote that any observed LUC violations will also be reported to ADEM.
3.	ADEM	8	6.0	This section states that the LUCs shall remain in effect until changes in applicable Federal and State risk-based cleanup standards indicate that site contaminants no longer pose an unacceptable risk or until a reduction in site contaminant concentrations below Federal and State residential risk-based cleanup standards occurs. However, the LUCs should remain in place until a request to remove or reduce the LUCs has been approved by the Department. Please revise the plan accordingly.	Text revised to include an Item c. which states "Until a request to remove or reduce the LUCs has been approved by ADEM."
4.	ADEM	1	Appendix A	Please note that when the Army submits the final environmental covenant for ADEM's approval, the covenant number of FY-XX-XX.XX should be revised at the top and in Paragraph 2.	The covenant number has been updated to "CCR-01" in the top area and in Paragraph 2.
5.	ADEM	4	Appendix A, Paragraph 5	This section states that the EPA ID number for this property is AL4210020562; however, the EPA ID number is AL5000053611. Please revise.	The EPA ID Number has been updated to AL5000053611.
6.	ADEM	10	Appendix A	The notary public statement that includes the ADEM Chief of the Land Division lists Phillip D. Davis as the Chief. Please revise this sentence to recognize Stephen A. Cobb as the current Chief.	The public statement in the notary block has been updated to recognize Stephen A. Cobb as the current Chief.
7.	AFC	1	Appendix A	The environmental covenant instrument in the appendix is still lacking an actual number.	The covenant number has been updated to "CCR-01" in the top area and in Paragraph 2.
8.	Army, Holstein	4	Appendix A	The EPA ID Number on Page 4 is incorrect. It should be AL5000053611.	The EPA ID Number has been updated to AL5000053611.
9.	Army, Holstein		Appendix A	For the Covenant Number, suggest CCR-01.	The covenant number has been updated to "CCR-01" in the top area and in Paragraph 2.
10.	Army, Holstein		Appendix A	AFC confirmed the signature block on the covenant as AFC Grantor By: Rick Oates Its: State Forester	Signature block for Alabama Forestry Commission has been updated to reflect the AFC Grantor.
11.	Army, Holstein		Appendix A	The Notary Public paragraph on the AFC signature page also needs to be changed from "Gary Cole" to "Rick Oates" and the word "Interim" needs to be deleted.	The public statement in the notary block has been updated to recognize Rick Oates as State Forester.
12.	Army, Holstein		Appendix A	The Notary paragraph on the ADEM signature page needs to change "Phillip D. Davis" to "Stephen A. Cobb".	The public statement in the notary block has been updated to recognize Stephen J. Cobb as the current Chief.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
600 ARMY PENTAGON
WASHINGTON DC 20310-2400

October 1, 2019

Base Realignment and Closure Division

Mrs. Brandi Little
Alabama Department of Environmental Management (ADEM)
Engineering Services Section
Governmental Hazardous Waste, Land Division
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

Dear Mrs. Little:

Enclosed for your records is the recorded Land Use Control Implementation Plan for the Choccolocco Corridor Ranges which includes the Alabama Forestry Commission Environmental Covenant Number CCR-01 at Appendix A.

Copies of this correspondence were provided to Ms. Melissa Shirley, U.S. Army Corps of Engineers, and Mr. Jason Dockery, Alabama Forestry Commission.

If you have questions regarding this submittal or require additional information, please contact me at 404-469-3399 or by email at owen.m.nuttall.civ@mail.mil.

Sincerely,

NUTTALL.OWEN.MON
ROE.1229654930
Owen Nuttall
Site Manager

Digitally signed by
NUTTALL.OWEN.MONROE.1229654930
Date: 2019.10.01 14:12:33 -04'00'

Enclosure

DEED 3254 787
Recorded In Above Book and Page
09/26/2019 01:11:34 PM
Alice K. Martin
Judge of Probate
Calhoun County, Alabama

Land Use Control Implementation Plan Former Choccolocco Corridor Ranges

**Fort McClellan
Calhoun County, Alabama**

Prepared for:

**U.S. Army Corps of Engineers, Mobile District
109 St. Joseph Street
Mobile, Alabama 36602**

Prepared By:

**HydroGeoLogic, Inc.
85 NE Loop 410, Suite 605
San Antonio, Texas 78216**

**Contract No. W912DY-10-D-0023
Task Order CK01**

June 2019

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Table of Contents

	Page
List of Figures	i
List of Acronyms	ii
1.0 Introduction	1
2.0 Site Description and History	2
2.1 Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q	3
2.2 Former Range 41, Parcel 95Q, and Impact Area, Parcel 131Q-X	3
2.3 Former Range 42, Parcel 96Q; Range, Parcel 145Q-X; and Impact Area, Parcel 148Q-X	4
2.4 Former Range 43, Parcel 97Q; Range, Parcel 144Q-X; and Impact Area, Parcel 147Q-X	4
2.5 Previous Investigations and Response Actions	5
3.0 Land Use Control Objectives	6
4.0 Description of Land Use Controls	7
4.1 Land Use Restrictions	7
4.2 Land Use Control Mechanisms	7
5.0 Monitoring, Maintaining, and Enforcing Land Use Controls	8
6.0 Reducing or Removing Land Use Controls	8
7.0 Points of Contact	8
8.0 Administrative Record	9
9.0 References	9
Appendix A – Environmental Covenant	

List of Figures

Figure	Title
1	Site Location Map
2	Site Map
3	Areal Extent of Soil Excavations

List of Acronyms

ADEM	Alabama Department of Environmental Management
ASR	Archives Search Report
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
COC	chemical of concern
EBS	Environmental Baseline Study
ESE	Environmental Science and Engineering, Inc.
FFS	focused feasibility study
FTMC	Fort McClellan
LUC	land use control
LUCIP	land use control implementation plan
MEC	munitions and explosives of concern
mm	millimeter
mg/kg	milligram(s) per kilogram
RI	remedial investigation
ROD	Record of Decision
Shaw	Shaw Environmental, Inc.
SI	site investigation
USACE	U.S. Army Corps of Engineers
XRF	X-ray fluorescence

1.0 Introduction

The Army completed an environmental response action at the former Fort McClellan under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA 42 U.S.C. 9601 et. seq.). Land Use Controls (LUC) were a component of the selected remedy. This Land Use Control Implementation Plan (LUCIP) applies to the Former Choccolocco Corridor Ranges located within the Choccolocco Corridor, which was leased by the U.S. government from the State of Alabama from 1941 until 1998. The Choccolocco Corridor lease was terminated in May 1998. Today the former ranges are part of the *Choccolocco Wildlife Management Area* managed by the Alabama Forestry Commission in cooperation with the Alabama Department of Conservation and Natural Resources, the U.S. Forest Service, and the U.S. Fish and Wildlife Service. The general public uses the wildlife management area for hunting, fishing, hiking, mountain biking, and other recreational activities.

A Record of Decision (ROD) for the Former Choccolocco Corridor Ranges was finalized in April 2014 (Shaw, 2014). The final ROD was signed by the Army on April 22, 2014. The ROD summarizes the results of a site investigation (SI), remedial investigation (RI), focused feasibility study (FFS), and proposed plan for the Choccolocco Corridor Ranges and documents the Selected Remedy to address soil contamination at the ranges. Soil/sediment at the Choccolocco Corridor Ranges is contaminated with chemicals of concern (COC), primarily lead, at concentrations exceeding cleanup levels established for the Former Choccolocco Corridor Ranges. The ROD addressed the major components of the Selected Remedy [Alternative 3b from the FFS (Shaw, 2013a)] which include the following:

- **Excavation of Soil/Sediment.** The Selected Remedy involves the excavation of soil and sediment from areas where the concentrations of lead and the other COCs (antimony, copper, and zinc) exceed the cleanup levels selected for protection of industrial/recreational site users and ecological receptors.
- **On-Site stabilization.** The excavated soil/sediment will be treated onsite using a reagent-based stabilization technology, referred to as stabilization.
- **Off-site disposal.** The treated soil/sediment would be considered nonhazardous special waste rather than a hazardous waste for disposal purposes. Therefore, the stabilized material would be disposed of off-site as nonhazardous special waste at a permitted Subtitle D disposal facility.
- **Land use controls.** Because the Selected Remedy will not achieve cleanup to a concentration that would allow unrestricted reuse, land use controls (LUC) that prohibit unrestricted use would be required for portions of the site where lead concentrations continue to exist in soil above unrestricted cleanup levels.

No remedy selection was determined to be warranted for any other media (i.e., groundwater, surface water) at the Former Choccolocco Corridor Ranges. The Selected Remedy was implemented in 2016 through 2017 as detailed in Section 2.5 below.

The cleanup was based on protection of ecological receptors and industrial/recreational site users, consistent with the current and expected future land use of the property. Because the remedial action did not achieve cleanup to unrestricted (residential) use standards, the final ROD specified that the Army would implement LUCs to prohibit unrestricted use of the site and conduct five-year reviews to ensure that the remedy is protective of human health and the environment. Sediment cleanup levels are not applicable to the ephemeral drainage features. Rather, human health or ecological cleanup levels for soil will be applied to the ephemeral site drainage features. This document specifies the LUC objectives; describes the actual LUCs; provides the LUC monitoring, maintenance, and enforcement requirements; and identifies the conditions under which the LUCs may be reduced or removed at the Former Choccolocco Corridor Ranges.

2.0 Site Description and History

The former FTMC is located in the foothills of the Appalachian Mountains of northeastern Alabama near the cities of Anniston and Weaver in Calhoun County. FTMC consisted of three main areas: Main Post, Pelham Range, and Choccolocco Corridor, a 4,488-acre tract of land that was leased from the State of Alabama until May 1998. The Main Post, which occupied 18,929 acres, is bounded on the east by the Choccolocco Corridor, which previously connected the Main Post with the Talladega National Forest. Pelham Range, which occupies 22,245 acres, is located approximately 5 miles due west of the former Main Post and adjoins the Anniston Army Depot to the south.

The Former Choccolocco Corridor Ranges are located east of the Choccolocco Mountains along the eastern flank of Mokeley Hill near the eastern boundary of the FTMC Main Post (Figure 1). Collectively, the ranges encompass approximately 212 acres and consist of ten parcels grouped in four adjacent areas (Figure 2) and include the following:

- Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q
- Former Range 41, Parcel 95Q, and Impact Area, Parcel 131Q-X
- Former Range 42, Parcel 96Q; Range, Choccolocco Corridor, Parcel 145Q-X; and Impact Area, Choccolocco Corridor, Parcel 148Q-X
- Former Range 43, Parcel 97Q; Range, Choccolocco Corridor, Parcel 144Q-X; and Impact Area, Choccolocco Corridor, Parcel 147Q-X.

Each of the ranges and associated parcels are described further below. Conditions represent those prior to the site investigations and remedial investigations performed.

2.1 Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q

Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q are two ranges that partially overlap and occupy a total area of approximately 125 acres. These ranges comprise the southernmost parcels that form the Choccolocco Corridor Ranges.

Former Range 40 was used as a small-arms range, according to the Environmental Baseline Study (EBS) (Environmental Science and Engineering, Inc. [ESE], 1998). The EBS estimated that parcel 94Q is approximately 25 acres in size. Former FTMC personnel indicated during interviews that Former Range 40 was used for small-arms training during World War II, the Korean War, and the Vietnam War. Evidence of smoke training was also observed in the vicinity of this range (ESE, 1998).

Parcel 146Q is approximately 102 acres in size. The parcel is also presumed to be a small-arms range. A review of historical aerial photographs indicates that this range was active in 1949, 1954, and 1972 (ESE, 1998).

2.2 Former Range 41, Parcel 95Q, and Impact Area, Parcel 131Q-X

Former Range 41, Parcel 95Q, and Impact Area, Parcel 131Q-X occupy a total area of approximately 12 acres (Parcel 95Q occupies about 8 acres and Parcel 131Q-X occupies approximately 4.4 acres). These ranges are located near the central portion of the Choccolocco Corridor Ranges.

Former Range 41 appeared on 1966 and 1971 historical maps, which coincide with reports from long-time FTMC personnel who indicated that this range was a small-arms range during the Vietnam War era (ESE, 1998). The Archives Search Report (ASR) indicated that Former Range 41 was listed as a Battle Drill & Assault Range and probably did not include live fire. The range was abandoned by 1974. Expended M-16 rifle blanks, smoke grenades, and 40-millimeter (mm) Target Practice grenade cases were found on this range (U.S. Army Corps of Engineers [USACE], 2001). Former Range 41 contains a large berm, presumed to have served as a backstop, positioned along the southwestern and western parcel boundaries. The berm ranges in height from approximately 10 to 30 feet.

Impact Area, Parcel 131 Q-X, a former impact area within Former Range 40, contains an observation tower and a 3-foot-high berm adjacent and parallel to a 4-foot-deep ditch. A remnant of a small building with electrical power is located to the southeast of the parcel. It is possible that pop-up targets were controlled from this location.

2.3 Former Range 42, Parcel 96Q; Range, Parcel 145Q-X; and Impact Area, Parcel 148Q-X

Former Range 42, Parcel 96Q; Range, Parcel 145Q-X; and Impact Area, Parcel 148Q-X are three overlapping ranges that occupy a total area of approximately 49 acres. These ranges are located near the northern portion of the Choccolocco Corridor Ranges.

The ASR states that Former Range 42 was built during the Vietnam War era and was known as the Squad Defense Range (USACE, 2001). However, some FTMC personnel recalled that the area was also used during World War II and the Korean War. According to the ASR, the approximately 24-acre range was abandoned by 1974. An old building with electrical power was identified near the northern boundary of Parcel 96Q. Firing positions/firing lines were also identified. The main firing line was built up approximately 10 feet higher than the surrounding area and remnants of shooting boxes built behind a bermed area were also noted. Small-arms munitions debris (such as projectiles and casings) was not identified in the Parcel 96Q area.

Range, Choccolocco Corridor, Parcel 145Q-X, is an approximate 44-acre parcel where larger caliber weapons were presumably fired (cratered impact areas were identified within the range areas). A review of historical aerial photographs indicates that Parcel 145Q-X was active in 1949, 1954, and 1972 (ESE, 1998). Some expended flares and empty drums and cylinders were found next to a surface depression located in the eastern portion of Parcel 145Q-X. A trench and area of shallow depressions were also found in this area.

The EBS described Parcel 148Q-X as an impact area that occupies about 6 acres entirely within the boundaries of Parcels 96Q and 145Q-X. Several target bunkers used for pop-up targets are located in the central portion of the range. Electrical system remnants and old target structures are also present.

2.4 Former Range 43, Parcel 97Q; Range, Parcel 144Q-X; and Impact Area, Parcel 147Q-X

Former Range 43, Parcel 97Q; Range, Parcel 144Q-X; and Impact Area, Parcel 147Q-X are three partially overlapping ranges that occupy a total of approximately 26.5 acres. These ranges comprise the northernmost parcels that form the Choccolocco Corridor Ranges.

Former Range 43, Parcel 97Q, is identified as a former small-arms range that encompasses approximately 8 acres. Interviews with long-time FTMC personnel indicated that the range was used for small-arms training during World War II, the Korean War, and the Vietnam War. The direction of fire was to the southwest. Evidence of smoke training has also been observed in the vicinity of this former range (ESE, 1998). Numerous 5.56-mm rifle blank casings have been identified in the central portion of the Parcel 97Q area of investigation.

Range, Choccolocco Corridor, Parcel 144Q-X, is approximately 19 acres in size. The presence of cratered impact areas within the range suggests that larger caliber weapons were fired at this range. A review of historical aerial photographs indicates that this range was active in 1949, 1954, and 1972 (ESE, 1998).

Parcel 147Q-X is identified as a former impact area approximately 3 acres in size. It is not known which range is associated with this impact area. This parcel is located almost entirely within the boundaries of Parcel 144Q-X. Surface depressions that may have functioned as foxholes used as firing positions are located in the northeastern portion of Parcel 147Q-X. The depressions contained an ammunition box, an expended 40-mm flare, and an expended pop flare. An observation tower is located near the northwestern edge of the parcel.

Following the EBS and ASR, SI and RI activities were conducted at the ranges and documented in the final RI report (Shaw, 2010). These investigations included sampling of all potentially affected environmental media at the site, including surface and subsurface soil, sediment and surface water, and groundwater. The RI determined the nature and extent of environmental contamination resulting from historical military activities and waste disposal activities at the site. The results of these investigations are discussed in greater detail in the next section.

Today, the former ranges are part of the *Choccolocco Wildlife Management Area* used by the general public for hunting, fishing, and other recreational activities.

2.5 Previous Investigations and Response Actions

- **Environmental Baseline Survey.** The 1998 EBS classified the Former Choccolocco Corridor Ranges as Category 1 Qualified parcels. Category 1 parcels were defined as those areas where no release or disposal of hazardous substances or petroleum products occurred (including no migration of these substances from adjacent areas). However, the parcels were qualified because chemicals of potential concern and/or munitions and explosives of concern (MEC) may be present as a result of historical range activities.

- **Site Investigation.** Shaw conducted four separate SIs at the Former Choccolocco Corridor Ranges in 2002 to determine the presence or absence of contamination. The SIs consisted of the collection of 89 surface and depositional soil samples, 70 subsurface soil samples, 12 groundwater samples, and 3 collocated surface water/sediment samples. In addition, 15 monitoring wells were installed during the SI; however, 3 of the wells did not produce sufficient groundwater for sampling (Shaw, 2004a, b, c, and d).
- **Remedial Investigation.** Shaw conducted an RI at the Former Choccolocco Corridor Ranges in 2003-2004 to define the horizontal and vertical extent of contamination in all site media. The RI consisted of the collection of 62 additional surface and depositional soil samples, 86 subsurface soil samples, 19 groundwater samples (eight new monitoring wells were installed), and 20 collocated surface water/sediment samples. The RI field activities also included three phases of x-ray fluorescence (XRF) soil screening and the collection of 805 XRF soil samples (Shaw, 2010).
- **Soil Remedial Action.** In 2016 and 2017, HydroGeoLogic, Inc. (HGL) implemented the Selected Remedy at the Former Choccolocco Corridor Ranges to remove contaminated soil and sediment with concentrations of lead and the other COCs (antimony, copper, and zinc) above the cleanup levels presented in the Final ROD. The cleanup levels for the soil COCs were as follows:
 - Antimony – 18 mg/kg
 - Copper – 334 mg/kg
 - Lead – 500 mg/kg (surface soil); 800 mg/kg (subsurface soil).
 - Zinc – 100 mg/kg.
 Lead was the only COC identified in sediment. The cleanup level for lead in sediment was as follows:
 - Lead – 68 mg/kg.

The remedial action successfully removed the COCs to concentrations below the cleanup levels as documented in the Remedial Action Completion Report (HGL, 2018). A total of 37,123 tons of contaminated soil/sediment were excavated, treated onsite using a reagent-based stabilization process as necessary, and transported and disposed as nonhazardous special waste at an offsite permitted Subtitle D disposal facility. Because the remedial action did not achieve cleanup to a concentration that would allow for unrestricted future site use, LUCs will be required for the site.

The LUCs for the Former Choccolocco Corridor Ranges are briefly discussed in the following sections.

3.0 Land Use Control Objectives

Because the Selected Remedy (Alternative 3b – excavation of soil, LUCs, on-site stabilization, and off-site disposal) did not achieve cleanup to a concentration that would allow unrestricted reuse, LUCs as described in Section 4.0 will be required for portions of the site where lead remains in soil above the residential cleanup level of 400 mg/kg. Sediment cleanup values are not applicable to the ephemeral drainage features at the site. Rather, human health or ecological

cleanup levels for soil will be applied to the ephemeral site drainage features. The LUC area was determined based on surface lead concentrations above 400 mg/kg, including results from the removal action and previous studies that used XRF surveys. All subsurface results at the site were below 800 mg/kg and do not impact the LUC area. To the extent practicable the area was selected to maximize land use but be as contiguous as possible to minimize inspection burden in the future.

The overall objective for the LUCs described in this LUCIP is to prevent unacceptable risk to human health and the environment and to promote human safety by minimizing the potential for exposure to any substances that may present an unacceptable risk. The purpose of the LUCs is to prohibit residential use of the Former Choccolocco Corridor Ranges where concentrations of lead exceed the residential cleanup level. The excavation areas are shown on Figure 3. The areas where LUCs will be implemented encompass approximately 25 acres (estimated area where lead will remain above 400 mg/kg) at the Former Choccolocco Corridor Ranges, as shown on Exhibit A.

4.0 Description of Land Use Controls

In accordance with the Environmental Covenant provided as Appendix A, the following LUCs have been implemented to meet the objectives in Section 3.0.

4.1 Land Use Restrictions

Residential use is prohibited. Under EPA guidance and the Alabama Risk-Based Corrective Action Guidance, “unrestricted use” refers to “residential use” and includes, but is not limited to, schools, dwellings, homes, hospitals, child-care centers, nursing homes, playgrounds, recreation centers, and any other areas/structures with sensitive human activity (ADEM, 2017).

4.2 Land Use Control Mechanisms

- The Environmental Covenant prohibiting residential use of the property was filed in Probate on _____.
- The Alabama Forestry Commission or its successor will conduct annual inspections and reviews of these LUCs to verify that the LUCs have not been violated.

5.0 Monitoring, Maintaining, and Enforcing Land Use Controls

The Alabama Forestry Commission is responsible for monitoring, maintaining, and enforcing the LUCs specified in Section 4.0. The Army and ADEM also have authority to enforce the LUCs if necessary. The Alabama Forestry Commission and the Army will meet to discuss and enter an agreement regarding the enforcement of the LUCs and the division of LUC responsibilities. The Alabama Forestry Commission shall report any observed LUC violations to the Army and ADEM and take other appropriate preventive action if danger to human health and the environment is indicated.

Should a third party violate the terms and intent of these LUCs, the Alabama Forestry Commission will attempt to resolve the violation with the offender and if not corrected within 30 days, the Alabama Forestry Commission will consider use of all options (e.g., civil action, criminal prosecution) available to correct the violation.

6.0 Reducing or Removing Land Use Controls

The LUCs are required because the lead concentrations are above those allowed for residential use and shall remain in effect until:

- a. Changes in applicable Federal and State risk-based cleanup standards indicate that site contaminants no longer pose an unacceptable risk; or
- b. There is a reduction in site contaminant concentrations to below Federal and State residential risk-based cleanup standards.

and

- c. Until a request to remove or reduce the LUCs has been approved by ADEM.

7.0 Points of Contact

Fort McClellan Site Manager
U.S. Army Transition Force
681 Castle Avenue
Anniston, Alabama 36205

Regional Forester
Alabama Forestry Commission
6650 Old Highway 31 North
Gardendale, Alabama 35071

Chief, Land Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059

8.0 Administrative Record

Pertinent LUC records and other documents in the Administrative Record for the former Choccolocco Corridor Ranges can be found at the information repository maintained at the following location:

McClellan Center Library
 100A Gamecock Drive (Room 1153)
 Anniston, Alabama 36205
 Telephone: (256) 238-9352

9.0 References

Environmental Science and Engineering, Inc., 1998, *Final Environmental Baseline Survey (EBS)*, Fort McClellan, Alabama, prepared for the U.S. Army Environmental Center, Aberdeen Proving Grounds, Maryland, January.

HydroGeologic Inc. (HGL), 2018, *Remedial Action Completion Report for the Former Choccolocco Corridor Ranges*, Fort McClellan, Anniston, Alabama, Draft, March.

Shaw Environmental, Inc. (Shaw), 2004a, *Site Investigation Report, Former Range 40, Parcel 94Q, and Range, Choccolocco Corridor, Parcel 146Q, Fort McClellan, Calhoun County, Alabama*, Final, February.

Shaw Environmental, Inc. (Shaw), 2004b, *Site Investigation Report, Former Range 41, Parcel 95Q and Impact Area, Choccolocco Corridor, Parcel 131Q-X, Fort McClellan, Calhoun County, Alabama*, Final, January.

Shaw Environmental, Inc. (Shaw), 2004c, *Site Investigation Report, Former Range 42, Parcel 96Q; Range, Choccolocco Corridor, Parcel 145Q-X, and Impact Area, Choccolocco Corridor, Parcel 148Q-X, Fort McClellan, Calhoun County, Alabama*, Final, March.

Shaw Environmental, Inc. (Shaw), 2004d, *Site Investigation Report, Former Range 43, Parcel 97Q; Range, Choccolocco Corridor, Parcel 144Q-X, and Impact Area, Choccolocco Corridor, Parcel 147Q-X, Fort McClellan, Calhoun County, Alabama*, Final, April.

Shaw Environmental, Inc. (Shaw), 2010, *Remedial Investigation Report, Former Choccolocco Corridor Ranges, Fort McClellan, Calhoun County, Alabama*, Final Revision 1, August.

Shaw Environmental, Inc. (Shaw), 2013a, *Focused Feasibility Study, Former Choccolocco Corridor Ranges, Fort McClellan, Calhoun County, Alabama*, Final, April.

Shaw Environmental, Inc. (Shaw), 2013b, *Proposed Plan, Former Choccolocco Corridor Ranges, Fort McClellan, Calhoun County, Alabama*, Final, May.

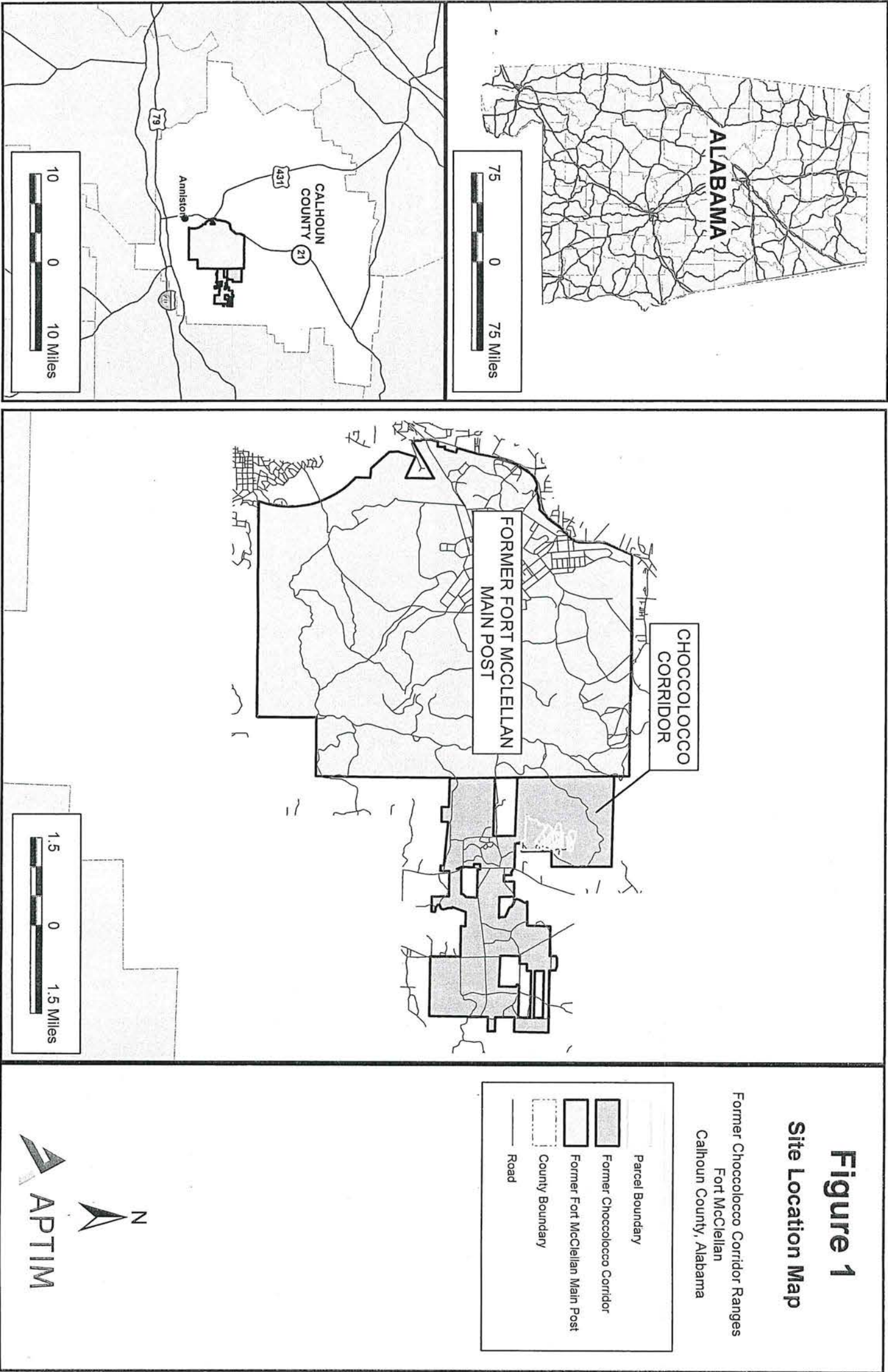
Shaw Environmental, Inc. (Shaw), 2014, *Record of Decision, Former Choccolocco Corridor Ranges, Fort McClellan, Calhoun County, Alabama*, Final, April.

U.S. Army Corps of Engineers, St. Louis District, 2001, *Archives Search Report, Fort McClellan, Anniston, Alabama*, Revision 1, September.

FIGURES

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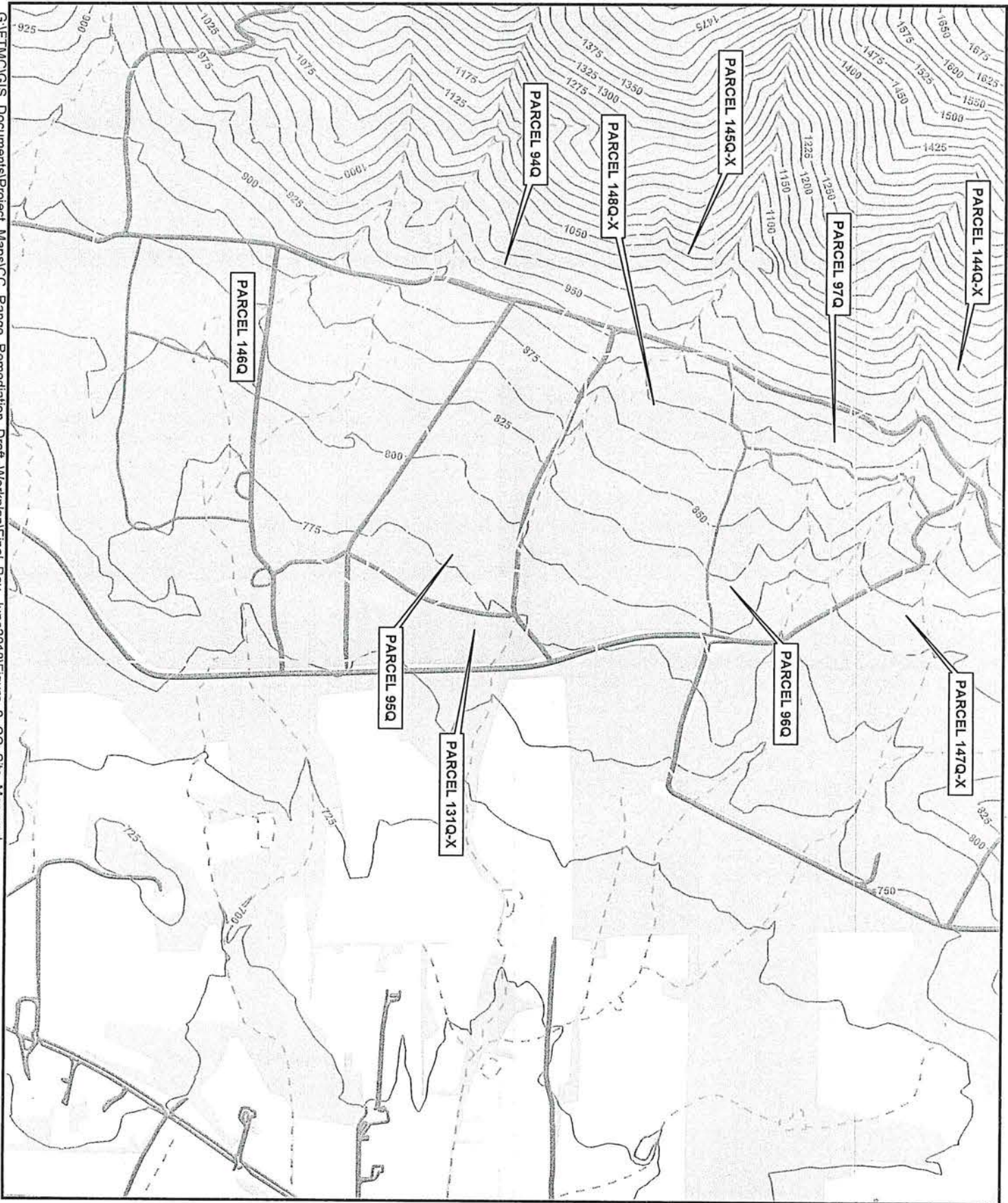
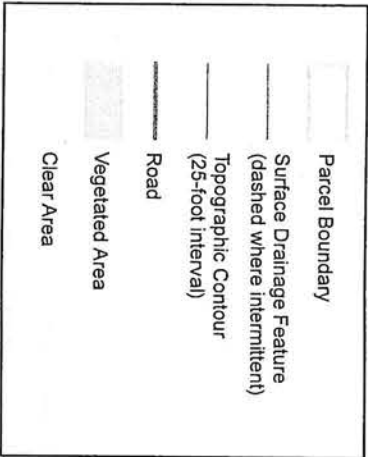


Figure 2

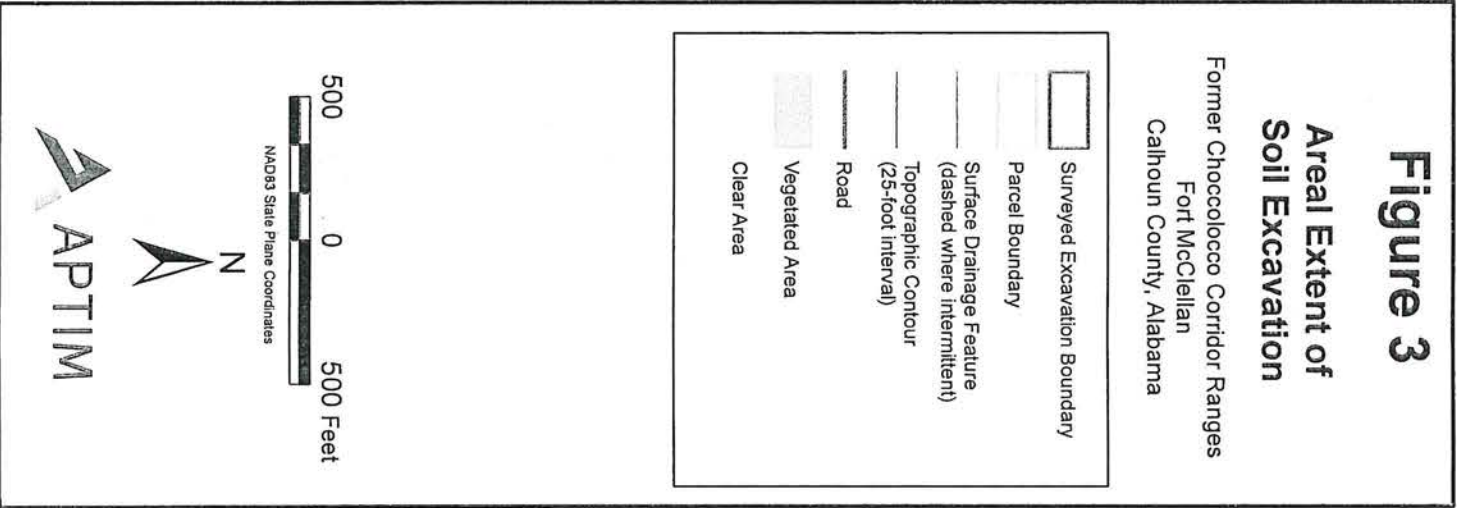
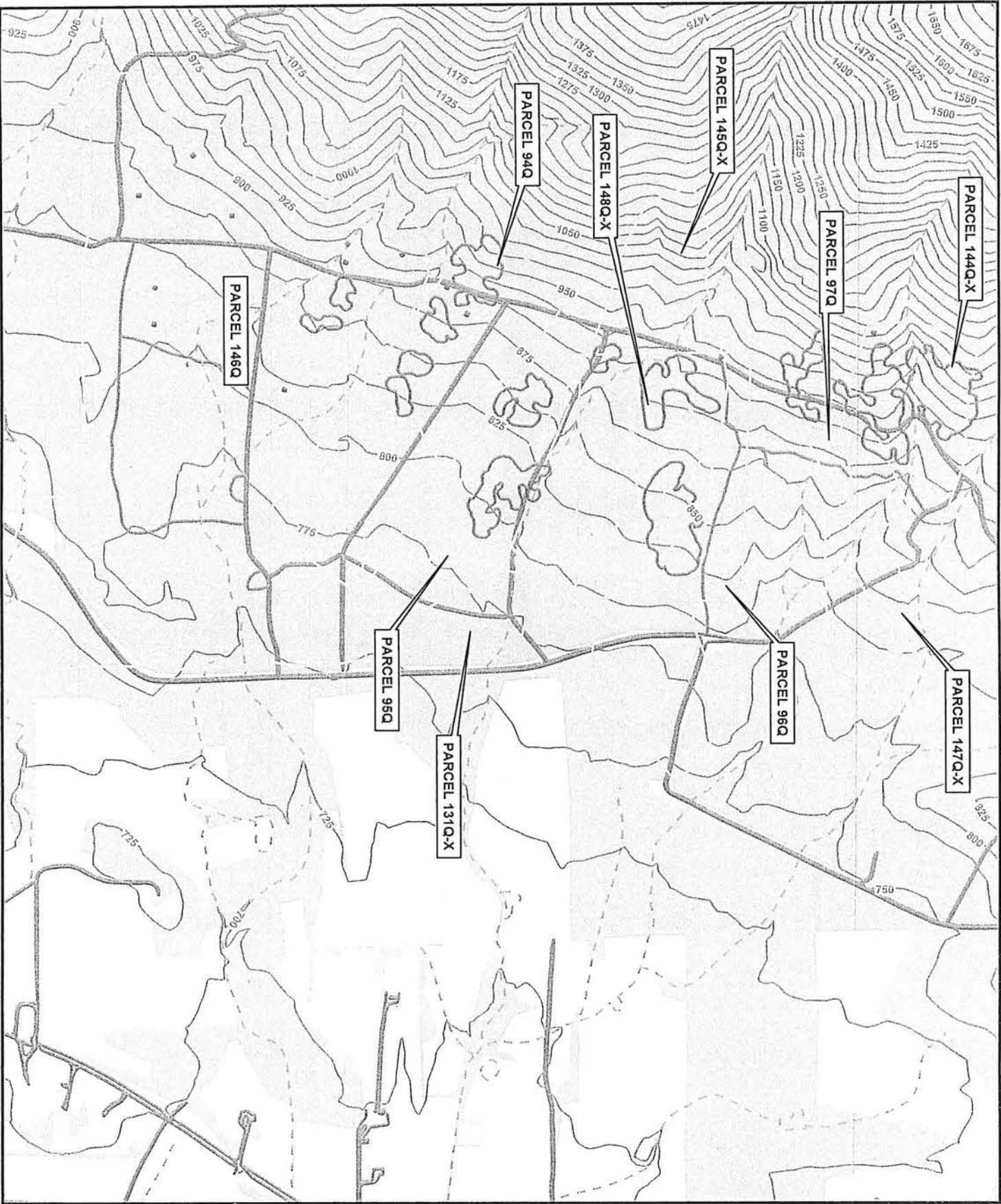
Site Map

Former Choccolocco Corridor Ranges
Fort McClellan
Calhoun County, Alabama



NAD83 State Plane Coordinates





APPENDIX A
ENVIRONMENTAL COVENANT

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STATE OF ALABAMA)
CALHOUN COUNTY)

ALABAMA FORESTRY COMMISSION
ENVIRONMENTAL COVENANT
NUMBER CCR-01

KNOW ALL MEN BY THESE PRESENTS: That pursuant to the Alabama Uniform Environmental Covenants Act, §§ 35-19-1 through 35-19-14, Code of Alabama 1975, as amended, (the "Act") and the ADEM Administrative Code of Regulations promulgated thereunder,

THE ALABAMA FORESTRY COMMISSION

(hereinafter "AFC" or "Grantor") grants this Environmental Covenant, Numbered CCR-01, which constitutes a servitude arising under an environmental response project that imposes activity and/or use limitations, to the following statutory Holder:

THE ALABAMA FORESTRY COMMISSION

("AFC"), (hereinafter "Grantee" or "Holder"), to-wit:

WHEREAS, the Grantor is the owner of that certain real property known as "Former Choccolocco Corridor Ranges" which is located in the Choccolocco Wildlife Management Area of the Shoal Creek Ranger District – Talladega National Forest hereinafter referred to as "the Property"; and,

WHEREAS, the Property is more particularly described as follows:

Parcels of land (collectively 25 acres, more or less) situated in portions of Sections 8, 9, 16, and 17, lying in Township 15 South, Range 9 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

POINT OF BEGINNING at LUC Area 1 being an unmarked point (Point 1 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1177209.6570 and East 693923.2841 runs thence as follows:

South 89 degrees 24 minutes 36 seconds East, 264 feet;

South 43 degrees 20 minutes 24 seconds East, 282 feet;

South 50 degrees 19 minutes 12 seconds West, 156 feet;

South 0 degrees 0 minutes 0 seconds West, 51 feet;

South 88 degrees 57 minutes 36 seconds East, 189 feet;

South 0 degrees 0 minutes 0 seconds West, 279 feet;

South 88 degrees 55 minutes 12 seconds West, 216 feet;

South 1 degree 54 minutes 0 seconds East, 246 feet;

South 49 degrees 1 minutes 48 seconds West, 261 feet;
North 83 degrees 51 minutes 36 seconds West, 216 feet;
North 0 degrees 31 minutes 48 seconds East, 147 feet;
South 89 degrees 35 minutes 60 seconds West, 99 feet;
North 0 degrees 0 minutes 0 seconds East, 96 feet;
North 74 degrees 30 minutes 36 seconds East, 162 feet;
North 90 degrees 0 minutes 0 seconds East, 84 feet;
North 2 degrees 3 minutes 0 seconds West, 75 feet;
North 77 degrees 14 minutes 24 seconds West, 297 feet;
North 16 degrees 36 minutes 36 seconds East, 354 feet;
North 27 degrees 25 minutes 12 seconds East, 308 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 2 and an unmarked point (Point 20 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175730.6846 and East 693932.3187, runs thence as follows:

South 90 degrees 0 minutes 0 seconds East, 69 feet;
South 0 degrees 0 minutes 0 seconds East, 42 feet;
North 90 degrees 0 minutes 0 seconds West, 69 feet;
North 0 degrees 0 minutes 0 seconds West, 42 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 3 and an unmarked point (Point 24 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175528.1659 and East 694265.6930, runs thence as follows:

North 88 degrees 16 minutes 48 seconds East, 69 feet;
South 1 degrees 40 minutes 48 seconds East, 45 feet;
South 88 degrees 16 minutes 48 seconds West, 69 feet;
North 1 degrees 40 minutes 48 seconds West, 45 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 4 and an unmarked point (Point 28 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175779.1519 and East 694545.5823 runs thence as follows:

North 90 degrees 0 minutes 0 seconds East, 300 feet;
South 0 degrees 0 minutes 0 seconds West, 300 feet;
South 90 degrees 0 minutes 0 seconds West, 300 feet;

North 0 degrees 0 minutes 0 seconds East, 300 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 5 and an unmarked point (Point 32 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175267.9857 and East 693779.3338, runs thence as follows:

North 87 degrees 8 minutes 24 seconds East, 54 feet;

South 5 degrees 0 minutes 36 seconds East, 39 feet;

South 87 degrees 8 minutes 24 seconds West, 54 feet;

North 5 degrees 0 minutes 36 seconds West, 39 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 6 and an unmarked point (Point 36 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1175080.1011 and East 693966.7764, runs thence as follows:

South 69 degrees 21 minutes 36 second East, 285 feet;

South 0 degrees 18 minutes 36 seconds West, 255 feet;

North 86 degree 53 minutes 24 seconds West, 213 feet;

North 0 degrees 0 minutes 0 seconds West, 78 feet;

North 56 degrees 45 minutes 36 seconds West, 144 feet;

North 19 degree 55 minutes 48 seconds East, 199 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 7 and an unmarked point (Point 42 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1174858.6141 and East 694324.3106, runs thence as follows:

South 88 degrees 27 minutes 0 seconds East, 405 feet;

South 30 degrees 33 minutes 36 seconds East, 132 feet;

South 2 degrees 31 minutes 12 seconds East, 156 feet;

North 89 degrees 3 minutes 36 seconds West, 249 feet;

North 58 degrees 45 minutes 0 seconds West, 261 feet;

North 2 degrees 42 minutes 0 seconds West, 141 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 8 and an unmarked point (Point 48 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1174818.5679 and East 693427.2428, runs thence as follows:

South 55 degrees 46 minutes 12 seconds East, 807 feet;

South 30 degrees 43 minutes 48 seconds West, 228 feet;

North 60 degrees 21 minutes 0 seconds West, 249 feet;
South 36 degrees 24 minutes 36 seconds West, 69 feet;
North 54 degrees 16 minutes 48 seconds West, 591 feet;
North 38 degrees 10 minutes 12 seconds East, 301.8 feet to the point of beginning and;

POINT OF BEGINNING at LUC Area 9 and an unmarked point (Point 54 on Exhibit A) having NAD 1983 Alabama State Plane, East Zone, FIPS 0101 Feet Coordinates of North 1174056.7630 and East 693444.7650, runs thence as follows:

South 88 degrees 24 minutes 36 seconds East, 171 feet;
South 45 degrees 17 minutes 24 seconds East, 96 feet;
South 39 degrees 19 minutes 48 seconds West, 126 feet;
North 80 degrees 51 minutes 36 seconds West, 159 feet;
North 0 degrees 55 minutes 12 seconds West, 144.5 feet to the point of beginning and;

WHEREAS, this instrument is an Environmental Covenant developed and executed pursuant to the Alabama Uniform Environmental Covenants Act and the regulations promulgated thereunder;

WHEREAS, pursuant to Ala. Code 35-19-11(b) (2), the terms of this Environmental Covenant are enforceable by the Alabama Department of Environmental Management;

WHEREAS, a release or potential for release of contaminants on the Property has been reported to the Alabama Department of Environmental Management (ADEM); designated as EPA ID Number: AL5000053611; and

WHEREAS, Fort McClellan, Alabama was required to perform certain environmental response actions as documented in an approved Record of Decision for the Property;

WHEREAS, the Property was used for weapons firing ranges where metals (primarily lead, copper, antimony, and zinc) from small-arms ammunition were released into the soil and sediment at target and impact areas.

WHEREAS, the selected remedial action for the Property includes excavation, on-site stabilization, and off-site disposal of soil and sediment from areas where the concentrations of metals exceed cleanup levels, and land use controls where metals remain in soil above the unrestricted cleanup level of 400 mg/kg;

WHEREAS, the Property has land use controls preventing residential site use;

WHEREAS, the GRANTOR and assignees agreed to perform annual inspections and reviews at the Property, pursuant to the Record of Decision (ROD) and the Land Use Control

Implementation Plan (LUCIP) to address the effects of the release/disposal, which includes controlling exposure to the hazardous wastes, hazardous constituents, hazardous substances, pollutants, or contaminants;

WHEREAS, the said ROD requires institutional controls to be implemented to address the effects of the release/disposal and to protect the remedy so that exposure to the hazardous waste, hazardous constituents, hazardous substances, pollutants, or contaminants is controlled by restricting the use of the Property and the activities on the Property;

WHEREAS, hazardous wastes, hazardous constituents, hazardous substances, pollutants, or contaminants remain on the Property;

WHEREAS, implementation of the approved ROD is expected to achieve risk-based cleanup levels deemed protective of public health and the environment based upon certain use restrictions imposed on the property to limit exposure to potential hazardous waste (HTRW); and,

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by placing restrictions on the Property in accordance with the approved ROD; and

WHEREAS, further information concerning the environmental response actions, including the Administrative Record, may be obtained by contacting:

Chief, Land Division
Alabama Department of Environmental Management
 1400 Coliseum Boulevard
 Montgomery, Alabama 36110
 (334) 271-7700

NOW, THEREFORE, Grantor hereby grants this Environmental Covenant to the named Holder, and declares that the Property shall hereinafter be bound by, held, sold, used, improved, occupied, leased, hypothecated, encumbered, and/or conveyed subject to the requirements set forth below:

1. DEFINITIONS

Owner. "Owner" means the GRANTOR, its successors and assigns in interest.

2. USE RESTRICTIONS

Activities that violate the following restrictions shall not take place on the Property without obtaining prior written approval from ADEM:

- (i) Residential use of the property is prohibited. Residential uses include, but are not limited to, housing, daycare facilities, playgrounds and schools (excluding education and training programs for persons over 18 years of age), and assisted living facilities;

3. GENERAL PROVISIONS

A. Restrictions to Run with the Land. This Environmental Covenant runs with the land pursuant to §35-19-5, Code of Alabama 1975, as amended; is perpetual unless modified or terminated pursuant to the terms of this Covenant or §35-19-9 Code of Alabama 1975, as amended; is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof; inures to the benefit of and passes with each and every portion of the Property; and binds the Owner, the Holder, all persons using the land, all persons, their heirs, successors and assigns having any right, title or interest in the Property, or any part thereof who have subordinated those interests to this Environmental Covenant, and all persons, their heirs, successors and assigns who obtain any right, title or interest in the Property, or any part thereof after the recordation of this Environmental Covenant.

B. Notices Required. In accordance with §35-19-4(b), Code of Alabama 1975, as amended, the Owner shall send written notification pursuant to Section I, below, upon any of the following events affecting the property subject to this covenant: Transfer of any interest, any proposed changes in the use of the property, any applications for building permits, or any proposals for site work that could affect the contamination on the Property. The Owner shall send this notification within thirty (30) days of each event listed in this Section.

C. Registry/Recordation of Environmental Covenant; Amendment; or Termination. Pursuant to §35-19-12(b), Code of Alabama 1975, as amended, this Environmental Covenant and any amendment or termination thereof, shall be contained in the ADEM Registry of Environmental Covenants. After an environmental covenant, amendment, or termination is filed in the registry, a notice of the covenant, amendment, or termination may be recorded in the land records in lieu of recording the entire covenant in compliance with §35-19-12(b). Grantor shall be responsible for filing the Environmental Covenant within thirty (30) days of the final required signature.

D. Compliance Certification. In accordance with Ala. Code §35-19-4(b), as amended, the Owner shall submit a report on the effectiveness of the land use controls to the Chief of the ADEM Land Division, on an annual basis.

E. Right of Access. Subject to the requirements of the above-referenced ROD, the Owner hereby grants to ADEM, ADEM's agents, contractors and employees; the Owners' agents, contractors and employees; and any other named Holder, its agents, contractors and employees, the right of access to the Property for implementation or enforcement of this Environmental Covenant.

F. ADEM Reservations. Notwithstanding any other provision of this Environmental Covenant, ADEM retains all of its access authorities and rights, as well as all of its rights to require additional land/water use restrictions, including enforcement authorities related thereto.

G. Representations and Warranties. Grantor hereby represents and warrants as follows:

i) That the Grantor has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided, and to carry out all obligations hereunder;

That the Grantor is the sole owner of the Property and holds fee simple title which is free, clear and unencumbered;

That the Grantor has identified all other parties that hold any interest or encumbrance affecting the Property and has notified such parties of the Grantor's intention to enter into this Environmental Covenant.

That this Environmental Covenant will not materially violate, contravene, or constitute a material default under, any other agreement, document, or instrument to which Grantor is a party, by which Grantor may be bound or affected;

That this Environmental Covenant will not materially violate or contravene any zoning law or other law regulating use of the Property;

That this Environmental Covenant does not authorize a use of the Property which is otherwise prohibited by a recorded instrument that has priority over the Environmental Covenant.

H. Compliance Enforcement. In accordance with §35-19-11(b), Code of Alabama 1975, as amended, the terms of the Environmental Covenant may be enforced by the parties to this Environmental Covenant; any person to whom this Covenant expressly grants power to enforce; any person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the Covenant; or a municipality or other unit of local government in which the real property subject to the Covenant is located, in accordance with applicable law. Failure to timely enforce compliance with this Environmental Covenant or the use or activity limitations contained herein by any person shall not bar subsequent enforcement by such person and shall not be deemed a waiver of the person's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall limit the regulatory authority of ADEM under any applicable law with respect to the environmental response project.

I. Modifications/Termination. Any modifications or terminations to this Environmental Covenant must be made in accordance with §§ 35-19-9 and 35-19-10, Code of Alabama 1975, as amended.

J. Notices. Any document or communication required to be sent pursuant to the terms of this Environmental Covenant shall be sent to the following persons:

ADEM

Chief, Land Division A.D.E.M.
1400 Coliseum Boulevard
Montgomery, AL 36110

GRANTOR

The Alabama Forestry Commission
Calhoun County Office

3985 Highway 21 North
Jacksonville, AL 36265

K. No Property Interest Created in ADEM. Pursuant to §35-19-3(b), Code of Alabama 1975, as amended, the rights of ADEM under the Act or under this Environmental Covenant, other than a right as a holder, is not an interest in the real property subject to the covenant, nor does the approval by ADEM of this Environmental Covenant create any interest in the real property.

L. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

M. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Alabama.

N. Recordation. In accordance with §35-19-8(a), Code of Alabama 1975, as amended, Grantor shall have this Environmental Covenant, and any amendment or termination thereof, recorded in every county in which any portion of the real property subject to this Environmental Covenant is located. Grantor shall have this Environmental Covenant recorded within thirty (30) days after the date of the final required signature.

O. Effective Date. The effective date of this Environmental Covenant shall be the date the fully executed Environmental Covenant is recorded in accordance with paragraph "N" above.

P. Distribution of Environmental Covenant. In accordance with §35-19-7, Code of Alabama 1975, the Co-Grantor shall, within thirty (30) days of filing this Environmental Covenant, have a recorded and date stamped copy of same distributed to each of the following: (1) Each person who signed the covenant; (2) Each person holding a recorded interest in the property; (3) Each person in possession of the property; (4) Each municipality or other unit of local government in which the property is located; and (5) Any other person required by ADEM to receive a copy of the covenant. However, the validity of this Environmental Covenant will not be affected by the failure to provide a copy of the Covenant as herein provided.

Q. Party References. All references to ADEM, the Grantor, or other applicable parties, shall include successor agencies, departments, divisions, heirs, executors and/or administrators.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 31st
day of July, 2019.

R O Oates

AFC Grantor

By: Rick Oates

Its: State Forester

STATE OF ALABAMA)
CALHOUN COUNTY)

I, the undersigned Notary Public in and for said County and State, hereby certify that Rick Oates whose name as State Forester of the Grantor is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date and with full authority to do so.

Given under my hand and official seal this 31st day of July, 2019.

Lisa Nicole Haw

Notary Public

My Commission Expires: 9/12/20



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This Environmental Covenant is hereby approved by the State of Alabama, Department of Environmental Management.

Dated August 21, 2019

By: [Signature]
Chief, Land Division
Alabama Department of Environmental
Management

STATE OF ALABAMA)
MONTGOMERY COUNTY)

I, the undersigned Notary Public in and for said County and State, hereby certify that Stephen A. Cobb, whose name as Chief, Land Division, Alabama Department of Environmental Management is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he approved the same voluntarily on the day the same bears date and with full authority to do so.

Given under my hand and official seal this 21 day of August, 2019

[Signature]
Notary Public
My Commission Expires 1-30-23



STATE OF ALABAMA)
CALHOUN COUNTY)

I, hereby certify that the foregoing Environmental Covenant has been recorded in the property records of Calhoun County, Alabama, at Deed Book 3254, Page 787

_____.

Dated September 26, 2019

By: Alynda Heard
Clerk, Office of Probate Judge

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Exhibit A

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DEED 3254 823
Mental Health Fee 4.00
Recording Fee 117.00
TOTAL 121.00

