

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

* * * * *

Taken before SAMANTHA E. NOBLE, a Court
Reporter and Commissioner for Alabama at Large, at
Building 141-A, Basement Conference Room, Fort
McClellan, Alabama, on the 16th day of March, 1998,
commencing at approximately 6:30 p.m.

R E P O R T E R ' S I N D E X

CAPTION SHEET	1
REPORTER'S INDEX	2
RESTORATION ADVISORY BOARD	5-128
CERTIFICATE129-130

1 MR. FERN THOMASSY: Mr. Turner?
2 MR. CHARLES TURNER: I'm here.
3 MR. FERN THOMASSY: Mr. Levy?
4 MR. RON LEVY: Here.
5 MR. FERN THOMASSY: Mr. Anderson is
6 not here.
7 MR. RON LEVY: Could we get your
8 attention and we'll start the roll.
9 MR. FERN THOMASSY: Mr. Brown?
10 Mr. Conroy?
11 MR. PETE CONROY: Here.
12 MR. FERN THOMASSY: Dr. Cox?
13 DR. BARRY COX: Here.
14 MR. FERN THOMASSY: Mr. Cunningham?
15 MR. DONALD CUNNINGHAM: Here.
16 MR. FERN THOMASSY: Mr. Elser? Ms.
17 Harrington? Mr. Hood? Mayor Kimbrough?
18 MAYOR KIMBROUGH: Here.
19 MR. FERN THOMASSY: Ms. Longstreth?
20 MS. MARGARETTE LONGSTRETH: Here.
21 MR. FERN THOMASSY: Mr. Miller,
22 James Miller?
23 MR. JAMES MILLER: Here.

1 MR. FERN THOMASSY: I saw you.

2 Mr. Faust?

3 MR. ALAN FAUST: Here.

4 MR. FERN THOMASSY: Mr. Parks?

5 MR. PARKS: Here.

6 MR. FERN THOMASSY: Mr. Johnson?

7 MR. CHRIS JOHNSON: Here.

8 MR. FERN THOMASSY: Mr. Buford?

9 Mr. Reedy? And Chris Johnson?

10 MR. CHRIS JOHNSON: Excuse me. I'm
11 here again.

12 MR. FERN THOMASSY: Got him twice.

13 Mr. John Johnson is not here, right?

14 MR. RON LEVY: Yes.

15 MR. FERN THOMASSY: I would like to
16 call the meeting to order and go into the approval of
17 the minutes. I think everybody has had a chance to
18 look at those minutes. They were a bit more detailed
19 than we had, and I think that's what we need. They
20 back up a lot of the things that were said last time,
21 at a very good meeting.

22 For those of you that weren't
23 there, we had it at the Weaver City Hall. And Rob

1 Richardson gave an excellent presentation. A lot of
2 it was contained in those minutes that were provided
3 to us.

4 Anybody have any comments on them,
5 additions, or deletions?

6 MR. CHARLES TURNER: Move that we
7 approve them, Mr. Chairman.

8 MR. FERN THOMASSY: Do I hear a
9 second?

10 MS. LONGSTRETH: Second.

11 MR. FERN THOMASSY: All those in
12 favor say I? Opposed? Minutes are approved.

13 Well, really the new business
14 coming out of the last meeting is to go ahead and hear
15 something about the EIS. And I would like to turn it
16 over to Ron to introduce our guest presenter and
17 speaker from TRADOC, who you said is the BRAC officer
18 for TRADOC?

19 MR. RON LEVY: Yes. David Taylor
20 is the BRAC officer for headquarters TRADOC. He's
21 responsible for the closure of all the TRADOC
22 installations, all installations that are presently
23 controlled by TRADOC, which includes the old Fort

1 Benjamin Harrison, Ford Ord, Fort Chappie. Let me
2 see, what else have I missed, David?

3 MR. DAVID TAYLOR: Miscellaneous,
4 minor stuff.

5 MR. RON LEVY: Yes. David has been
6 doing this for a long time. Very important individual
7 in terms of the BRAC actions that are going on. Has a
8 staff of individuals up at TRADOC that do everything
9 from coordination to handling of resources and
10 dollars. And he's kind of the individual I report to
11 a lot on the environmental side. And with that, I'll
12 let you take over, David.

13 MR. DAVID TAYLOR: Ron reports to
14 me because I program and budget the dollars. That's,
15 you know -- always, the purse string always help the
16 reason.

17 But, no, actually, I do have an
18 integrations function, and I'm a catalyst for him and
19 a catalyst for the RAB, too, by the way, to help y'all
20 accomplish y'all's actions and things, as well as
21 other things to make everything come together, reuse,
22 all of those things, integrations plays a part on the
23 chart by the Department for that execution

1 (inaudible).

2 What I would like to do this
3 evening is give you, oh about forty, forty-five
4 minutes -- I'll try to be short -- of a presentation
5 on the draft EIS. It will basically follow along the
6 lines of what was presented on the 15th of January at
7 the public hearing down at the Anniston Convention
8 Center.

9 As the chief of the base
10 realignment and closure at TRADOC, I am the proponent
11 for the document, so, if you don't like it, I guess
12 I'm the guy you can beat up on.

13 I will tell you that we have
14 probably one of the best contractors in the business
15 doing this EIS. They helped draft the methodology
16 that became the Army standard. Have won for TRADOC,
17 three national awards, two of them on documents that
18 were prepared by me. I also have the corps, who is in
19 between the contractor and myself on it.

20 Why don't you let me have the next
21 chart. I think I've already kind of talked to this
22 one already.

23 The draft EIS notice of

1 availability was published in the federal register on
2 the 19th of December. That initiated a forty-five day
3 public review period. That public review period ended
4 on the 2nd of February. So, if you're looking to make
5 comments to me, sorry, see you at the final. No, not
6 quite that way, but just about, because we are moving
7 forward. And we did get comments from the public.

8 Held the public hearing, as I
9 mentioned, on the 15th of January. I have more in
10 this room right now than the local community that
11 attended the public hearing. Pete was there and a
12 couple of others from the community. U. S. Fish &
13 Wildlife was present. And that was about it. It
14 wasn't a lot of discussion. Wasn't a lot of comments
15 presented at the public hearing.

16 The other -- we did get comments
17 from the FMDC, from EPA region four, from the
18 Department of Interior, and some others, all of which
19 will be considered for the preparation of the final
20 EIS, which should be published this summer. And I'll
21 show you the schedule for the completion a little bit
22 later.

23 If you want to know where you can

1 see a copy of the draft EIS, it's in all the local
2 libraries, to include the library here on post, both
3 the MP school library and the chemical school library.
4 It's at the Anniston Calhoun County Public Library as
5 an example.

6 Next chart, 'please. Talk to you a
7 little bit about the key players. This is key players
8 for the EIS. As I'll refer to the environmental
9 impact statement as the EIS. The installation is
10 always a key player in anything we do in BRAC,
11 obviously, on it.

12 Next chart, please. Other key
13 players, Mobile district corps of engineers, they're
14 preparing a document for me, using the contractor out
15 of St. Louis.

16 Environmental Protection Agency,
17 they grade the document. They do grade it. They gave
18 me a C2. If you want to know what that is, you can
19 see me, but it's a passing grade. It's a good grade
20 for them. They did have some comments and things,
21 obviously, which we'll address in the final.

22 Fish & Wildlife Service, threatened
23 endangered species, obviously. State agencies, they

1 have some responsibilities. And Fort McClellan
2 Development Commission, because we try to use their EI
3 -- I'm sorry -- their reuse plan, development, as
4 you'll see a little bit later as the purpose for that.
5 And the general public, that's you. Important, the
6 general public is very important. Participated in --
7 oh, I want to say, October, November '97 when we had a
8 public scoping meeting that I'll talk about.

9 Next chart, please. Basically,
10 what the EIS doesn't focus on anything that's in here
11 that's related to the closure of Fort McClellan. The
12 EIS does not address closure.

13 The decision to close Fort
14 McClellan is exempt from NEPA documentation. What is
15 nonexempt is disposal of the property and its reuse.

16 Next chart. Let me talk a little
17 bit, just to put in the frame of reference for you, if
18 you're not familiar with the overall actions, of where
19 the active component missions are going.

20 Fort Jackson receives the DoD PI,
21 polygraph institute school and a base OPS slice.
22 Everybody always gets a garrison slice, a fort slice
23 with them. Fort Leonard Wood is the major recipient,

1 being the MP and chemical school and their associated
2 activities. DoD detachment, explosive ordnance
3 detachment moves over to Anniston Army Depot. A
4 facility is under construction for them. Should be
5 completed in June, early July. And they will go ahead
6 and move into it.

7 11th chem company is going to Fort
8 Louis Washington. 209th MP company is going to Fort
9 Polk, Louisiana. And the WAC Museum will move to Fort
10 Lee, Virginia, where it will link up -- well,
11 actually, the WAC were at Fort Lee at one time in the
12 history before coming to Fort McClellan. And that's
13 also where a lot of female training occurs. So, there
14 is a linkage in there, as well.

15 Next chart, please. Key processes
16 that are involved in the closure, in the realignment
17 and closure of Fort McClellan, and then property
18 disposal and reuse. The realignment and draw-down
19 process, I'll just tell you it's on track. All the
20 construction is on track, everything is going well on
21 it. We have our normal (inaudible), you know, a
22 little tizzy here, a little tizzy there, as everything
23 occurs. But it's generally on schedule, on track for

1 the schools to move with the training, with the combat
2 development, training development, is moving in the
3 first part of FY '99, calendar year '99, rather. And
4 then the MP and the chemical schools, that summer and
5 fall. So we in fact should accomplish closure, as it
6 looks today, on 30 September '99. It will be -- it's
7 tough and it's hard, but we will get there. The
8 construction is on line at Fort Leonard Wood and Fort
9 Jackson to support those moves.

10 The next item is the NEPA document,
11 national environmental policy act record of decision
12 for disposal and reuse. Can't do any disposal, can't
13 do -- which follows with reuse, until that is
14 accomplished. And we're on schedule about where we
15 need to be on that.

16 Environmental cleanup, that's what
17 y'all are about, so I don't need to talk to you about
18 that.

19 Program property transfer and
20 disposal, corps of engineers' responsibility.
21 Obviously, that goes with reuse on it.

22 And then the reuse planning and
23 grant process, that's SM -- the Fort McClellan

1 Development Commission, before that the Fort McClellan
2 Redevelopment Reuse -- Reuse Redevelopment Authority,
3 the community. What are you doing in that regard?
4 What we'll do tonight is focus in on that action, on
5 the NEPA documentation on it.

6 Next chart, please. Some of the
7 environmental laws, not all of them. I guess my point
8 is that there are a lot of federal statutes, more than
9 I would like to deal with. And what's simple for you
10 as a community or you as an individual to buy and sell
11 property to take actions, is not simple for the

12 Federal Government. We only have the authority that's
13 given to us by Congress, as well as the requirements
14 that are given to us by Congress.

15 Now, in conjunction with this EIS
16 document, the draft EIS, we also address the National
17 Historical Preservation Act, because there are
18 historic properties, both cultural properties,
19 historic buildings, as well as potential archeological
20 sites. Their disposal is a federal action. And by
21 definition, that's an adverse effect, and therefore,
22 we must go consult with the State Historical
23 Preservation officer -- who just left. We're in the

1 process of a change -- as well as the Advisory Counsel
2 for Historic Preservation, which is in Washington.

3 We put -- we had in the draft EIS a
4 draft of the programmatic agreement, which basically
5 establishes the covenants that will protect the
6 historic properties when the Federal Government
7 disposes of them.

8 We will be sending out this week to
9 the interested parties who indicated interest in that,
10 which includes the Fort McClellan Development
11 Commission, a couple of Indian tribes, and, of course,
12 the state SHPO, what we hope will be the final
13 programmatic agreement for signature. It lays out the
14 covenants of the property. It also lays out the
15 actions the Army will finish taking to complete the
16 inventories on archeological sites, World War II era,
17 and Cold War era buildings. All the others are in
18 fact complete.

19 Endangered Species Act. We're in
20 consultation. Well, not yet. But informal
21 consultation, at this point, preparing a biological
22 assessment to address those impacts.

23 NEPA acts as a cover document on

1 it. But these each have their own specific
2 requirements on it, as well, that must be complied
3 with during that process. The Endangered Species Act,
4 one interest here is the bat, gray bat. Make sure I
5 don't get it mixed up with the Indiana bat, which is
6 also endangered. Doesn't roost, but it uses the
7 waterways and forging habitat.

8 CERCLA, which you all know. RCRA.
9 Well, RCRA really doesn't come into play, because
10 we're following CERCLA on that. There may be some
11 that are close-out compliance actions under RCRA. And
12 I'll just tell you that there are others that will
13 come into play with this Title Ten on housing and lead
14 base paint as an example.

15 You know, not everything falls into
16 CERCLA. If you look around, you'll probably find
17 something that impacts. Utilities has a whole slew of
18 their own, as an example of what we can and cannot do.
19 And we have -- and the Federal Property Management Act
20 has it.

21 But these are primarily the
22 environmental laws that are primary drivers as far as
23 all the keys.

1 Next action, please. Now, NEPA,
2 National Environmental Policy --

3 MR. RON LEVY: Went too far.

4 MR. DAVID TAYLOR: Okay, I guess
5 that's what I'm going to talk about. Next chart.

6 National Environmental Policy Act
7 is implemented by the counsel of environmental quality
8 regulation, in the case of the Army, AR200-2.

9 Next chart, please. That's the
10 regulatory requirement. Did we skip one?

11 The actions that are addressed in
12 the EIS is the Army's action of disposing of
13 approximately seventeen thousand, three hundred excess
14 acres, and the community's action of reuse of the
15 excess area. That's not an Army action. We don't
16 reuse. That's your action and your job. We doesn't
17 address, in this EIS, the relocation of the schools.
18 They have separate NEPA document. Closing, I
19 mentioned early, or retaining the National Guard or
20 the U. S. Army Reserve facilities. That's excluded
21 under the decision process by public law 101-510.

22 Next chart, please. When we
23 started this process back in '95, that fall, about

1 November time frame, we had the public hearing scoping
2 meeting to receive the public's comments and inputs as
3 to what was important to the local community,
4 environmentally-wise, that they felt needed to be
5 emphasized in the EIS, needed to be examined in the
6 environmental analysis. At the top of the list was
7 the mountain longleaf pine ecosystem.

8 Biological resources habitat, the
9 endangered species. The other items that fit in out
10 there, the need for recreation, UXO, hazardous waste
11 removal, cleanup, reuse alternatives, which we usually
12 turn around and pass to the local community for their
13 consideration. Cultural resources. The section 106
14 National Historical Preservation Act and the
15 economics, the impacts of closure. Which we really
16 didn't address the impacts of closure. What we do
17 address is the impacts of reuse.

18 Next chart, please. The EIS
19 primary sections, these are the chapters, the section
20 EIS, purpose, scope, proposed action. Alternatives
21 that will be analyzed and not analyzed in some cases.
22 The affected environment, the baseline, and then the
23 impacts or the environmental consequences. And I'll

1 go through each one of those sections for you in a
2 little more detail.

3 Next chart, please. Proposed
4 action is in fact the disposal of excess property by
5 the Army and then the property reuse by others. To
6 these, there are alternatives. I will show you the
7 alternatives in a moment. And there's some
8 alternatives there.

9 I think what I need to say up front
10 to you is: That reuse planning is the local
11 community's responsibility. And you have in fact --
12 Fort McClellan Development Commission has in fact
13 completed a reuse plan. It's awaiting approval by HUD
14 for the Homeless Assistance Act implementation
15 requirement. The Army does not approve the reuse
16 plan. We use it. We try to dispose -- our goal is to
17 dispose of property in accordance with that reuse
18 plan, as long as it is not contrary to other federal
19 statutes and regulations that would prohibit such a
20 disposal.

21 The EIS does provide -- and we did
22 share working documents with the commission, with the
23 authority -- provides them a mechanism or means to

1 consider those kind of things as they develop their
2 reuse plan. And the constraints that may be imposed
3 on the disposal by the Army.

4 Next chart. It does not address
5 Pelham Range being retained. It does not address the
6 Choccolocco corridor. It doesn't belong to the Army.
7 We do not dispose of it. Main post is the area that's
8 primarily addressed with the small exception of the
9 enclave.

10 Next chart, please. EIS section
11 three, the alternatives. The key section that lays
12 out the framework for the analysis, the action to be
13 analyzed. Every NEPA analysis is required to have a
14 no action alternative by the counsel regulations. The
15 no action alternative to disposal is don't dispose.
16 Still going to close. So, if you don't dispose, it
17 said very simply, the property stays in caretaker's
18 status. Not a desired alternative, obviously. But we
19 address the impacts of that, and I'll talk about those
20 impacts a little bit later.

21 Then we can either dispose the
22 property with encumbrances, covenants, restrictions,
23 kind of things, or without them. Now, this is at the

1 macro level. What I need to say to you up front is
2 that in reality, some of both will occur under some --
3 some property will be encumbered, some property will
4 not be encumbered, because we'll actually dispose by
5 parcels and not as one big installation, surplus piece
6 of property. In fact, the encumbrances will be
7 somewhat site specific uses.

8 What do I mean by an encumbrance?
9 Well, some of them are real estate encumbrances. They
10 exist today. They're easements where Alabama Power or
11 Gasco has a gas line running or a transmission line
12 running that exists today. The easement has already
13 been done. And there will be additional ones as you
14 disposed of those utility systems for those systems.

15 Others would relate to
16 environmental actions. UXO, unexploded ordnance
17 removal is usually to a certain depth. It's the state
18 of technology. So, therefore there will be a
19 restriction on the use of that property.

20 Other restrictions may relate to
21 how much environmental contamination cleanup was done.
22 If you're going to reuse the property for industrial
23 property, then the Army will clean it up to that level

1 and restrict the property to that use as an example.

2 Endangered species, protection of

3 those, protection of historical archeological sites.

4 Generally, encumbrances are driven by some federal

5 statute or process or result or by a real estate

6 transaction action on it. Unencumbered disposal, you

7 get rid of the encumbrance. Power company, move your

8 lines off. You can no longer have that easement.

9 UXO, we dig and continue to dig and

10 destroy whatever might be there or whatever, until

11 it's all gone. May be technically infeasible, much

12 less financially irresponsible.

13 Encumbered disposal. If you wanted

14 to take it to the extreme -- and you don't have a

15 situation here like that -- say you had a threatened

16 plant, then you go create -- grow that plant at a

17 different location outside of Fort McClellan, you go

18 buy land and you do that. The Federal Government

19 does, in order that we would not restrict the property

20 because of that threatened or endangered plant.

21 So, it's, you know, how you lessen

22 or reduce those. The Army's preferred alternative is

23 in fact encumbered disposal. It's the most

1 environmentally responsive overall, because
2 unencumbered disposal, in fact, can have significant
3 environmental impacts, as a result of eliminating
4 encumbrance. It is also the quickest way to transfer
5 property to the community, get the property into your
6 hands the quickest. In most cases, most of the
7 encumbrances are driven by other federal requirements
8 and statutes, as well, that would be difficult to
9 remove.

10 Next chart, please. I've already
11 talked to that one. Next one. One of the items that
12 I did not talk to in encumbered disposal is protect
13 future Army operating requirements. That would be so
14 that we would -- so that the National Guard would have
15 access to their property, now that they would become
16 an island, if you will, amongst the surplus property.
17 It could also mean the Army's retaining the authority
18 to come back under CERCLA for additional remediation,
19 if the remediation that was done did not hold or there
20 was other environmental contamination that was found
21 that we did not find during that process, we're
22 responsible to come back and clean that up under the
23 CERCLA covenant as an example of our liability there.

1 I think most of those I've talked
2 to. By the way, if you have a question as I go along,
3 please, just, you know, say Taylor, hold up and tell
4 me about that.

5 Next one, please. I talked to
6 those already. Potential to remove encumbrances, with
7 fewer -- with no or fewer -- and I still think, you
8 know, the important thing to keep in mind are that
9 these are the macro level. When it comes down to
10 individual parcel, it will be a mix, actually, of
11 encumbered and unencumbered, depending upon the
12 property situation. I would not want to put an
13 encumbrance on a clean piece of property just because
14 a preferred alternative is an encumbrance.

15 Next chart, please. Reuse
16 alternatives. Secondary action implemented by others,
17 non-Army, we look at those impacts on it. Our
18 methodology is that we look at the reuse plan that is
19 going on. And at that time, we had available to us
20 the draft reuse plan, not the final reuse plan. It
21 was not available quite yet. We will address the
22 final reuse plan and the final EIS. We'll make some
23 slight adjustments to accommodate it.

1 We normally look at a higher
2 intensity of reuse and a lower intensity of reuse in
3 determining those impacts, the reuse plan kind of
4 being in the middle, usually in the middle. Sometimes
5 it may in fact be the top one, if we think that is in
6 fact the max probable reuse of the land on it.

7 Then that gives us a range of
8 impacts, so that when the Secretary of the Army says,
9 gee, what's the impacts of reuse, we will have
10 analyzed at least one of those potential reuses within
11 that range. Therefore, we don't have to come back and
12 do a supplement document. If in fact something
13 changes in the reuse plan, we now can dispose of that.

14 Next chart, please. We divided for
15 the analysis in the EIS, the Fort McClellan disposal
16 property into two areas. Area one, where the primary
17 reuse occurs, economic redevelopment on it, and then
18 area two, which equated to your recreation area,
19 passive recreation area in the Fort McClellan reuse
20 plan.

21 These areas here are public domain
22 lands. Public domain lands are lands that were BLM,
23 withdrawn from them from BLM. We're offering them

1 back to them for other federal use. We anticipate
2 that BLM is going to say, thank you very much. Army,
3 you just go ahead and retain those and dispose of
4 them, along with the other property. So, that they
5 are basically, you know, the same as the area two, in
6 terms of the type of habitat and the analysis. No big
7 deal, if they do that, other than a little more
8 paperwork for us, because we will still treat them the
9 same as the rest of area two.

10 A lot of the focus was on area one.
11 Now, we did that because there were such significant
12 dense level of use between those two areas. So that a
13 medium intensity reuse here or a medium high intensity
14 reuse would not correlate to the same thing here,
15 because this is based upon -- or a good part of the
16 driver is in fact the structures, the transportation
17 requirements, the road network. A lot of it gets into
18 floor surface areas, ratios, number of people, this is
19 where the population is, not here kind of thing, and
20 where the economic redevelopment occurs.

21 Next chart, please. This is
22 difficult, I realize, for you to see on it. And this
23 was the reuse map at the time we were doing our

1 analysis. Would have been some slight changes since
2 then. Again, you can see somewhat the correlation
3 that was with the previous map. This is the
4 redevelopment area, this was the passive recreation
5 area, and I don't remember what that one is.

6 MR. RON LEVY: CDTF.

7 MR. DAVID TAYLOR: CDTF. Well,
8 that's the National Guard enclave, anyway.

9 MR. CHARLES TURNER: The recreation
10 over there is active.

11 MR. DAVID TAYLOR: Okay. You're
12 right. The definition changed along the way, at one
13 point. But we look at it, in terms of reuse, three
14 levels of reuse, depending upon primarily what kind of
15 management practices occur in that area, as well as
16 the intensity of use. And so we think we have active
17 -- in fact, I know we do have active recreation
18 covered, as well.

19 Next chart, please. The infected
20 environment is the baseline for the analysis against
21 what reuse and disposal is compared against. The
22 baseline is 1995, the full up active mission, if you
23 will.

1 The resource areas that are
2 examined, this is part of them. I'll just show you
3 the rest of them. Next chart, please. Rather
4 comprehensive. Next chart. These are pretty well
5 laid out by the CEQ and -- well, they are laid out by
6 the CEQ, with one or two that's a little bit -- that
7 you wouldn't see in an ordinary EIS.

8 I guess I need to also tell you
9 that this is not an ordinary EIS. An ordinary EIS
10 would address a specific project. I build this
11 building right here kind of thing. To construct this
12 road was really rather a detailed plan, as opposed to
13 a very broad plan and analysis. But this is -- this
14 meets the need, the process of it.

15 Next chart. Fort McClellan cleanup
16 efforts. What the EIS cannot address in detail --
17 because the information is not present -- is the
18 things that you're dealing with, the site specific
19 environmental remediation actions and the site
20 specific UXO removal actions. There are two other
21 processes that do address that in detail, remedial
22 investigation feasibility studies, the other studies
23 that address that in detail, which have their own

1 decision process and their own public review.

2 EPA has agreed that meets the NEPA
3 requirement for that, and there is not a need to do a
4 separate NEPA document on that process, those
5 decisions, as well. So, you will not find in the EIS
6 what the Army will do about landfill site number three
7 as a specific example. That will be determined in the
8 CERCLA, or a best-process study process as to what is
9 done, which goes out for public review and comment,
10 which the RAB obviously is a very key player in a part
11 of that process and providing the community input.

12 And I also want to say to you that
13 the Fort McClellan Development Commission is also an
14 important player, because again, for two reasons -- we
15 look to them for the reuse of the property, what is
16 your intended reuse, so we know what we need to clean
17 it up for, and secondly, we also look to them to help
18 us prioritize our cleanup efforts. We want to support
19 your reuse plan. It's not the only factor in the
20 prioritization, but it is certainly a very important
21 and key one.

22 Next section, section five,
23 environmental consequences, considered as both

1 beneficial and adverse impacts. Adverse impacts can
2 either be adverse or they can be significant adverse.
3 A significant adverse impact, we're usually more
4 interested in. And in fact, for significant adverse
5 impacts for the Army's actions disposal, we must
6 address mitigation requirements to either reduce that
7 impact to just adverse or to either eliminate it. If
8 there is no other actions, then you really -- to avoid
9 that, then you can really get into some haggling.
10 Still looking at the full range of environmental
11 factors, both the physical, manmade, socioeconomic.
12 Next chart. Using the baseline of
13 1995. And again, we look at direct actions. I guess
14 the easiest way to give you a comparison of what a
15 direct action is versus a secondary action is: If I
16 cut a tree down that's a direct action. If I cut
17 enough down and the soil now starts eroding and
18 running and contaminating the stream, that's the
19 secondary action. Remove the dirt over time and
20 distance from the direct action. And then cumulative
21 impacts grows it to the larger scope, if you will.
22 Again, depending upon which resource it is. For
23 instance, transportation would then enlarge the action

1 or expand the action, the cumulative impact to
2 consider the region. The cumulative impacts also
3 considers other ongoing actions, other ongoing federal
4 actions, if any, in the area, known community plans,
5 as well. So, then you get the cumulative impact off
6 the totality of the actions for the region.

7 The goal really is in fact -- of
8 NEPA analysis is informed decision making. Sometimes
9 we kind of lose that macro view of what it's really
10 all about, which is so that the Army decision maker on
11 disposal understands the environmental consequences of
12 his action of disposing the property and has he
13 properly considered those impacts upon the
14 environment.

15 NEPA is a process. It is not a
16 basis, in and of itself, that drives the final
17 decision. It is a factor that the decision maker must
18 consider. He can arrive at a decision based upon
19 operational reasons, but he should select normally the
20 one that is least environmental damaging, most
21 environmental friendly, if you will, in his disposal
22 action or in his actions. But it does not mean that
23 he has to do the preferred environmental alternative.

1 There may be reasons not to do that. Unusual when
2 that occurs. Okay. And it also provides information
3 for the community in making their decision.

4 Next one, please. I just talked
5 about the impacts for each one of the Army's disposal
6 alternatives.

7 Next chart, please. The no action
8 alternative. Basically, as you would expect, there
9 are no or minor impacts on most of the resources that
10 I showed you earlier, you know, land, soils, etcetera.

11 There is a significant adverse
12 impact on the local economy. Obviously, there is no
13 economic recovery, if the Army keeps the property.

14 Now, I will say to you that there
15 could potentially be an impact on the montane longleaf
16 pine, if prescribed burning is not continued. In the
17 long term, if that stuff stayed in caretaker forever,
18 if the Army could not make some arrangement with some
19 agency to occur for that, we would stop that burning.
20 Next chart. Or not continue the burning.

21 Unencumbered disposal impacts. You
22 get into the protection of biological resources. The
23 montane longleaf pine, the seeps, the other things on

1 it, the streams where the forging of the bat occurs.

2 Extensive UXO cleanup prior to
3 disposal, which could have serious ecological impacts,
4 when you started getting into steep slopes. And with
5 today's technology, you're basically denuding the
6 mountains, the hillsides, so you get all the run off
7 and all of that kind of stuff, much less just the
8 impact upon soil, upon vegetation and other biological
9 resources on it. That in turn leads to increased
10 potential for the adverse impacts for water resources.
11 And it's not preferred, based on those adverse
12 impacts.

13 Next chart, please. I will go into
14 the impacts on this a little bit more. It is the
15 Army's preferred alternative for the disposal action.
16 It's timely, supports our requirements. We think it's
17 compatible with the Fort McClellan Development
18 Commission reuse plan on it, and we're able to move
19 forward and begin property disposal much easier and
20 quicker, as well.

21 Next chart, please. Significant
22 beneficial impacts, most importantly, economic
23 recovery is possible, can occur quicker. Significant

1 adverse impacts are in air resources and
2 infrastructure on transportation.

3 Now, you need to understand that
4 this is a comparison against the baseline. We're
5 reexamining those. And this is without mitigation.
6 The reuse plan, in fact, has some mitigation in it,
7 that will result in lowering those impacts, ie., there
8 is infrastructure to be built in the reuse plan. That
9 in turn has an impact upon air resources that
10 primarily come about by the number of automobiles and
11 trips and things that are generated, based upon the
12 employment density and the types of uses, those kinds
13 of things.

14 These reuse alternative impacts,
15 the Army does not mitigate for them. We point them
16 out to the community so that the community is aware of
17 their actions that they're taking. You know, air
18 resources, if you start triggering the NAAQS, the
19 national ambient air quality standards, then that
20 triggers that set of enforcement action and
21 requirements. And, of course, we're in the process of
22 the middle of a change on those standards, going from
23 -- on particular matter PM 10, as it's called, ten

1 microns in size down to PM 2.5 microns in size. EPA's
2 projections, when you published that last year, was
3 that this region would still be in compliance. But
4 that's before there is a reuse of the intensity that
5 you have envisioned for Fort McClellan on it. And, of
6 course, the transportation network improvements
7 reduces that, as well, or has an impact on those, as
8 well.

9 Next chart, please.

10 MR. CHRIS JOHNSON: Dave, on that,
11 let me make sure I'm understanding that on air
12 impacts. You're saying that based on the reuse plan
13 that they submitted -- and I guess you're taking it
14 out to the twenty year scenario here -- that it's
15 fully being reused --

16 MR. DAVID TAYLOR: Yes.

17 MR. CHRIS JOHNSON: Y'all are
18 saying that that reuse plan would have adverse impacts
19 to air resources?

20 MR. DAVID TAYLOR: Yes.

21 MR. CHRIS JOHNSON: And how did you
22 come to that conclusion?

23 MR. DAVID TAYLOR: It's --

1 MR. CHRIS JOHNSON: Because you're
2 actually going to some air modeling?

3 MR. DAVID TAYLOR: Yes, there was
4 some modeling done, yes. And it's in the appendix
5 version of the EIS. It is based upon the reuse plan,
6 of the type of land reuse. It's driven primarily by
7 automobile traffic and trips, length of trips, using
8 EPA standard modeling of those factors -- which may
9 change over time -- which is the other thing, you
10 know. We're using today's baseline of the
11 installation, and we have gone back in and -- because
12 one of the criticisms we had was, well, you didn't
13 establish a good baseline for 1995. We've gone back
14 and improved that baseline. Don't think it would
15 change the impacts very much. But, you know, as you
16 start approaching some of those thresholds, other
17 actions come into play that would mitigate that
18 impact. It's -- you know, you change the mixture of
19 the fuel that's used. The cars have become more
20 efficient. Being an old Alabama guy, I can say this:
21 My clunker, my old truck is no longer on the road. It
22 was built in 1950 and just spews fumes out the rear.
23 But it was based upon using EPA's models and trip

1 generation, based upon density and reuse.

2 Next chart, please. Where there
3 are minor adverse impacts, land use, you know, if you
4 change the use, more intensive development, stuff
5 that's not developed that they just developed, noise,
6 water resource, geology, infrastructure utilities,

7 minor impacts. Adverse impacts on quality of life,
8 etcetera, biological resources.

9 Now, this is -- you know, this
10 considers that the Army's restrictions -- this is
11 based upon the encumbered disposal alternative. UXO
12 is a minor adverse impact. I need to go back and read
13 for sure to make sure I'm speaking correctly, it's
14 probably because it does not allow the full use of the
15 property, there are restrictions on its use, and
16 because the removal would have been considered under
17 disposal, not on reuse.

18 Next chart, please. Special
19 topics. Special topics because it was a major concern
20 in the scoping process or in the case of the National
21 Center For Domestic Preparedness, the NCDP, there was
22 a recent development that came out. I'll address
23 those in more detail.

1 Next chart on biological -- and
2 biological resource impacts. And this was one of the
3 primary reasons why we split the two areas. For area
4 one, between the reuse alternatives, they are very
5 similar. Not much difference associated with the
6 impacts on it because of the differences associated
7 with the intensity, because we tended to vary, not a
8 change in land use, but the intensity of use.

9 What do I mean? Okay. Let me take
10 housing. You have an area that is designated for
11 housing. We change the intensity of it, the density
12 of the dwellings. For discussion sake we'll say that
13 the reuse plan or that middle level that indicated one
14 house per acre. The higher level could be two houses
15 per acre. The lower level in a less density or even
16 -- or the higher density could move from a single
17 dwelling to a multi-dwelling unit. But it's still
18 residential. There was not a change in how the land
19 was to be used in type of use.

20 Area two, the impacts do vary
21 between alternatives. With the -- and that variance
22 was based upon the type and extent of the management
23 actions with the low intensity reuse not having the

1 prescribed burn program being continued in that reuse.
2 It was in medium high intensity and the medium
3 intensity reuse level.

4 The difference between the medium
5 high intensity and the medium intensity then was
6 primarily in terms of the type and the extent of
7 recreational activities.

8 MR. RON LEVY: Excuse me. Let me
9 point out to the RAB that, as we've talked about this
10 before, mountain longleaf pine is a fire dependent
11 system. And when he talks about the fire or the
12 prescribed burns, that's the reason that's brought up.
13 Without that, then you have a decline in mountain
14 longleaf pine.

15 MR. DAVID TAYLOR: I've kind of
16 spoken to some of these already. This will not
17 include burning. Greatest loss of forest habitat in
18 medium high intensity reuse, you start getting some
19 fragmentation of the forest, which has an impact upon
20 neo-tropical birds and interior forest creatures,
21 birds, as some of you are well aware on it.

22 The lowest loss, obviously, is in
23 low intensity. Develops naturally and continues on on

1 it. Okay.

2 Next chart, please. On the montane
3 longleaf pine ecosystem, I'm sure that you're aware
4 that Fish & Wildlife Service has expressed an interest
5 in forming a national wildlife refuge, based upon the
6 ecosystem, ecosystem on it. The Army is supportive of
7 it at the Department of the Army level. I've walked
8 the halls up there. Mr. Johnson, the Deputy Assistant
9 Secretary of the Army Installation of Housing
10 responded back to a U. S. Fish & Wildlife letter on
11 that.

12 So, the ball right now is still in
13 Fish & Wildlife's court to come forward with a formal
14 proposal, because we still have to work the details
15 out. There will be some tough negotiations and things
16 on responsibilities and liabilities as we go down
17 through this and what can and cannot be done. It's
18 unfortunate, probably able to do more today than some
19 people would say we should be doing today.

20 It is within the reuse alternatives
21 analyzed for area two. What I need to say is that our
22 area two is for analysis purposes. It is not a
23 boundary for the national wildlife refuge. The exact

1 location of that boundary needs to be worked with the
2 Fort McClellan Development Commission.

3 Because U. S. Fish & Wildlife did
4 not come forward during the federal screening back in,
5 oh November of '95, if I remember correctly on that,
6 whether or not they're allowed to retain or take title

7 to have that property assigned to them will -- I
8 suspect the Department will want to see the
9 concurrence of the FMDC. Not required by statute, but
10 it's a normal policy that we want to know that it is
11 supported by the local community.

12 Their whole plan will go through
13 their NEPA analysis review and process, as well. So,
14 it's not dependent upon this analysis, at all. It's
15 on the macro level, if you will.

16 Ron, have I missed anything on the
17 wildlife refuge?

18 MR. RON LEVY: Huh-uh.

19 MR. DAVID TAYLOR: We would like to
20 see it move forward, because we think it's the best
21 solution for that area. I'll be very candid with you
22 on it, because it is in the EIS in there. Given the
23 current state of technology, the ecological damage

1 that would occur from UXO removal out in the corridor
2 and the mountains, and quite frankly the expense that
3 would also involve -- it's kind of a lesser
4 consideration on it -- unless this goes forward with
5 U. S. Fish & Wildlife, we will wind up with a lot of
6 that area in the no action alternative location, if
7 you will, for caretaker by the Army, just because of
8 the safety concerns and consideration that would not
9 allow it to transfer out of federal control, given the
10 current rules and regulations on it. We think it
11 would be better if U. S. Fish & Wildlife managed that
12 for the public's benefit.

13 We really won't know the total
14 story on UXO removal and its impacts until we go
15 through the engineering evaluation cost analysis, or
16 EECA, as we call it. Very similar to what is done on
17 the CERCLA side. It's the counterpart of the CERCLA
18 side that makes the decisions on the removal actions.
19 It's a little more complicated process. Again, there
20 is public input and review.

21 And it could change -- what I tell
22 you now could change based upon what is called the
23 range rule, another set of federal regulations that

1 are in the process of being completed. The draft
2 range rule was released by the Department of Defense
3 last fall. Public hearings have been held throughout
4 the country. And when it is completed, depending upon
5 the stage line of where we are in the decision process
6 here, we might wind up going underneath the range rule
7 for UXO removal, as it pertains to closed and
8 transferring ranges, which will be the case here.
9 There is also munitions rule by EPA. And I don't want
10 to confuse you anymore, because I get confused enough,
11 myself.

12 MR. CHARLES TURNER: Mr. Taylor?

13 MR. DAVID TAYLOR: Yes, sir.

14 MR. CHARLES TURNER: What will
15 happen to the liabilities associated with cleanup, if
16 the Army transfers its interest in the property to
17 Fish & Wildlife?

18 MR. DAVID TAYLOR: That's to be
19 negotiated between the Army and Fish & Wildlife.

20 MR. CHARLES TURNER: It would --
21 the obligation --

22 MR. DAVID TAYLOR: It would still
23 remain a federal responsibility.

1 MR. CHARLES TURNER: But just which
2 department funds it, right, or carries the liability
3 on it in the books, would be the issue; is that right?

4 MR. DAVID TAYLOR: That's one way,
5 I guess, of saying it. It would be some tedious
6 negotiation. You know, I know, you know, there is an
7 MOA between the Department and Department of Interior
8 already, but that's for property that is being
9 transferred on out of federal control. Okay. For
10 instance, for parks, recreation use, federal land, the
11 parks program, that kind of thing on it, golf courses
12 sometimes fit in that category and sometimes they
13 don't, the -- but we've been through these kind of
14 negotiations at other locations, as well.

15 Fort Ord, as an example, bureau of
16 land management, each one is unique, each one arrives
17 at sometimes a slightly different requirement or
18 condition. The Dolly Sods with the Forest Service.
19 Fort Mead has some. Jefferson Proving Ground is a
20 different situation. Jefferson Proving Ground, the
21 property remained with the Army, and U. S. Fish &
22 Wildlife is under a two year agreement to provide some
23 management services on it. So, that's something that

1 will be worked between two federal agencies. And what
2 I tell you, you know, if I gave you -- if I said
3 anything, it will come back to haunt me. And I'm not
4 the decision maker. A long ways below the decision
5 maker on it. It will wind up between the Department
6 of Interior and the Office of General Counsel Lawyers,
7 eventually, at some point, on the final MOA. And I
8 can't predict how much will be assumed by each one of
9 us. But I suspect the Army will retain a lot.

10 MR. PETE CONROY: David?

11 MR. DAVID TAYLOR: Yes, sir.

12 MR. PETE CONROY: April 7th is the
13 date that I've tried to set aside for us to work out
14 some more of these details. And I left a message with
15 FMDC today. I don't know if you got that, but back on
16 the --

17 MR. ROB RICHARDSON: No, Pete, I'm
18 always the last to know.

19 MR. DAVID TAYLOR: Pete, I don't
20 know what's on my calendar, if you're looking at me to
21 come out here and help.

22 MR. PETE CONROY: But anyway, I
23 just wanted to mention that that's the day that we've

1 got all Fish & Wildlife Service coming here, and John
2 Essen (phonetic) is okay with it. But I'll get with
3 you guys later. Don worry about writing anything down
4 now.

5 MR. DAVID TAYLOR: Just watch
6 Johnson (phonetic). John doesn't carry the decision.
7 The decision will be made up through BRAC and by the
8 Department. It will be my office that carries it to
9 Washington and walks the halls. That has already been
10 done before.

11 MR. PETE CONROY: We need you and
12 would love to have you there.

13 MR. DAVID TAYLOR: I don't know
14 until I check my calendar on it.

15 MR. PETE CONROY: Okay.

16 MR. DAVID TAYLOR: What we really
17 need is for Fish & Wildlife to work it (inaudible) up,
18 in their channel, because sometimes the Department of
19 Interior guys in Washington don't agree with what
20 their regions are doing, and give a lot of autonomy
21 and whatnot now. And then sometimes when these kind
22 of things come up, because of transfer or the
23 assignment, as it's called, if it doesn't transfer,

1 there's no need to transfer, within the Federal
2 Government, will be done between the Department of
3 Interior and the Department of the Army. So, it's
4 always nice to have the Department of Interior on
5 board.

6 I do not remember -- in their long
7 letter to me on the draft EIS, I do not remember them
8 taking issue with the national wildlife refuge.
9 Instead, every time someone said, parks, open space,
10 free space, said, oh, transfer that property --

11 MR. RON LEVY: National Park
12 Service.

13 MR. DAVID TAYLOR: -- under federal
14 public benefit conveyance for parks, from federal
15 property to park lands and things. And my response
16 back to them is basically, not my decision to make it
17 a PBC. If the community asks for it as a PBC, we'll
18 see if the Department of Interior agrees with that.

19 Then the Army will most likely
20 agree with it, if it's consistent with reuse plan.
21 But the community may not desire to own the property
22 or have the property transferred that way. There are
23 some implications in it.

1 Next chart, please. National
2 Center for Domestic Preparedness. The final Fort
3 McClellan reuse plan included this establishment under
4 the training and education as part of their training
5 and education item. We think the NCDP fits within the
6 land use plan flexibility on it. The Department of
7 Justice, as a proponent for the NCDP, needs to do the
8 analysis for post-closure operations of their federal
9 program. And that's very simply whether we come from
10 -- we can handle -- handle pre-closure training, but
11 there are some changes that would occur for them in
12 the long run that they need to analyze on that. And
13 they should get busy doing that, since we're eighteen
14 months away from that.

15 Next chart, please. Moving
16 forward. Army mitigation, actions, encumbered
17 transfer of the property. Continue the cleanup
18 process. Complete the engineering evaluation cost
19 analysis. That goes with the UXO actions, removal
20 actions on it. And I mentioned earlier, you know,
21 retaining federal ownership -- and that was the key
22 word in there, federal ownership -- the clearance of
23 UXO will cause significant ecological damage and those

1 kinds of things. And that federal ownership would be
2 the Army or another federal agency.

3 Next chart, please. Continue to
4 work with the community, important. Complete our
5 cultural resources survey, maintain the property
6 caretaker status until final disposal or transfer, if
7 you will.

8 Next chart. Coordination process
9 --

10 MR. FERN THOMASSY: Mr. Taylor, do
11 you have a ways to go? Should we take a break now and
12 then come back?

13 MR. DAVID TAYLOR: No, I'm almost
14 there.

15 MR. FERN THOMASSY: Okay.

16 MR. DAVID TAYLOR: I have about
17 three more charts.

18 MR. FERN THOMASSY: Okay.

19 MR. DAVID TAYLOR: We are through,
20 at this point. So, the next opportunity for the
21 public participation is when the final EIS is
22 distributed, there will be a thirty day comment period
23 for it. The comments on it will be considered in the

1 record of decision.

2 Next chart. The schedule, the time
3 line. We should have the final release for public
4 comment late this summer. After that thirty day
5 period, the public comment, then we will consider
6 those comments, record of decision, which then should
7 be completed in late November, early December. I have
8 to admit, I am captured by the Pentagon and by when
9 Congress is in session sometimes.

10 Next chart. What we've talked
11 about is this key process. A lot of other actions
12 occur. This is in fact a check lock, a procedure.

13 Next chart, last chart. We are
14 committed to the President's five part program,
15 economic redevelopment. We would like to dispose in
16 accordance with the reuse plan, wherever possible.

17 We support the commission. We also
18 support our employees. We want to take care of them
19 on it. And we'd like to be responsive to involving
20 issues. That's it.

21 MR. FERN THOMASSY: Let's take a
22 break for ten minutes, and then we'll come back for
23 questions.

1 (WHEREUPON, there was a brief recess.)

2 MR. FERN THOMASSY: Mr. Taylor, you
3 ready to take questions?

4 MR. DAVID TAYLOR: Yes, sir.

5 MR. FERN THOMASSY: Does anybody
6 have any questions for Mr. Taylor?

7 MR. CHARLES TURNER: Yes, I have a
8 question.

9 MR. DAVID TAYLOR: Yes, sir.

10 MR. CHARLES TURNER: And it's
11 really kind of on the long term -- what happens in the
12 long term on -- as consequences of these various kinds
13 of conveyances. And I'm not -- when you refer to an
14 encumbrance, are you speaking of a covenant that runs
15 with the land --

16 MR. DAVID TAYLOR: It may be in a
17 covenant.

18 MR. CHARLES TURNER: -- in a deed
19 or what other devices could be used or have been used?

20 MR. DAVID TAYLOR: Two devices,
21 depending upon what the situation is. Memorandum of
22 agreement, it may be part of the deed, but not the
23 language repeated in the deed. The other would in

1 fact be with the deed. It may run with the land. It
2 may not necessarily run with the land. It may be
3 conditional.

4 MR. CHARLES TURNER: Might be
5 contractual, in other words? The --

6 MR. DAVID TAYLOR: I'm not enough
7 of a lawyer to know the difference in terms.

8 MR. CHARLES TURNER: Well, if
9 you're talking about an MOA, I think an MOA is --

10 MR. DAVID TAYLOR: Is contractual,
11 yes.

12 MR. CHARLES TURNER: Right. So, it
13 could be controlled by contract. So, is the Army's or
14 the Government's eventual goal to remediate the
15 problems of these encumbrances or the blights on the
16 title. For instance, when we talked about the UXO, we
17 talked about in terms of the present, there is no
18 technology that would solve the problem without
19 destroying the environment. But in the -- you know,
20 in twenty years, it very easily could be, you know,
21 some chemical you pour in the ground that makes --
22 that disarms the bomb or maybe turns it to fertilizer
23 or whatever.

1 MR. DAVID TAYLOR: I like the one
2 from the people down in New Mexico, and their UFO guy
3 that can come by and suck all the metal out of the
4 ground.

5 MR. CHARLES TURNER: Are there
6 mechanisms in place so that those type of events could
7 be taken into consideration? Whereas right now, we
8 can't clean it up, in twenty years, we very well
9 could. Is there some way of saying -- is there some
10 way to allow for that, those kind of events?

11 MR. DAVID TAYLOR: The transfers
12 that I observe today do not allow for that. In other
13 words, the transfers that I have seen to date by the
14 Department; that is, we have removed unexploded
15 ordnance at such and such a depth. If it's found
16 within that depth, we'll come back and get it. But we
17 have no intent to come back for below that depth,
18 because we have discounted the value of the land based
19 upon that. You know, that's a factor in determining
20 the value of land.

21 MR. CHARLES TURNER: Well, I mean
22 it could --

23 MR. DAVID TAYLOR: I'm saying

1 what's been done today.

2 MR. CHARLES TURNER: As we were
3 talking about during the break, I think there is a
4 strong argument that that property has actually a
5 negative value. That the unexploded ordnance there
6 actually, you know, when you assume title to it,
7 you're assuming a liability. But I think it may be a
8 deeper -- we asked the DERTF this question. And I
9 wasn't real clear on the answer. And that is, this
10 idea that we're asked early on, after we've been told
11 that there is no technology to clean it up and that it
12 can't be remediated without hurting the environment,
13 that we're asked what we want to do with it. Well,
14 based on the information that we've been previously
15 given, we say, well, you know, we'll use it for a
16 national wildlife refuge. And then -- or turn around
17 and said, well, you can't ever use it for anything
18 else. It's, you know, what we refer to, as like the
19 tail wagging the dog. That we're responding to
20 information that you've -- that the Government -- not
21 you, certainly -- have given us, in making a decision.
22 And then, because we made that decision, that's what
23 we have to live with.

1 MR. DAVID TAYLOR: You would have
2 to live with the encumbrances that are imposed upon
3 the property on it. You know, that's the same as I do
4 today when I buy a piece of property and it has
5 encumbrances on it, whether it's for -- whether they
6 are in fact called out in the deed, itself, or some
7 other state regulation or federal regulation requires
8 it. Flood plains is an example. Wetlands, sure you
9 can do something about wetlands. There is a process
10 for that. Can be terribly expensive. You know, there
11 is a process that lets you go create wetlands
12 someplace else. Many states do it, do a bank so they
13 can do -- environmentally remediate or do projects and
14 things. I know another installation I'm working --
15 and in fact, it's part of their reuse plan is in fact
16 creating a wetland mitigation bank. They may sell
17 mitigation -- wetlands mitigation to somebody else who
18 needs one for a project or something on it. Not much
19 else they can do with that property, probably, anyway,
20 at least not for a long time to come.

21 Historical encumbrances, that runs
22 with those facilities. There is a process for removal
23 of them. Consultation with the SHPO on it, the

1 advisory counsel, the SHPO on it, that kind of thing.

2 MR. CHARLES TURNER: Right. And I
3 guess that's the -- the dilemma is that there is no
4 provision for interim reuse. That the Government
5 seems to acknowledge that it has an obligation to
6 clean up the property, but at the same time,
7 structures the transfer on such a way that it really
8 doesn't clean it up. And that is through these deed
9 restrictions. And instead -- you know, we understand
10 that there is no technology available to remediate
11 these problems, but we think there also might be in
12 the future, and would want the Government to have an
13 enduring obligation, you know, as it becomes feasible
14 to do that.

15 MR. DAVID TAYLOR: Well, that can
16 be addressed during the EECA process. The decisions
17 on UXO are not made in this document as such on --

18 MR. CHARLES TURNER: Right. And it
19 wasn't -- I'm not just saying --

20 MR. DAVID TAYLOR: But I'm not
21 going to hold out something to you that I have not
22 seen implemented today somewhere else in the Federal
23 Government.

1 MR. CHARLES TURNER: Well, if it
2 can be done, if the encumbrances can be done
3 contractually, then it's just a matter of agreement
4 between the parties, as long as the parties are all
5 authorized to do, you know, what they agree to do in
6 the document. So, is there some legal prohibition
7 against structuring the transfer or the cleanup in
8 such a way that it could take place over thirty years
9 or over fifty years, with --

10 MR. DAVID TAYLOR: We have no
11 desire to drag out property transfers over fifty
12 years. We want to transfer the property as soon as
13 the environmental conditions allow the transfer of the
14 property.

15 MR. CHARLES TURNER: And I
16 understand that. The transfer, the actual transfer of
17 title, could occur with the encumbrances that you've
18 discussed, but an enduring obligation on the grantor
19 to remediate these problems, encumbrances.

20 MR. DAVID TAYLOR: There are other
21 -- I believe there are -- and I'm not the lawyer to
22 respond to the question. But I believe that there are
23 other federal statutes that would prevent such a

1 requirement being entered into, called the
2 Anti-Deficiency Act.

3 MAYOR KIMBROUGH: Mr. Taylor, let
4 me see if I -- I've got two or three questions. When
5 the Army were using these facilities, were they
6 required -- is there a requirement, just like with
7 EPA, that on use of that, as long as it's in
8 Government hands, do you have to follow EPA
9 regulations just like a citizen say in Anniston would,
10 on the land use?

11 MR. DAVID TAYLOR: Ron, you want to
12 answer?

13 MR. RON LEVY: Yes.

14 MR. CHRIS JOHNSON: The law is the
15 law. It's --

16 MR. RON LEVY: I think the only
17 thing that we haven't waived federal -- excuse me --
18 sovereign immunity is Clean Water Act requirements.
19 But on RCRA, yes, under Federal Facilities Compliance
20 Act, we must --

21 MR. DAVID TAYLOR: Clean Water Act,
22 I think, sovereign immunity has been waived, but you
23 have to check the statute.

1 MR. RON LEVY: Yes, we do comply
2 with all the requirements in the state -- state level.

3 MAYOR KIMBROUGH: In the previous
4 history is what I'm talking about, previously.

5 Now, I know when we turn it over,
6 you're going to have to meet these certain standards,
7 or you're going to have to clean it to a certain
8 extent. But I guess my question is: Could there be a
9 possibility that this land would have reached the
10 state of maybe contamination or whatever, or it's
11 gotten to the level because there weren't regulations
12 that were determining how it could be used that are
13 different from what we as a public -- for instance, I
14 know we have been under the storage tanks for gasoline
15 and all like this. We've had to spend exorbitant
16 amounts of money to clean that property up. And I
17 guess what I'm saying is: Following up on Charles, is
18 the -- is this property contaminated above levels that
19 would be in the public domain? And if we're trying to
20 just reach a certain two feet, we're going to clean it
21 up two feet, okay, has this been something that's been
22 created because there were not regulations to govern
23 it and now we're going to try to clean it up?

1 MR. DAVID TAYLOR: Well, you have
2 to differentiate between unexploded ordnance and
3 firing ranges with hazardous and toxic materials.
4 Hazardous and toxic materials will be remediated and
5 cleaned up, based upon your reuse plan. A prime
6 example --

7 MAYOR KIMBROUGH: To a certain
8 extent. It could not never be cleaned up; is that
9 right? And then it would be no use for it whatsoever.
10 The Government would still have it. Am I correct?

11 MR. DAVID TAYLOR: The process of
12 remediation ends in the finding of suitability to
13 transfer. That suitability of transfer lays out the
14 environmental condition of the property, what was on
15 it, and what the Government has remediated, level it
16 was remediated to. And for that that the Government
17 created, we enter into a covenant, and indemnification
18 which says, if that environmental remediation does not
19 hold, we will come back. And if there is additional
20 environmental remediation that is required as a result
21 of Army actions, we come back. CERCLA 120(h), if I
22 remember the site correctly on it.

23 MAYOR KIMBROUGH: I guess my

1 question is: If this had been public property, would
2 it ever reach the state of contamination or whatever
3 that it is now?

4 MR. DAVID TAYLOR: Well, first of
5 all, this is not an NPL site, folks. McClellan is not
6 all that -- you know, in terms of environmental hazard
7 and toxic waste, is not an NPL toxic dump. And you do
8 have NPL toxic dumps, a hell of a lot of them, that
9 are non-military installations throughout the nation.

10 So, you're asking me to compare
11 apples and oranges. It is what it is. And I'm not
12 going to compare it to downtown Anniston. Or Chris
13 can probably give you some sites that are worse than
14 Fort McClellan on it.

15 MR. RON LEVY: I think --

16 MR. DAVID TAYLOR: If anything,
17 we're overly --

18 MAYOR KIMBROUGH: Well, I'm
19 concerned about Fort McClellan because I live about
20 five or ten miles from here, you know. And that's
21 what I'm concerned about is that we get it cleaned to
22 the extent -- it might not be bad to you, compared to
23 some of these other locations. But, you know, we live

1 here and we're going to have to develop this. And
2 this is my question -- and I guess my concern is, you
3 know, to what extent -- and we've asked this question
4 several times. I think what Charles has asked is:
5 When it's passed on with the encumbrances, then that's
6 it? If somebody accepts the transfer of that property
7 and it has, you know, something in there, to an
8 extent, as we said, unexploded ordnance, okay, you
9 can't build a residential industrial. So, that will
10 always remain like that. That's what --

11 MR. DAVID TAYLOR: I didn't say you
12 couldn't do that. In fact, the Army's priority, based
13 upon FMDC's input and recommendation on priorities, is
14 in fact industrial -- the redevelopment area and your
15 reuse plan is our first focus. And I would, again,
16 depending upon what was used there, if anything, in
17 ordnance, depends upon what action occurs. If it is
18 an item that does not penetrate the ground or
19 penetrate very deeply, we'll probably get it all and
20 there probably wouldn't even be a UXO restriction on
21 that property, because we have taken removal action.

22 Again, it is site parcel specific.
23 As I mentioned earlier, there will be a lot of

1 property that will have no restrictions on it.

2 MR. RON LEVY: I think, though, if
3 your overall question is: Are we required to meet the
4 federal statutes the same as any civilian community
5 would be, federal and state statutes for cleanup, yes,
6 it is, yes, we are. And that's our intent to do that.

7 But each one of those sites is
8 going to be done on a case-by-case basis. And the
9 cleanup is driven -- it's a risk-based cleanup, and
10 it's driven in accordance with the reuse plan. So,
11 all those factors are going to come into play. The
12 level of clean up will be driven by reuse as well as
13 risk-based.

14 MAYOR KIMBROUGH: And financial
15 resources.

16 MR. RON LEVY: I don't think we
17 said that. I don't know that we've ever said that.

18 MAYOR KIMBROUGH: Isn't the money
19 going to be a problem for --

20 MR. CHRIS JOHNSON: I don't know, I
21 think we need to make sure we keep things separate
22 from hazardous substances and UXO. Currently, I think
23 the negotiation is still ongoing with UXO and even

1 what laws it's going to fall under.

2 MAYOR KIMBROUGH: And we don't know

3 --

4 MR. CHRIS JOHNSON: I think

5 currently they're looking at probably going -- it's

6 going to be real similar to CERCLA and so forth. But

7 as far as hazardous substances and CERCLA, there is no

8 difference between Joe's gasoline station here across

9 the street and this Army base. The laws apply to both

10 and both will be cleaned up according to the law. And

11 if -- and the Army just can't walk away from that.

12 So, if that addresses your

13 concerns, then I think the laws will take care of your

14 concerns. And that's why --

15 MAYOR KIMBROUGH: But if it's not

16 -- I believe at the last -- one of the last meetings,

17 if they cannot clean it up to the extent that it can

18 be transferred, then it would remain in the hands of

19 the Government and they would have to monitor and keep

20 taking action to try and correct that. Am I correct

21 in that?

22 MR. CHRIS JOHNSON: (Nods head.)

23 MR. FERN THOMASSY: That's correct.

1 MR. CHARLES TURNER: That kind of
2 gives rise to my question, and that is: What happens
3 if nobody wants the property? That the deal with Fish
4 & Wildlife falls through and the local community says
5 that they don't want to take it with the restrictions
6 that the Army wants to put on it? What would happen?
7 Would the Government just maintain a fence around it?

8 MR. DAVID TAYLOR: Well, it's very
9 difficult to generalize to start with. It's probably
10 totally inappropriate to generalize, because all of a
11 sudden it appears to me we're clumping this whole
12 installation up there as being contaminated UXO. Gee,
13 guys, don't go out the door tonight.

14 MR. CHARLES TURNER: I'm talking
15 about what you've identified as site two in the EIS.

16 MR. DAVID TAYLOR: Area two.

17 MR. CHARLES TURNER: Area two, the
18 property that's contaminated with UXO.

19 MR. DAVID TAYLOR: I don't know
20 that UXO is out there in every location in everything.
21 I mean, there is a lot of people in this room who may
22 go out there and hunt today. We need to go through
23 the CERCLA EECA process and determine what's there and

1 the feasibility of remediation or removal, in the case
2 of UXO. There may be other environmental contaminants
3 out there besides UXO, which require remediation, as
4 well. But if we cannot come to a finding of
5 suitability to transfer the property under CERCLA,
6 then it won't transfer.

7 MR. CHARLES TURNER: Right. What
8 I'm trying to -- I'm not trying to be antagonistic by
9 the way. But what I am thinking about is: Say there
10 is a finding of suitability to transfer that includes
11 just every imaginable deed restriction, but still is
12 something akin to a fee simple transfer. That's
13 permitted under a FOST and then you can't find anybody
14 -- the Army can't find anybody that wants it. Then --

15 MR. DAVID TAYLOR: Well, if in fact
16 -- well, let me go through the Federal Property
17 Management Act and disposal process. Okay, I'm
18 getting really away from --

19 MR. FERN THOMASSY: Yes, I was
20 going to ask -- we're getting way off the EIS process
21 and getting into --

22 MR. DAVID TAYLOR: Real estate
23 disposal actions.

1 MR. FERN THOMASSY: -- further than
2 what this gentleman was talking about. He's going
3 through --

4 MR. CHARLES TURNER: I mean, he is
5 a BRAC officer for TRADOC. So, I think he's qualified
6 to answer the question.

7 MR. FERN THOMASSY: The base
8 cleanup team is what is going to address a lot of the
9 things that you're asking about, yet to come.

10 MR. CHARLES TURNER: Well, he knows
11 a lot. I figured I would ask him this stuff while
12 he's here.

13 MR. DAVID TAYLOR: Sir, it's your
14 -- if the RAB wants me to address it, I'll address it.

15 MR. FERN THOMASSY: I'm not trying
16 to stop you from doing that. I just don't want to get
17 you forced into something that you're really not here
18 to talk about or qualified or feel qualified to talk
19 about yet, because there are some things that are
20 still to happen, yet.

21 MR. DAVID TAYLOR: A lot of things
22 are going to happen.

23 MR. FERN THOMASSY: And trying to

1 solve those right now is premature.

2 MR. DAVID TAYLOR: You're right.

3 But generally, property disposal, the priorities for
4 disposal are in terms of the processes allowed on
5 Federal Property Management Act, in conjunction with
6 BRAC specific legislation, is public benefit
7 conveyances, EDCs. And if it's not included within
8 that, then negotiated sales with public agencies for
9 public uses and then public sales. And if there is --
10 you know, if we just -- not discount, but reduce the
11 price enough and no one bids on it, then obviously it
12 remains with the Federal Government and it would be
13 subject to these terms and conditions, whatever they
14 may be.

15 MR. CHARLES TURNER: Thank you.

16 MR. DAVID TAYLOR: Now, I'll also
17 tell you in 1988, there were nothing done on UXO,
18 other than gee, that's the way the land is, have fun.
19 Have a nice day. We don't do that anymore.

20 MR. CHARLES TURNER: The world is a
21 better place for it.

22 MR. DAVID TAYLOR: I agree.

23 MR. FERN THOMASSY: Question on

1 your final process.

2 MR. DAVID TAYLOR: Yes, sir.

3 MR. FERN THOMASSY: Your ROD, your
4 record of decision is expected, we'll say, December.
5 What specific milestones do you have between now and
6 December of 1998 to get to that record of decision?

7 MR. DAVID TAYLOR: Within the Army,
8 the contractor has X amount of time in which to
9 prepare a preliminary final EIS, which is -- then
10 undergoes Army staff, TRADOC, Army staff review for
11 legal sufficiency. Did we address the questions that
12 were raised during the draft EIS on it?

13 After that is reviewed and any
14 corrections required -- and by the way, the staff
15 process is -- the time that's required is unbelievable
16 or at least too long, in my view. Spend less time
17 writing the document than getting the approval.

18 Then after the preliminary final
19 EIS is reviewed, those changes are made by the
20 contractor. About a half a dozen copies are made for
21 the staffing, back up through my headquarters, well
22 then you have three -- let's see, one, two -- I get a
23 NEPA support team certification on adequacy. I have a

1 legal determination from the TRADOC environmental
2 office and the real estate office at headquarters
3 USACE. Then it goes up on to the Department of the
4 Army, where it gets two more legal certifications.
5 Before it eventually reaches -- goes to Mr. Ray Fatz,
6 the Deputy Assist Secretary for Environmental Safety
7 to Occupational Health. He approves it. Releases it
8 for printing. And by this time, I have everybody's
9 name on the signature page, to include his or whoever
10 the acting ASA or ASA & E (phonetic) -- could be an
11 acting still at that point in time -- then I start the
12 reproduction of it. But we don't do anything about
13 the congressional notification. Before congressional
14 notification is done, the Secretary of the Army
15 releases that information for members of Congress.
16 And currently, then it goes to federal register,
17 notice of availability goes to the federal register.
18 It takes them about anywhere from a week to a week and
19 a half, because they only publish these notices on a
20 Friday.

21 At the same time it goes to the
22 federal register, as soon as I am told that that has
23 happened, we start the distribution of the document to

1 the public. EPA is notified. And by the way, there
2 are two notices in the federal register. There is the
3 Army notice and the EPA notice. The notice that
4 counts is EPA. It's the one that controls the clock.

5 Is that what you wanted to know,
6 sir? Or was that too much? Probably too much.

7 We go through a preliminary final
8 EIS and then a final EIS, and release and approval of
9 the documents by EPA.

10 MR. FERN THOMASSY: But you have
11 some type of schedule that shows --

12 MR. DAVID TAYLOR: Detail milestone
13 by --

14 MR. FERN THOMASSY: -- this thing
15 culminating in December?

16 MR. DAVID TAYLOR: Yes, sir.

17 MR. FERN THOMASSY: Anybody else
18 have any other questions or comments for Mr. Taylor?

19 MR. DAVID TAYLOR: Appreciate the
20 opportunity. Look forward to coming back and talking
21 cleanup dollars with you sometime and that process.

22 MR. FERN THOMASSY: Thanks.
23 Appreciate you coming.

1 Community relations report. Joan.

2 MS. McKINNEY: Yes. Just a couple
3 of things here. I've been here long enough just to
4 ask a lot of questions and kind of get a feel for what
5 it is I think that the board is doing.

6 I'm going to pass kind of a little
7 sign up sheet. You all talked last week about
8 speaking at organizations or getting the word out. If
9 you would list a couple of places you think that we
10 ought to be going to on that, and then I'll do the
11 follow up and kind of get back to you and tell you
12 about the scheduling, tell you who they are. You
13 don't have to give me the contact number if you don't
14 know it. Also, at each meeting, I will have one of
15 these sheets over there, so we can continue this
16 process.

17 The other thing that I noticed in
18 going through the list of members is that we do have
19 John Johnson on the board, who is unable to attend. I
20 spoke with John, and he's still teaching on Monday
21 nights, doesn't know when that's going to slow down.
22 So, what I've done -- if you would pass some of these
23 out -- is come up with some potential nominees that

1 you all might want to consider, if you want to replace
2 John. You all know most of these. There is three
3 names on the list. They're all centers of influence
4 in the community. They're all articulate. They're
5 interested in the community, and they reach out to
6 many different groups.

7 So, let's see, is there enough?
8 Yes, it's a stack. Just take one and pass it on,
9 please.

10 Those are the couple of things that
11 I thought maybe I could help you out with. And take a
12 look. I have not approached any of these folks,
13 obviously. But I placed those in consideration if you
14 do need to readjust your membership. Those are folks
15 that I do think would be worth inviting to
16 participate.

17 Can I answer any questions about
18 those nominees?

19 MR. RON LEVY: I think our charter
20 called for certain requirements as it related out for
21 future RAB members. And was a solicitation -- there
22 was a solicitation process to that. And then the
23 charter membership committee was to nominate and then

1 the full RAB was to vote on it. Am I correct in this,
2 Charles? Since you wrote that part.

3 MR. CHARLES TURNER: There was a
4 selection process. I don't remember it exactly, but
5 it included distributing an application and collecting
6 them and then I think -- yes, there was a review and
7 all of that. I don't think there is any prohibition
8 against using applications that have been previously
9 gathered. But I think each -- the threshold question,
10 I think, is: The RAB has to vote on whether to
11 replace a member.

12 MR. RON LEVY: Right. Well, I'm --

13 MR. CHARLES TURNER: Did he resign?

14 MS. JOAN MCKINNEY: No, he has not
15 submitted a formal resignation. It was all kind of
16 because John is a friend, and I said, you know, John,
17 we're counting you absent. Is there a way that you
18 can attend? And he said Monday nights are booked, you
19 know, way in through the summer. So, it's a class
20 he's obligated to.

21 And I'm just laying this out for
22 you for a potential consideration.

23 MR. RON LEVY: What I think is that

1 we should -- I mean, I don't know if these names are
2 part of the -- of those applicants that were submitted
3 in the past.

4 MS. JOAN McKINNEY: No, they were
5 not. I reviewed that mailing that went out in June.
6 And of those, it looked like several hundred went out.
7 And there were several that came back that said, yes,
8 they would be considered.

9 MR. RON LEVY: And here is my
10 thought, since I need to insure that this RAB
11 represents a diverse part of the community.

12 MS. JOAN McKINNEY: And that's what
13 I'm concerned with.

14 MR. RON LEVY: In that -- and we
15 talked about this before, and we attempted to bring
16 minority individuals onto the RAB. And I don't know,
17 you know, how that played out.

18 And don't get me wrong, I'm not
19 objecting to any of this. What I'm telling you is
20 that I want to make sure that what we do, in terms of
21 bringing people to the RAB, is that it's fair to
22 members of the community who may want to participate.
23 Instead of just throwing names out, that we open it up

1 for applicants or take the applicants that were
2 brought in from before or individuals should fill out
3 applications and then we look at all the applicants
4 and then pare down from there and eventually bring it
5 to the RAB. That's my point.

6 MS. JOAN MCKINNEY: Sure. And I'm
7 new enough that I don't know the specific process.
8 Just looking I said, I think we need more diversity.

9 MR. RON LEVY: Right.

10 MS. JOAN MCKINNEY: We've got to
11 reach some other folks that we, I think just, at first
12 blush, we're not reaching.

13 MR. RON LEVY: We all agreed to
14 that.

15 MS. JOAN MCKINNEY: So, that was my
16 purpose in bringing that. But I think we have -- I
17 think we had about -- wasn't there eleven names? I
18 would have to take it and look -- of that June mailing
19 that we sent out that indicated an interest.

20 MS. LISA KINGSBURY: I can pull
21 those.

22 MS. JOAN MCKINNEY: Yes. And we
23 can look at those and just take another look and have

1 them ready for the next meeting, if we do need to move
2 out and maybe invite another --

3 MR. RON LEVY: Well, I guess to me,
4 there is an issue before the board in that
5 Mr. Johnson, if he's not going to participate, do we
6 want to say, okay, let's look at another member and
7 allow Mr. Johnson to continue his -- just his job,
8 since it's going to conflict with the RAB? And then
9 go back and start looking at potential nominees and
10 members to the RAB? Do we, as a RAB, want to do that?
11 I open it up for discussion.

12 MS. MARGARETTE LONGSTRETH: I would
13 like to say that Mr. Johnson is a minority, right?

14 MS. JOAN MCKINNEY: Yes.

15 MS. MARGARETTE LONGSTRETH: And it
16 would be nice if we could replace him with a minority,
17 so that there would be adequate representation of
18 different, you know, groups. And looking at the list
19 that you present, I know there are two on the list
20 that are minorities. I don't know about the first
21 one.

22 MR. JIMMY PARKS: He is, also.

23 MS. MARGARETTE LONGSTRETH: But the

1 other two are. And the list that was prepared
2 previously by Lisa, I don't know how many of those
3 were minorities, but from this list, there are
4 minorities. And I would like to see some of them
5 elected, if Mr. Johnson cannot participate, you know,
6 on the board.

7 MS. JOAN MCKINNEY: Is it
8 appropriate that the board sends letters and is it
9 appropriate to send a letter to Mr. Johnson and say we
10 understand you're extremely busy and won't be able to
11 participate?

12 MR. FERN THOMASSY: I'm not sure we
13 have to send a letter to him, but we have rules within
14 the --

15 MR. RON LEVY: Charter.

16 MR. FERN THOMASSY: -- within the
17 charter already, as to how many meetings a person
18 should attend in a year's time frame. And I think we
19 need to take a look at that, as well.

20 MR. CHARLES TURNER: We abandoned
21 the attendance requirement, I believe. Was it
22 reinstated Mr. Hood?

23 MR. RON HOOD: Not that I know of.

1 MR. FERN THOMASSY: Didn't know it
2 was abandoned. You did it when I was gone. I didn't
3 realize that.

4 MR. CHARLES TURNER: Yes, you were
5 in danger of being --

6 MR. FERN THOMASSY: You were trying
7 to save me, were you?

8 MR. CHARLES TURNER: So, we figured
9 we would have to save you by changing the law.

10 MR. FERN THOMASSY: Because I was
11 looking at this. And for the year's time frame, there
12 has been no attendance by Mr. Johnson.

13 MR. RON HOOD: Well, what is the
14 possibility of just changing the night of the meeting?

15 MR. FERN THOMASSY: So, I'm not so
16 sure there is anything other than that contact
17 Mr. Johnson -- it doesn't have to be with a letter. I
18 mean, it could be verbal -- and ask him what his
19 intentions are.

20 MR. CHARLES TURNER: Well, I think
21 -- it seemed to me that we found that although that --
22 the (inaudible) regulation had kind of a chilling
23 effect on the membership. And since we backed off on

1 all that and tried to make these meetings a little bit
2 more humane, it seems like that the attendance is
3 better. We routinely have quorums now, as opposed to
4 having three or four.

5 So, if the membership thinks it
6 ought to send a letter to Mr. Johnson, inquiring about
7 his interest in continuing, that's one thing. But I
8 don't think we ought to feel compelled to do it.

9 MR. FERN THOMASSY: Right.

10 MR. CHARLES TURNER: He expressed
11 an interest. And we're all going to have scheduling
12 problems. You know, we've just been talking about
13 this -- this could have an effect for thirty years. I
14 don't -- I'm not, you know, that concerned,
15 Mr. Johnson missed a couple of meetings, you know,
16 this one. But, you know, I'm with the board.
17 Whatever y'all want to do is cool with me.

18 MR. FERN THOMASSY: My suggestion,
19 based on what I've heard -- Lisa, could you contact
20 Mr. Johnson and ask him? He hasn't been here since
21 May.

22 MS. LISA KINGSBURY: Joan has been
23 in contact with him, and he's unable to attend.

1 MR. RON LEVY: I think that's
2 something that's --

3 MR. FERN THOMASSY: If he is unable
4 to attend, is he going to consider resigning so that
5 we can go ahead and bring in a member who can attend?
6 I mean, that question ought to be posed to him. Or do
7 you want me to call him --

8 MR. CHARLES TURNER: I would write
9 him a letter.

10 MR. FERN THOMASSY: -- and ask him
11 that?

12 MR. MILLER: I think that's his
13 decision to make.

14 MR. FERN THOMASSY: I think a
15 letter is too impersonal. It ought to be a phone
16 call.

17 MR. CHARLES TURNER: About whether
18 to resign or not?

19 MR. JAMES MILLER: Yes.

20 MR. RON HOOD: I would like to
21 interject something here. His only problem is Monday
22 nights. And we've ironclad this thing to Monday
23 nights, which could be problems for other people. Why

1 do we have to stick with Monday nights all the time?
2 Why can't we alternate that a little bit? Tuesdays,
3 Wednesdays, other nights are just as good, but not
4 necessarily for everybody. Why can't we alternate
5 some of these nights?

6 MR. JAMES MILLER: Middle of the
7 week makes it mighty difficult for some.

8 MR. RON HOOD: That's true. But no
9 matter what night you pick, there is going to be a
10 problem.

11 MR. RON LEVY: I believe we've had
12 this discussion before.

13 MR. CHARLES TURNER: Yes. Monday
14 night was picked, I think, because there was -- when
15 we initially picked it, it was -- it went -- I think
16 it went without objection.

17 MR. RON HOOD: True. But that was
18 when we were ironcladding everything.

19 MR. CHARLES TURNER: Some of us
20 have kind of built our lives around it.

21 MR. JAMES MILLER: It's the most
22 convenient night of the week.

23 MR. CHARLES TURNER: Yes, I've got

1 court usually Tuesday, Wednesday, and Thursday nights.
2 I'll be happy to meet y'all down here Friday about
3 7:30 or Saturday morning, maybe.

4 MR. RON HOOD: But what I'm saying
5 is we have ironclad it that it will be on Monday
6 night. Why can't that be varied a little bit?

7 MR. JAMES MILLER: Nobody wants to
8 do it on Friday. Wednesday is church night, so --

9 MS. JOAN MCKINNEY: Ron, if I
10 might. I did talk to John. And his response to me
11 is: I don't think I can fit that in with everything
12 else.

13 And in keeping with what -- and
14 just the few weeks that I've been here and just the
15 little bit of education that I've been -- you all have
16 been able to give me, I feel like the board would be
17 better served to have someone who is a little more
18 involved in their communities and a little stronger
19 center of influence than John Johnson. He has been
20 here what, about two years, now, Fern, at the most,
21 and while he belongs to some of the civic
22 organizations, I just don't think that John has the
23 center of influence that I think that you all are

1 looking for as your members of a board where you go
2 back and talk to other folks.

3 MR. RON LEVY: What you told me,
4 though, is he essentially resigned then when he said
5 that he didn't --

6 MS. JOAN MCKINNEY: No, you know,
7 I'm not sure that I am the person to have him resign
8 to. I'm just kind of the messenger here explaining to
9 you his stand.

10 MR. RON LEVY: Let me put it to the
11 board that --

12 MR. FERN THOMASSY: Lisa, can you
13 get me his phone number?

14 MS. LISA KINGSBURY: Okay.

15 MR. FERN THOMASSY: I'll take care
16 of it.

17 MR. CHARLES TURNER: Fern the
18 enforcer.

19 MR. RON LEVY: Can we have a little
20 bit of discussion --

21 MR. FERN THOMASSY: No enforcer.
22 I'll talk with him and see what he wants to do and
23 I'll let you know.

1 MS. LISA KINGSBURY: He told Joan
2 he does not want to do it.

3 MR. FERN THOMASSY: What I'm going
4 to do is get that from him from a member of the board
5 and ask him for a resignation, either verbal or
6 written form. I'd rather have it in written form.
7 And then we'll run with it from there.

8 MS. LISA KINGSBURY: Okay.

9 MR. FERN THOMASSY: Because I'm not
10 getting from anybody that he wants to resign. I'm
11 just getting from people that he doesn't want to
12 attend the meeting.

13 MR. RON LEVY: I agree with that.
14 Let's let Fern get that --

15 MS. JOAN MCKINNEY: And that's
16 fine. That's kind of where I preferred that it
17 worked, you know.

18 MR. RON LEVY: Can we have some
19 discussion about this list or whether we're going to
20 look at applicants?

21 MR. CHARLES TURNER: I think the
22 bylaws speak to how we go about selecting membership
23 and removing members and all that. And I would

1 suggest that the RAB follow its own rules in making
2 these decisions.

3 MR. FERN THOMASSY: Why should we
4 start now?

5 MR. CHARLES TURNER: Because we've
6 got people that aren't members coming now and it's
7 important to make a good impression.

8 MR. FERN THOMASSY: That was a
9 smart ass comment. We need to put together a -- I
10 think it's a nominating committee that we're required
11 to do by bylaws.

12 MR. CHARLES TURNER: Well, maybe
13 it's time to amend the bylaws again.

14 MR. FERN THOMASSY: That's what I
15 --

16 MR. CHARLES TURNER: Could the -- I
17 would suggest that we take it up next month, after
18 we've had some time to look at the bylaws.

19 MR. FERN THOMASSY: There is
20 nothing wrong with this, Joan. That's a good starting
21 point.

22 MR. RON LEVY: I appreciate what
23 you're trying to do here, Joan, I just was trying to

1 make sure --

2 MR. FERN THOMASSY: Sure. That's a
3 good way.

4 MS. JOAN MCKINNEY: Sure. And I
5 agree with -- you know, that's fine.

6 I just kind of feel like, you know,
7 as I said, we ought to make sure that we have the
8 diversity we're really seeking and do it right.

9 MR. RON LEVY: Let me ask this,
10 since we are going to pursue it at the next meeting --
11 that's what I've heard. Would it be appropriate to at
12 least send applicants out to these individuals to get
13 them into the applicant pool or would that --

14 MR. CHARLES TURNER: I think a --
15 well, if somebody wants to make a motion that that's
16 what we ought to do. You know, I think it -- but, is
17 there a hurry to make this replacement? Does anybody
18 feel that we need to make this replacement tonight or
19 take action on it tonight?

20 MR. FERN THOMASSY: I think the
21 next meeting we ought to specifically formulate what
22 we're going to do. Do we have to put together a
23 nominating committee? Are we going to take

1 nominations? Are we going to send them out?

2 MR. CHARLES TURNER: Who is the
3 chairman of charter and membership?

4 MR. FERN THOMASSY: That was the
5 one we disbanded before and the chairman is. I am.

6 MR. CHARLES TURNER: That's what I
7 thought the bylaws said, the chairman is.

8 MR. FERN THOMASSY: Under the
9 bylaws, that's right.

10 MR. CHARLES TURNER: I recommend
11 that you organize a committee to follow your lead on
12 this issue, Mr. Chairman.

13 MR. FERN THOMASSY: I'll be ready
14 to discuss it and add it on next time. No problem,
15 that's why it is part of old business for the next
16 meeting.

17 MR. CHARLES TURNER: Can you give
18 us a presentation of the bylaws, please?

19 MR. FERN THOMASSY: Next meeting.
20 Any other discussions on the community relations
21 report?

22 Old business?

23 MR. RON LEVY: We discussed the

1 BRAC cleanup plan at previous meeting. I want you to
2 know that we still do not have the BRAC cleanup plan
3 in hand yet, although we're expecting it the latter
4 part of this week, beginning of next week. And that's
5 really all I've got to say about that particular piece
6 of old business.

7 MR. FERN THOMASSY: New business?

8 MR. RON LEVY: If there is nothing,
9 let me just talk to you a little bit about the
10 presentation for next meeting. As I've mentioned to
11 you before, we just underwent a peer review. One of
12 the requirements under the peer review is to -- first
13 off, let me explain to you.

14 The peer review is to come back to
15 us with a set of recommendations as they look -- as
16 they've looked at our program specifically, some of
17 the program areas we had put out. One of the
18 requirements we've been asked is to present this to
19 the Restoration Advisory Board for their input.

20 And what I would like to propose is
21 that's what we focus our next meeting on is the
22 recommendations coming from the peer review. What we
23 would attempt to do is to get those out in the mail to

1 you prior to the meeting so that you could come to the
2 meeting, hopefully, and be able to discuss those at
3 the meeting, and possibly even a presentation on those
4 recommendations at the meeting.

5 MR. CHARLES TURNER: You're
6 assigning homework?

7 MR. RON LEVY: A review --

8 MR. CHRIS JOHNSON: Now, when are
9 you planning on getting those, Ron?

10 MR. RON LEVY: I think in about two
11 weeks --

12 MS. LISA KINGSBURY: Within a week
13 or two, we should have the recommendations.

14 MR. FERN THOMASSY: What's the date
15 for the next meeting? Do you remember?

16 MS. LISA KINGSBURY: I don't have a
17 calendar.

18 MR. HARRY THOMAS: I've got 20th of
19 April.

20 MR. FERN THOMASSY: April 20th?

21 MR. HARRY THOMAS: Yes, sir.

22 MR. RON LEVY: The peer review was
23 a --

1 MR. CHRIS JOHNSON: I guess one
2 thing I need to know, Ron, is, you're going to give --
3 you're wanting to present their recommendations they
4 handed to the BCT. But we're going to have to have
5 time to review them, and also whether or not we agree
6 with the recommendations.

7 MR. RON LEVY: Well, that's -- the
8 BCT is a separate part of that. There is inputs also
9 from the RAB, as well. And they don't have to be the
10 same or concurrent.

11 MR. CHRIS JOHNSON: Okay. You're
12 saying that the RAB has input to their
13 recommendations?

14 MR. RON LEVY: In fact, yes, that's
15 the way it's been set up, for us to provide to the RAB
16 for input, not to -- to those recommendations.

17 MR. CHRIS JOHNSON: Okay. So
18 they're going to look at the peer review team's draft
19 -- see, they're going to send the draft comments, and
20 then they're going to say, is this -- are we in
21 agreement on this? Are we in understanding? And you
22 send that back to them to --

23 MS. KINGSBURY: They're not going

1 to ask if you're in agreement. They're going to ask
2 do you understand these recommendations, not whether
3 or NOT you agree with them. Do you understand what it
4 is here we said? And, if yes, then that's the
5 document. If, no, then they'll rewrite it so it's
6 clearer and everyone understands it.

7 MR. CHRIS JOHNSON: So, if that
8 rewrite has to occur, then are we going to have time
9 to do what you want next month?

10 MR. RON LEVY: I would say it's
11 going to be tight, but, yes.

12 MS. LISA KINGSBURY: Or I can --

13 MR. CHARLES TURNER: So is the
14 question to us: Do you understand?

15 MS. LISA KINGSBURY: No.

16 MR. CHARLES TURNER: Or is it, do
17 you concur or what is your comment, what is your
18 response to these comments?

19 MR. RON LEVY: I would say, what is
20 your response to their recommendations?

21 MS. LISA KINGSBURY: No.

22 MR. RON LEVY: What is your input?

23 MS. LISA KINGSBURY: The peer

1 review team just wants to explain what they -- while
2 looking at our different programs, what their
3 recommendations are for our programs. They want to
4 explain to you what they've learned and what their
5 recommendations are. If you have some serious --

6 MR. CHARLES TURNER: So is the
7 question: Do I understand or how do I respond?

8 MS. LISA KINGSBURY: The question
9 is: Do you want the peer review team to come present
10 what they learned about Fort McClellan while they were
11 here? Or do you want the base cleanup plan presented
12 next time?

13 MR. RON LEVY: But like everything
14 else, Charles -- and Lisa, don't -- Lisa, hold off a
15 minute.

16 MR. CHARLES TURNER: I vote for the
17 base cleanup.

18 MR. JIMMY PARKS: I vote for
19 cleanup plan.

20 MR. RON LEVY: I think, without
21 doing this, we're not going to meet the peer review
22 requirements, Lisa. So, that's why I didn't put the
23 --

1 MS. LISA KINGSBURY: There is no
2 requirements to brief the RAB. I've asked -- the peer
3 review team said that they would do it. I asked them
4 if they would do it for the RAB. But the RAB is not
5 interested, so, there is no requirement.

6 MR. FERN THOMASSY: I wouldn't say
7 we weren't interested right now. I don't understand
8 what the peer review team is, who it is, and what it
9 really focuses on.

10 MR. CHARLES TURNER: Wasn't our
11 last response to this, send us something in writing
12 and let us see?

13 MR. RON LEVY: The peer review was
14 an attempt on the part of the Army to obtain a
15 independent technical review of our program.
16 Specifically, they looked at risk-based
17 investigations, that's background metals survey,
18 chemical warfare training, site particular, one site
19 T38, ground water contamination at landfill three, our
20 radiological programs, and the UXO issue.

21 They were to come back to us and
22 provide us with recommendations on those programs.
23 And in that -- in that's -- and part of that

1 recommendation, their intent was to insure the
2 efficient use of Army environmental restoration funds.

3 So, there could be impacts to the
4 program associated with this.

5 MR. CHARLES TURNER: So, what is it
6 that we're getting -- are we -- is there something in
7 writing that we need to respond to?

8 MS. LISA KINGSBURY: No.

9 MR. CHARLES TURNER: All right,
10 I've heard her say no twice and I haven't heard you
11 say yes once. So --

12 MR. RON LEVY: What I expect from
13 the RAB is to be able to listen to what
14 recommendations -- and as what the RAB's requirement
15 -- what the RAB does, normally does, as an advisory
16 board, you know, provide comments back to us as you
17 see these types of recommendations. And I will -- you
18 know, we will take those comments to -- back --

19 MR. FERN THOMASSY: Well, that's
20 okay. Based on what I've heard, I think we need to
21 have a framework and I think we need to understand the
22 base cleanup plan first, before we can understand the
23 components of it that the peer review team is looking

1 at.

2 MR. RON LEVY: Well, the peer
3 review team did not look at the base cleanup plan.

4 MR. FERN THOMASSY: But it's
5 looking at components that are being taken care of
6 within the base cleanup plan.

7 MR. CHARLES TURNER: I think we're
8 all anxious to --

9 MR. FERN THOMASSY: So, we need to
10 understand the whole framework before we start looking
11 at some of these specifics that a peer review group is
12 looking at. I would like -- I agree with what I've
13 heard. I would rather hear the base cleanup plan at
14 the next meeting.

15 MR. JIMMY PARKS: That's the
16 document we've been looking for for six months.

17 MR. CHARLES TURNER: I think a
18 year.

19 MR. RON LEVY: It's obviously the
20 RAB's choice.

21 MR. FERN THOMASSY: Others?
22 Anybody have any preferences? Anybody feel --

23 MR. CHRIS JOHNSON: Well, I guess

1 the only --

2 MR. FERN THOMASSY: -- strongly
3 about the peer review team?

4 MR. JAMES MILLER: I would like to
5 just see the cleanup plan.

6 MR. CHRIS JOHNSON: Well, the only
7 problem I have with that, as far as the BRAC cleanup
8 plan, is that one, we haven't received it from the
9 contractor, and we've got some other deadline
10 commitments that we've got to work on, Ron. So, I
11 don't want to -- I want to come prepared to talk about
12 the BRAC cleanup plan. And I don't want to come up
13 here with one week to --

14 MR. RON LEVY: Well, that is a
15 concern of mine. You know, just like you, Chris, I
16 don't know how much time we're going to have to be
17 able to review that --

18 MR. CHARLES TURNER: How about if
19 we talk about it over the next three meetings? That
20 -- if y'all can get us a copy of it, we can start
21 reading it and talking about it.

22 But I think that -- I don't know --
23 I'm not speaking for anybody else and don't pretend to

1 -- but I get a lot more out of a conversation like
2 this than, you know, an hour and a half presentation.

3 MR. CHRIS JOHNSON: Right.

4 MR. CHARLES TURNER: If we could
5 get the document in front of us and get a chance to
6 start looking at it, maybe get some informal overview
7 or something, but then just start working through it,
8 working through the issues that we see in it, I think
9 we'll -- not necessarily shoehorn it into an hour or
10 an hour and a half.

11 MR. FERN THOMASSY: You talking
12 about the peer review or the base cleanup plan?

13 MR. CHARLES TURNER: The base
14 cleanup plan.

15 MR. CHRIS JOHNSON: Just a
16 suggestion, because I'm not -- I'm not really sure why
17 we have to have formal presentations at every meeting.
18 If that's what you guys want, then that's what we're
19 going to do.

20 But why can't we just have kind of
21 a meeting where it's just kind of a free-for-all
22 questions and answers? I'm sure there -- I mean, I'm
23 always curious as to why, you know, I haven't gotten

1 one phone call yet from anybody asking any questions.

2 DR. BARRY COX: Chris, the only
3 thing, you probably need some structure to it, as far
4 as just getting off on a tangent on the first thing.

5 MR. CHRIS JOHNSON: Yes, but I
6 think sometimes it's good just to have some
7 brainstorming and not -- I feel like sometimes we're --
8 a lot of times just shoving stuff, you know, at you.
9 And you might -- you might be concerned about landfill
10 number three.

11 DR. COX: Right. I don't disagree.
12 I'm saying, if you could structure
13 the questions so you keep on a particular topic, I
14 think that would be a great idea.

15 MR. CHARLES TURNER: If the topic
16 is the base cleanup plan and the three members of the
17 base cleanup team are here to discuss it, it seems
18 like we ought to be -- and I'm not recommending that
19 we completely abandon presentations. For instance,
20 Mr. Taylor's presentation tonight I thought was
21 excellent. I got a lot out of it.

22 But I think, rather than being
23 briefed on the base cleanup plan, we would prefer to

1 discuss it with you, Bart, and Chris.

2 MR. RON LEVY: I wasn't implying
3 that we do a presentation per se. I was -- you know,
4 we can open it up for discussion. But just -- these
5 are very technical documents, and they're extremely
6 large and tough to get through. To be able to sit
7 down at a meeting, when we just pass it out to you
8 then, and then just go right into discussion, without
9 having some time to sit and go through it -- and
10 believe me, you really need to spend a lot of time
11 going through it -- it's not going to be productive, I
12 don't think.

13 MR. CHRIS JOHNSON: And also, I
14 wouldn't recommend, you know, having next month -- in
15 other words, Bart's not here, either. And I think he
16 would certainly like to know whether or not he's going
17 to be asked a lot of questions on something that we
18 haven't --

19 MR. CHARLES TURNER: You can write
20 him a letter, telling him to come prepared.

21 MR. FERN THOMASSY: Then I have a
22 question, because when we left the last meeting, we
23 were told the base cleanup plan was going to be ready

1 on March the 15th. That was yesterday, I realize.

2 MR. RON LEVY: I think I said the
3 draft.

4 MR. FERN THOMASSY: Yes. And
5 that's enough to start the discussion and begin to
6 orient us on its meaning and its structure and its
7 details.

8 Now, why can't we look forward to a
9 month later, at least being able to get oriented on
10 that and begin the discussion on it? Because that
11 seems to me to be a central document on getting Fort
12 McClellan cleaned up to some point where things will
13 happen and support the Fort McClellan Development
14 Commission's goals and objectives.

15 MR. RON LEVY: To me, Chris, I
16 don't have a problem with putting a draft out that we
17 all haven't sat down and -- because it is a living
18 document, and it's just -- and everybody understands
19 it's a draft. And they're reviewing it, providing
20 input to it concurrent with what the BCT is doing.

21 The final document, obviously, will
22 be something that we all agree upon, that being the
23 BCT. But the Advisory Board, you know, being able to

1 go through it and making comments, if it's during a
2 meeting, to me, it's not problematic.

3 However, just remember what I told
4 you before. This is a huge document. It's going to
5 be cumbersome, it's going to be -- you know, it's not
6 going to be easy to digest and understand, without
7 somebody at least attempting to lead you through some
8 of it. Okay? That's my point.

9 MR. JIMMY PARKS: It ain't going to
10 be much bigger than the environmental baseline.

11 MR. RON LEVY: Probably not.

12 MR. CHARLES TURNER: I would like
13 to see the one that's bigger than that. I didn't
14 realize they made binders this big, much less two of
15 them. Fill them up.

16 MR. RON LEVY: I totally agree with
17 you. But we didn't get very many comments from the
18 RAB on the EBS.

19 MR. JIMMY PARKS: We're waiting on
20 this good document here. That's what we're waiting
21 on.

22 MR. RON LEVY: Another document. I
23 got you.

1 MR. FERN THOMASSY: Any other
2 discussion from the board on --

3 MR. CHARLES TURNER: I wouldn't be
4 a bit afraid to come in here with no guest speaker
5 arranged next month. The worst thing that would
6 happen is we go home early.

7 MR. FERN THOMASSY: I've heard a
8 recommendation that next week -- I mean, next month,
9 we want to talk about or hear about the base cleanup
10 plan and begin to get oriented on it. We don't want a
11 long, lengthy briefing that's going to last half an
12 hour or an hour. We want to get oriented on it and
13 begin to discuss it, and ask questions of the base
14 cleanup team. Hopefully, Bart will be here next week
15 or next month.

16 MR. CHRIS JOHNSON: Hopefully.

17 MR. FERN THOMASSY: Anybody know?

18 MAYOR KIMBROUGH: When is the date?

19 MR. FERN THOMASSY: April 20th,
20 April 20th.

21 MR. RON LEVY: So what you're
22 saying is the down and dirty overview and then go
23 right into discussion?

1 MR. FERN THOMASSY: Discussion and
2 questions. Is that agreeable to the members of the
3 RAB?

4 MAYOR KIMBROUGH: Yes.

5 MR. RON LEVY: Again, I'm a little
6 concerned about what we'll get out of that, but --
7 without looking at the details --

8 MR. CHARLES TURNER: We'll get out
9 of here early is what we'll get out of it.

10 MR. FERN THOMASSY: And the other
11 thing is -- that early comment -- do we want to keep
12 staying here until 8:30 and a quarter to 9:00?

13 MR. DONALD CUNNINGHAM: No.

14 MR. FERN THOMASSY: Or do we want
15 to try to get this finished in an hour and a half and
16 get out of here at 8:00 o'clock? I mean, we're really
17 dragging ourselves through the mud.

18 You're going to have to put up with
19 me cutting off discussion, because I've been reluctant
20 to cut it off. And that's why we're sitting here at a
21 quarter to 9:00.

22 MR. CHARLES TURNER: Mr. Chairman,
23 if you would include me on your charter and membership

1 committee, I would be happy to work with you on making
2 some recommendations on bylaws.

3 MR. FERN THOMASSY: I would
4 appreciate that so very much. Any other members who
5 would like to be included? I'll pick them. I'll give
6 you a call.

7 Any other --

8 MR. HARRY THOMAS: I need to tell
9 you one thing.

10 MR. FERN THOMASSY: Okay.

11 MR. HARRY THOMAS: Just so you're
12 not surprised next month. We're currently scheduled
13 for a visit from some people from the Army
14 Environmental Policy Institute. And they're scheduled
15 the day of the RAB. There will probably be ten to
16 fifteen people from Atlanta that work with the Army
17 Environmental Policy Institute that will be here and
18 attend the meeting.

19 MR. FERN THOMASSY: Where are we
20 going to put them?

21 MR. RON LEVY: We can put out some
22 extra seating.

23 MR. FERN THOMASSY: Other comments?

1 MR. CHARLES TURNER: Move we
2 adjourn.

3 MR. FERN THOMASSY: We're
4 adjourned.

5 (WHEREUPON, the meeting was concluded.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

1 C E R T I F I C A T E

2 STATE OF ALABAMA)

3 CALHOUN COUNTY)

4

5 I, SAMANTHA E. NOBLE, a Court

6 Reporter and Notary Public in and for The State of

7 Alabama at Large, duly commissioned and qualified,

8 HEREBY CERTIFY that this proceeding was taken before

9 me, then was by me reduced to shorthand, afterwards

10 transcribed upon a computer, and that the foregoing is

11 a true and correct transcript of the proceeding to the

12 best of my ability.

13 I FURTHER CERTIFY this proceeding

14 was taken at the time and place and was concluded

15 without adjournment.

16

17

18

19

20

21

22 IN WITNESS WHEREOF, I have hereunto

23 set my hand and affixed my seal at Anniston, Alabama,

1 on this the 21st day of March, 1998.

2

3

4

5

6

7

SAMANTHA E. NOBLE

8

Notary Public in and for

9

Alabama at Large

10

11

12

MY COMMISSION EXPIRES: 11-14-2001.

13

14

15

16

17

18

19

20

21

22

23