

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before SAMANTHA E. NOBLE, a Court
Reporter and Commissioner for Alabama at Large, at
Seventeenth Street Baptist Church, 801 17th Street,
Anniston, Alabama, on the 16th day of August, 1999,
commencing at approximately 6:30 p.m.

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1 MR. RON HOOD: I'll go ahead and
2 take the roll. Pete Conroy is gone. Ron Levy?
3 MR. RON LEVY: Here.
4 MR. RON HOOD: Ike Brown? James
5 Buford? Barry Cox?
6 DR. BARRY COX: Here.
7 MR. RON HOOD: Donald Cunningham?
8 Jerome Elser? Alan Faust?
9 MR. ALAN FAUST: Here.
10 MR. RON HOOD: Dr. Mary Harrington?
11 DR. MARY HARRINGTON: I'm here.
12 MR. RON HOOD: I'm here. Mayor
13 Kimbrough?
14 MAYOR KIMBROUGH: Here.
15 MR. RON HOOD: Margaret Longstreth?
16 MS. LONGSTRETH: Here.
17 MR. RON HOOD: James Miller? Jimmy
18 Parks? Thomassy? Charles Turner? Tom --
19 MR. TOM TURECEK: Here.
20 MR. RON HOOD: -- Turecek? Bobby
21 Weston? Bart Reedy?
22 MR. BART REEDY: Here.
23 MR. RON HOOD: And Chris Johnson?

1 MR. CHRIS JOHNSON: Here.

2 MR. RON LEVY: We aren't going to
3 make it, Ron, on the approval of minutes. You know,
4 it's a simple majority.

5 MR. RON HOOD: Well, I count eight.

6 MR. LEVY: Yeah, but voting
7 members, I've got seven voting members.

8 MR. RON HOOD: Okay.

9 MR. LEVY: If you would, take a
10 quick look at the minutes. If anybody has any
11 comments, additions, deletions, let me know.

12 MR. RON HOOD: Like he pointed out,
13 we need one more member to be able to approve these,
14 but it doesn't appear that we're going to get that.

15 So, any comments on the minutes?
16 Let's go on with the old business then. Bylaw
17 approval had been approved, and I think we were
18 waiting to get them signed, and I had hoped that Pete
19 Conroy would be here to sign them. Since he's not, I
20 would like just to delay that until the next meeting.

21 MR. RON LEVY: Yeah, I think that
22 -- technically, at the last meeting -- we've already
23 voted on this, the approval of that. So, the approval

1 is already in place. We were looking for a signature.
2 And I think that Pete needed to be here for that, and
3 he wasn't here at the last meeting. So, really we're
4 operating under that new rule, allowing us for a
5 simple majority vote --

6 MR. CHRIS JOHNSON: There you go,
7 you got eight.

8 MR. RON LEVY: No, there is no
9 voting members.

10 If we could, before we go on, Ron
11 --

12 MR. RON HOOD: Yes.

13 MR. RON LEVY: -- I would like to
14 recognize Reverend Nettles --

15 DR. MARY HARRINGTON: Reverend
16 Reynolds.

17 MR. RON LEVY: Excuse me, Reverend
18 Reynolds, my mistake.

19 REVEREND REYNOLDS: I've been
20 called worse things.

21 DR. MARY HARRINGTON: That's a good
22 thing now.

23 MR. RON LEVY: Sir, I'm sorry. But

1 we do appreciate the use of your facilities. And
2 hopefully in the future we'll be able to come back and
3 do this again, as well. I don't know if you wanted to
4 address the group at all, but you're certainly welcome
5 to say anything you please.

6 MR. REVEREND REYNOLDS: I'm just
7 glad to have you. I'm sure you'll do the right thing.

8 MR. RON LEVY: Let me introduce Ron
9 Smith. Ron Smith is a wildlife biologist. He works
10 out of my office. He's been working with the
11 installation now for about two years on natural
12 resource issues. He's intimately familiar with an
13 issue that's directly related to property reuse, and
14 that's gray bats and gray bat habit. He's got a short
15 briefing overview to kind of explain the gray bat
16 issue and what's -- what it's all about on Fort
17 McClellan. And with that, I'll just let Ron go ahead
18 and talk.

19 MR. RON HOOD: Would you like to
20 come up here where you can see the briefing, sir?

21 MR. RON LEVY: I think he's going
22 to put it against that wall.

23 MR. RON HOOD: Oh, you going to put

1 wing span can be up to twelve inches. The weight is
2 one-fourth to one-third ounce. It lives for about two
3 years. And one of the key characteristics to tell a
4 gray bat from the rest of them is the tail section
5 here, which is referred to as a calcar. It attaches
6 at the wrist, back wrist on its back leg right here.
7 A lot of other similar bats of size will attach to the
8 end of one of the toes. And that's one of the key
9 characteristics if you really want to tell a gray bat,
10 if you happen to have one of them in your hand, you
11 know, just pluck one of them out of the air.

12 A couple of notes on their foraging
13 or their feeding habitats -- or their feeding
14 techniques. Like all other bats, they use a sonar, a
15 sound pulse, to be able to locate their prey. What
16 many people may not know is the fact that they don't
17 snatch the insect in their mouth as they're flying
18 through the air, they'll put out a wide sweep with
19 this sonar. They'll locate a potential prey item.
20 They'll put a tight sweep down onto the insect. And
21 the closer that they get, the tighter the sweep is so
22 they can identify exactly where it is. And they'll
23 put out their wing or their tail section and they will

1 catch the insect in their wing and will reach down and
2 grab it with their mouth as they're flying and then
3 eat the insect.

4 That's why a lot of times when
5 you're watching a bat fly around, all of a sudden it
6 does this right in the middle of the air --
7 (demonstrating) -- and then this again. That's what
8 it's doing, it's feeding. It's located an insecticide
9 and it's dove down and grabbed it with its wing and
10 pulled it out and eating it.

11 One of the biggest items that gray
12 bats eat is May flies. Although they don't eat
13 exclusively water-borne type insects, they also eat
14 some ground-borne insects. It's about a 50/50. But
15 this is one of their best prey items that they like.

16 They mainly feed over water,
17 streams, lakes, rivers, and they usually forage
18 underneath tree top height. Sort of gives them a
19 buffer against any potential predators that may come
20 about and snatch them out of the air.

21 The bats are known to fly fifty-six
22 miles from a roost to a feeding area. So, some of the
23 ones that we have around Fort McClellan may actually

1 roost most of the year in and around Guntersville or
2 some of the areas like that, and they will fly. Not
3 always do they fly fifty-six miles. Sometimes they'll
4 do short hops. But not all of them originate,
5 necessarily, from this area.

6 Some quick notes on reproduction.
7 The males become reproductively active in October and
8 November and mating occurs just before they go into
9 hibernation for the winter.

10 The females, which is an
11 interesting fact with some bats, the females store the
12 sperm and they delay fertilization until spring. Even
13 though the mating occurs in the fall, the
14 fertilization doesn't happen until spring and then the
15 young are born in May or June.

16 Usually one young is born,
17 sometimes two. And they're independent by the middle
18 of July. So, it doesn't take them very long to become
19 independent of their mother. And, of course, if
20 you'll remember back on the fact, they only live two
21 years, you wouldn't expect them to have a long cycle
22 of growth, because you've only got two years to live,
23 you've got to get out there and do for yourself very

1 quickly.

2 A couple of notes in general. Gray
3 bats are listed as an endangered species by the Fish &
4 Wildlife Service. They introduced their gray bat
5 recovery plan, I believe it was in 1985, and gave
6 their high points of their ideals of what we need to
7 do to be able to preserve the gray bat.

8 And nearly forty-five percent of
9 the entire population of gray bats occur in Alabama
10 during the winter and during the summer. They're a
11 migratory kind of mammal. They move through different
12 sections. At least a good section of the population
13 moves through the United States at different portions
14 of the year. So, we have quite a lot of gray bats in
15 this particular area.

16 On Fort McClellan the gray bat was
17 first discovered on Fort McClellan in 1995. We hired
18 a contractor and had them to further explore the
19 habitat that we had and the occurring gray bats that
20 are out there. We don't have any roosting habitat.
21 In other words, we don't have any spots where the gray
22 bat roosts, you know, during the day, until it comes
23 out and forages at night. Although there are some

1 close by Fort McClellan and there is several cave
2 systems within the fifty -- I knew kilometers more --
3 fifty-three miles.

4 MS. LISA KINGSBURY: Six.

5 MR. RON SMITH: Fifty-six miles.

6 There is several. There is about ten or fifteen
7 major, what you consider decent size caves within that
8 range where they possibly roost.

9 There's also several bridges nearby
10 McClellan that act as temporary roosts. But we do
11 have what's called foraging or feeding habitat on Fort
12 McClellan. We have what's been delineated or
13 separated into low and moderate quality on main post.

14 The red sections you see here,
15 which is Cane Creek. This is a Cane Creek branch
16 here. This is Cave Creek up here, note Cave Creek,
17 because of Weaver Caves located up here. The red is
18 moderate quality. The green is low quality. So, we
19 do have some what's called foraging habitats.

20 Once again, I remind you the point
21 that I had up here, they forage over streams with
22 trees that protect them on either side. Which is some
23 really good spots, especially around the golf course

1 area of Fort McClellan and around --

2 MR. KEN WHITLEY: These are not
3 just hypothetical, you've actually got evidence that
4 they feed there?

5 MR. RON SMITH: Right, yes, mist
6 netting surveys. I was joking about plucking one of
7 them out of the air there. But the way that you do it
8 is using a mist net, very much like a hair net, which
9 almost goes back to the old thing, bats like to go for
10 people's hair, which is not true. However the mist
11 net, you string it out and looks like a large
12 volleyball net, made out of hair net. And they will
13 fly into it because it's so thin that their sonar
14 cannot detect it, so they fly into it and they get
15 tangled up. And you pull them out and you identify
16 the bats. The contractors identified and had a -- if
17 I'm not mistaken, I'll have to look back, but there
18 were a couple of captures I think in this area right
19 here. (Demonstrating.)

20 And then the contract biologists
21 came in and would look at the habitat that was
22 occurring along with this and say, well, you know,
23 predominately they -- X amount of width, height of the

1 trees, and then you classify it into these -- all
2 those different factors.

3 So, you go in here and you say,
4 this is the type of habitat where it's normally found,
5 this is the kind of habitat where the foraging would
6 occur, we've had some captures in this area, and then
7 make your assumption from there. Also, the lakes.
8 Lakes are primary to the gray bats that feed on.

9 How this all ties into what you're
10 doing is the gray bat biological assessment defined
11 project designed features, you know, so when you have
12 property transfers during this procedure --

13 MR. RON LEVY: Under -- let me just
14 see if I can't --

15 MR. RON SMITH: Yes, Ron can --

16 MR. RON LEVY: Under Section 7 of
17 the Endangered Species Act, we were required to go
18 into consultation with Fish & Wildlife for the
19 endangered species on Fort McClellan. Truly, the only
20 endangered species we have identified on Fort
21 McClellan was a gray bat. Now, at one time we had a
22 red cockaded woodpecker, but there has been none.
23 Now, we also have habitat for red cockaded woodpecker,

1 as well, but that habitat really falls in a line where
2 the national wildlife refuge is and it's not in the
3 recovery area, as well. It's not in the recovery
4 plan. But because of our legal requirements under the
5 Endangered Species Act in Section 7, we went into
6 consultation with Fish & Wildlife Service. What

7 resulted was the biological assessment and an
8 agreement on Fish & Wildlife that it met the
9 requirements. And within that biological assessment
10 -- this is why it's so important, there are

11 provisions, as Ron pointed out, PFs, which stands for
12 project design features, that tell the Army how we
13 have to manage for gray bat, even manage as we
14 transfer property. One of those provisions is no
15 cutting within fifty meters of the stream bed, which,
16 of course, goes right into -- which will eventually go
17 right into the deeds. We will put that into the
18 deeds. And it's already showing up in the lease for
19 the parks and recreation facilities, particularly the
20 golf course. And the reason there is no cutting is
21 because -- and help me out here, Ron -- is because the
22 trees create an over storey (phonetic) --

23 MR. RON SMITH: Right --

1 MR. RON LEVY: -- for the bats to
2 fly under.

3 MR. RON SMITH: Right.

4 MR. RON LEVY: When you remove
5 those trees, it takes that away and the bat has now
6 become prey to other animals.

7 MR. RON SMITH: They don't feel --
8 basically, they don't feel comfortable foraging in
9 wide open spaces due to possible predation. They just
10 simply do not use open areas. I mean, if we -- just
11 like us, if we had an area where we knew that we were
12 in danger, I think chances are we're not going to
13 build there, chances are we're not going to eat there.
14 Same thing, they just simply do not use areas. They
15 have a certain type of habitat that they use, which is
16 common with most animals, and that is, sides -- the
17 very edges of like -- in other words, if you had a
18 wide open lake, they're not going to use the middle of
19 it, they're going to use the sides of it where the
20 trees buffer.

21 MR. KEN WHITLEY: Is there some
22 point in the future where you continue to sample and
23 you might conclude that they're not here anymore or is

1 this going forever?

2 MR. RON LEVY: What we put into the
3 documents is that if there is anything along the line
4 of disturbance, then consultation with Fish & Wildlife
5 must occur. So, if you can get Fish & Wildlife to
6 agree to something of a lesser requirement, that would
7 be between whoever the recipient of the property is
8 and Fish & Wildlife. There is other provisions, PDF
9 provisions in there, that relate to the types of
10 pesticides that could be used, as well, because gray
11 bats tend to be very sensitive to certain types of
12 pesticides.

13 MR. KEN WHITLEY: Quarter ounce,
14 that's just amazing. That's sixty bats to the pound.

15 MR. RON SMITH: Yeah. And they'll
16 eat -- they can eat up to five times their body weight
17 in a night, mosquitoes --

18 MR. KEN WHITLEY: Bat poop
19 everywhere. But this is in perpetuity; that is; you
20 don't come back every ten years and run the same
21 sample and say, oh, there are no bats here so --

22 MR. RON LEVY: Well, sir, all I can
23 tell you is what we will put into the deeds. And if

1 somebody decided to go back -- and that is a very
2 expensive proposition to go back and do additional
3 mist netting. But again, you're looking at gray bat
4 habitat as opposed to roosting locations. There is no
5 roosting locations. But under the law, you manage
6 habitat just almost the same exact way as you manage
7 the roost locations. So, that's kind of where --

8 MR. KEN WHITLEY: How many acres do
9 these fifty meter wide zones --

10 MR. RON SMITH: It's fifty feet.

11 MR. KEN WHITLEY: Oh, fifty feet.
12 I feel a little bit better.

13 MR. RON SMITH: Yeah, fifty feet
14 from the side of each creek, not from the center of
15 the creek, from the side.

16 MR. KEN WHITLEY: Okay, all right.
17 Well, in that case cancel all that -- fifty meters,
18 that's a hundred meters wide all over the place, and
19 that's kind of huge.

20 MR. RON LEVY: I stand corrected.
21 I'm sorry.

22 MR. KEN WHITLEY: Okay. Thanks.

23 MR. RON SMITH: Basically, were you

1 asking what you do with fifty meters?

2 MR. KEN WHITLEY: No. I'm very
3 comfortable. I was just starting to worry that a
4 hundred yards wide times all that stuff is a lot of
5 acres. Fifty feet is somewhat less than a hundred
6 feet.

7 MR. CHRIS JOHNSON: I wasn't
8 familiar with that requirement, but that overlaps --
9 that's real identical to the other provisions on
10 creeks for the timber industry. You know, you keep a
11 buffer zone in your creeks more from erosional
12 standpoint --

13 MR. KEN WHITLEY: Sure, keep down
14 the erosion, I think that's nice, actually.

15 MR. CHRIS JOHNSON: -- and those
16 are -- that's kind of a standard requirement.

17 MR. RON SMITH: That's probably
18 where it comes from.

19 MR. RON LEVY: Well, one of the
20 other things that we had to do here also was because
21 some power lines run through those areas, and it's --
22 obviously, Alabama Power needs to cut back trees for
23 the purpose of keeping power lines up. This also

1 impacts upon them. So, they're going to have to go
2 into consultation with Fish & Wildlife as it relates
3 to cutting back on those easements that run, you know,
4 run through those areas.

5 MR. RON SMITH: Fish & Wildlife
6 Service, they're not unapproachable, either.
7 Actually, they're very good to work with. You know,
8 as long as you keep lines of communication open, you
9 know your point of contact for, you know, the gray bat
10 in the region and everything and you keep talking to
11 them, they're actually quite easy to work with and
12 very easy to get along with. If there is something
13 that you really, really need done, you know, they'll
14 actually come -- everything that we've done so far
15 save, I think, the actual BA, was considered formal
16 consultation, but other than that, everything that
17 we've done has just been basically, you know, hey,
18 give us a call, we'll work with you, you know, hand in
19 hand, they're very approachable, actually.

20 MR. RON LEVY: Yeah, they concurred
21 with the document, because otherwise they would have
22 had an issue under Section 7, a biological opinion,
23 which they did not, because they concurred with our

1 document and what we put in for those PDFs. And you
2 all should have received a copy of that.

3 So, and that's why you see --
4 you'll see those in the leases and the deeds and EPPs
5 that were put in together, you see that language in
6 there. And they agreed that this was the only -- this
7 was the only species, endangered species, that fell in
8 under Section 7 requirements. So, although we've got
9 other sensitive species on the installation, by law
10 they're not -- they don't fall under Section 7 of the
11 Endangered Species Act.

12 MR. TOM TURECEK: What happens if
13 the gray bat is removed from the endangered species
14 list officially? It recovers, it's a healthy
15 population now and it's removed like in some areas
16 like the bald eagle was?

17 MR. RON LEVY: If it's removed,
18 then obviously it's no longer an issue and should --
19 and you should be able to get whatever is in the deeds
20 removed, as well. But our intent, unless there is
21 some change between now and then, is to transfer
22 property with those restrictions in the deeds.

23 MR. BART REEDY: A fifty foot

1 buffer is not -- you know, fifty foot on either side
2 of the creek is not a tremendous amount of property.

3 MR. KEN WHITLEY: Not only that, I
4 think it adds to the attractiveness of the area. Who
5 would want to cut that stuff down? I think it's nice.

6 MR. RON LEVY: You know, we --

7 MR. KEN WHITLEY: Is the bat not
8 altitude sensitive? Does he feed up at the two
9 thousand foot level, which where some of these low
10 quality stuff are, as well as down at the eight
11 hundred foot?

12 MR. RON SMITH: They vary in their
13 altitude. They usually don't like to forage above
14 tree top level.

15 MR. KEN WHITLEY: Well, I didn't
16 mean altitude from the ground, I meant altitude from
17 sea level.

18 MR. RON SMITH: Oh, from sea level,
19 okay.

20 MR. KEN WHITLEY: Some of that over
21 on the right there is --

22 MR. RON SMITH: Right.

23 MR. KEN WHITLEY: -- pretty high

1 stuff.

2 MR. RON SMITH: Right, yes, these
3 points -- these points are not two thousand level.

4 MR. KEN WHITLEY: I'm looking at
5 these back through here.

6 MR. RON SMITH: Yeah. That's why
7 it falls into low. I think -- I've never seen it in
8 print, actually, and I'd have to go back and
9 reference. But it seems to me that the -- they prefer
10 the lower altitudes more than they do the higher
11 altitudes, but they're not exclusive to the low
12 altitudes. But that's probably one of the factors
13 that they use -- put into their quotient for that.

14 MR. RON LEVY: I think you got -- I
15 think for Mayor's Kimbrough's sake, you have gray bat
16 in Weaver.

17 MAYOR KIMBROUGH: That's Anniston,
18 that's not Weaver.

19 MR. RON LEVY: But as it falls in
20 --

21 MAYOR KIMBROUGH: I mean, Weaver
22 Cave is in the city limits of Anniston.

23 MR. RON LEVY: Oh really?

1 MR. RON SMITH: That's about where
2 they disappeared on the radio telemeter, because they
3 went into some cave or something. So, I'm not saying
4 that's where they went.

5 MR. CHRIS JOHNSON: Y'all
6 disclaimed it?

7 MAYOR KIMBROUGH: No, we didn't
8 disclaim it, they claimed it.

9 MR. RON LEVY: What you don't see
10 here is we've also caught them on Pelham Range, so we
11 know they're on Pelham Range, as well.

12 MR. RON SMITH: Pelham Range has
13 the high quality foraging habitat. It's a lot higher
14 because of the width of the stream and the main
15 channel, it's ideal. It's got like bat stands all
16 over it.

17 There was one more point I was
18 going to make, and I forgot what it was now. But
19 basically, that's it. This is the easiest endangered
20 species that we have to manage for. Just like Bart
21 was pointing out, fifty feet, you know, it's normal,
22 all logging procedures follow the same path. It's a
23 breeze. I mean, you don't want to trade it off for

1 something like tensiello (phonetic) grass, you know.
2 That's intensive management.

3 This is -- this is a -- and this is
4 great PR. I mean, all you got to do is not touch your
5 trees fifty feet from the stream and wahlah
6 (phonetic), you're instantly an environmentalist.

7 MR. RON LEVY: You know what was
8 unusual that we did discover when we traced the bats?
9 Because what we ended up doing after we catch the
10 bats, we put telemetry, a radio device on them, and we
11 found their roosting location. You know where it's
12 at? The Highway 21 where the bridges run across Cave
13 and Cane Creek, they're roosting up underneath that.
14 So, we notify -- we notify Alabama Department of
15 Transportation about it, because that's their
16 property.

17 MR. CHRIS JOHNSON: Call Buddy Cox.

18 MR. RON LEVY: We told them.

19 MR. ALAN FAUST: The radio probably
20 weighed more than they did.

21 MR. KEN WHITLEY: That was as far
22 as they could go.

23 MR. RON LEVY: That is -- I don't

1 know enough about that, but it was --

2 MR. RON SMITH: It really did. It
3 weighs about as much as the bat did.

4 MR. ALAN FAUST: At least.

5 MR. RON LEVY: The poor bat was
6 struggling to get off the ground.

7 MAYOR KIMBROUGH: Maybe that's as
8 far as it could go.

9 MR. RON LEVY: It actually went
10 underneath the --

11 MR. CHRIS JOHNSON: He passed out
12 at the bridge.

13 MR. RON LEVY: It actually went
14 underneath there and saw --

15 MR. ALAN FAUST: He would have
16 normally flown to Weaver and couldn't get that far
17 with all that radio baggage.

18 MR. RON LEVY: Poor bats, yeah.

19 Any other questions before we move
20 on?

21 MR. BART REEDY: Well done. Very
22 good.

23 MR. RON SMITH: Thank you.

1 MR. RON HOOD: Well under old
2 business, we've got -- we've got the FOSL we've got
3 here, too. I'm not sure what you want to cover on
4 that.

5 MR. RON LEVY: Now, as we mentioned
6 during the last -- during the last RAB meeting, we
7 would provide the -- and we would provide the comments
8 that we responded back to EPA on. And they did go out
9 in the mailings, so you all should have gotten copies
10 of those. If you didn't bring them with you -- I
11 don't think -- Michele, have we got -- do we got extra
12 copies of those?

13 MS. MICHELE MALONE: Which document
14 is this?

15 MR. RON LEVY: The response to
16 comments on the FOSL. I need a copy, myself.

17 MS. MICHELE MALONE: They're
18 limited.

19 MR. RON LEVY: One of the things we
20 were going to do was open up discussion on the
21 response to comments. Did you see those?

22 MR. KEN WHITLEY: I don't think so.

23 MR. RON LEVY: You are on the

1 mailing list, are you not?

2 MR. TOM TURECEK: Are those the
3 reason that I saw the flyer at the golf course on
4 Sunday that says, due to circumstances beyond our
5 control, the golf course is going to remain under Army
6 management until further notice?

7 MR. RON LEVY: Because we still
8 have not completed the actions on the FOSL. And it's
9 not necessarily because of the comments, it's other
10 things that are going on, trying to get -- trying to
11 get the real estate actions complete. There is other
12 legal reviews that are going on within Department of
13 the Army.

14 MR. KEN WHITLEY: They're still
15 negotiating, aren't they?

16 MR. RON LEVY: Part of that, yes.

17 MR. BART REEDY: So, the delay that
18 everyone was concerned about is not because of the
19 unresolved comment?

20 MR. RON LEVY: That's right. We're
21 moving -- and you're right, we are -- we're delaying
22 it not because of the comments provided by EPA and the
23 State.

1 MR. BART REEDY: And is the intent
2 still to go forward with unresolved comments?

3 MR. RON LEVY: It is.

4 MR. KEN WHITLEY: Did you get the
5 battle on the creek -- what's in the water that you're
6 squirting on the golf course?

7 MR. RON LEVY: No, we don't have
8 that information yet, as of yet. We haven't got the
9 reports back from that particular part of our SI work.

10 MR. TOM TURECEK: The part of the
11 comments were the EPA and ADEM -- correct me if I'm
12 mis-saying this -- but where they're saying that the
13 Cane Creek and waters on the golf course shouldn't be
14 used, touched, for any reason, and then Army's
15 response to that is, is that we already have
16 unfettered access to it and we essentially don't agree
17 with that and we don't plan to do that. How did the
18 Army get unfettered use of it, I mean, as opposed to
19 the comment from the Environmental Protection Agency
20 that says it's not a good idea?

21 MR. RON LEVY: Like any other creek
22 or body of water on the installation, there was never
23 any action against the installation to keep us from

1 using it, so, we have unfettered access.

2 MAYOR KIMBROUGH: But it was never
3 tested; is that correct, until this point?

4 MR. RON LEVY: We have done some
5 water quality tests in the past. But as far as, you
6 know, things like the sediments, which is one of the
7 issues that Chris brought up, no, I'm not aware of us
8 ever testing it.

9 MAYOR KIMBROUGH: What is the
10 status? I've noticed in the comments of the last
11 meeting y'all discussed it. But again, what is the
12 status of the transfer of the waste water treatment
13 plant?

14 MR. RON LEVY: I really can't tell
15 you. I know that the action -- our real estate action
16 is -- is complete. I know that the waste -- the water
17 board has got some issues that they're looking into,
18 at this point.

19 Frank, do you know the status of
20 what that is, the transition --

21 MR. FRANK COBB: Couldn't tell you,
22 Ron. Not up on the (inaudible) water.

23 MS. DONNA FATHKE: I might have

1 some information for you. I know the waste water --
2 the Anniston Waste Water & Sewer Board is concerned
3 about the liabilities if they take over that and they
4 want -- they will need financial help in order to do
5 the fixing that they need to the system. So, we have
6 applied to the EDA for funding. And we're in the
7 first stage of that right now, for the testing
8 portion. And once we hear back, we expect a positive
9 response on the first part. And then, we will write
10 another grant application for the actual
11 implementation of the fixing that they need. And
12 should that all prove positive, I think the board will
13 feel more comfortable with taking possession. At
14 least, that's my understanding of it. Not that I'm
15 speaking for the board.

16 MAYOR KIMBROUGH: What kind of time
17 line are you looking at?

18 MS. DONNA FATHKE: I think we
19 should know on the first portion any minute. And
20 that's how it should happen. Within the next two
21 weeks I hope. And they -- we have built a pretty good
22 solid bridge with the EDA on this. They like this
23 project, and so I think the funding response will come

1 through pretty quickly on the second portion of the
2 grant application, as well.

3 MR. RON LEVY: Now, the Army is
4 providing response to a letter that the water board
5 sent. We take exception to some of the things that
6 were stated in there, in terms of the -- in terms of
7 the plant, itself now -- and even the collection
8 system, because there has been a lot of work done to
9 the collection system.

10 However, the intent to their effort
11 here is to gather up -- to get a grant to do
12 improvements to the collection system, as opposed to
13 the plant which is new. And we all know that there
14 are additional -- I mean, it's a fairly old system,
15 there are -- it's in need of some repair, and we have
16 been making repairs to it. However, there is -- you
17 know, as far as its years in -- on the service, there
18 are lots of parts that would need to be slip lined and
19 brought up to code.

20 MR. BART REEDY: There is --

21 MR. RON LEVY: However --

22 MR. BART REEDY: I'm sorry.

23 MR. RON LEVY: However, our intent

1 is to transfer as is, where is. I know that they're
2 looking for the dollars to do the fixes, but they're
3 not coming necessarily to the Army, they're asking for
4 federal grant. Am I correct?

5 MS. DONNA FATHKE: Right, from the
6 Economic Development Administration, which has a
7 separate pocket of money specifically for base
8 closures.

9 MR. BART REEDY: What is the
10 contingency for maintaining the plant, should the
11 grant be delayed and you guys leave?

12 MR. RON LEVY: We do have a
13 contingency to carry on with the present contractor
14 that we've got out there now.

15 MR. BART REEDY: On whose dollar?

16 MR. RON LEVY: The Army's dollar.
17 We will continue to operate the plant until the plant
18 is transferred. We will have to. In fact, the permit
19 -- which the renewal of the permit comes effective in
20 the month of September. And they've already applied
21 for the new application, the operator of the plant.
22 This is the contractor has already applied for it
23 under the pretense that it will not be transferred in

1 time and will have to continue to operate it. And we
2 have also asked for the dollars and have been told we
3 will get the dollars to operate the plant after
4 closure, assuming that the plant is not transferred.
5 So, everything is in place. What I'm telling you is:
6 The permit will be in place and the funding will be
7 there if we have to continue to operate the plant.

8 If the plant can be transferred
9 before the first of October, we will be able to do a
10 permit transfer, as well, which is a fairly easy thing
11 to do.

12 MR. BART REEDY: Yeah.

13 MR. RON LEVY: After talking with
14 the State. And we will just turn it over to the water
15 board. We expect a thirty day turnover period,
16 whereby both our contractor and the water board will
17 be operating together so that there is a smooth
18 transition, as well.

19 MR. BART REEDY: On your plan to at
20 least maintain it, you know, to some level in the
21 interim, you know, should your money not come through,
22 how long are you --

23 MR. RON LEVY: We -- and I don't

1 want to misspeak here, but we're planning six month
2 increments, renewable every six months under the
3 contract. So --

4 MR. BART REEDY: Okay.

5 MAYOR KIMBROUGH: If Anniston Water
6 Works does not get these grants and they're not
7 willing to take that over, you know, we are in the
8 process of -- we'll know in September -- of receiving
9 a grant. And one of the alternatives was to use that
10 treatment plant. We were given a permission by Fort
11 McClellan at one time, but when it -- when there was
12 an order to put it up or to give it to somebody, we
13 were told that they could not honor that permission
14 that they gave us. So, is it still going to be in
15 that situation, Ron?

16 MR. RON LEVY: Well, I really don't
17 know. This is a public benefit conveyance on the part
18 of the water board. So, it's going --

19 MAYOR KIMBROUGH: Right. But I
20 mean, the Army, if y'all -- like I say, if it doesn't
21 come through and they decide it's too risky, will the
22 Army continue to operate it?

23 MR. RON LEVY: We'll continue to

1 operate it, certainly. We'll have to continue to
2 operate it.

3 MAYOR KIMBROUGH: Then --

4 MR. RON LEYV: But we will -- we
5 would probably go back to the JPA and look to see
6 whether or not -- what other alternatives there are to
7 transfer the plant to some other owner or operator.
8 But I don't see this falling through. I mean, I
9 really don't see it falling through. The issues are
10 --

11 MR. FRANK COBB: Mayor, excuse me,
12 could you repeat that issue? I didn't hear all of it.

13 MAYOR KIMBROUGH: We were given --
14 several years ago, we were given permission and given
15 an allocation to join onto the treatment plant. When
16 this became available for transfer, Colonel Treuting
17 told us that they could no longer honor that request,
18 that we would have to go to whoever received that.
19 We're in the process of a half a million dollar
20 project to start a sewage system, which we don't have.
21 And my question was: If it's hung up in this, then
22 one of our alternatives in our plan was to -- we have
23 requested with Anniston Water Works to be allowed to

1 follow through with that. So, my question is: Is it
2 going to be hung up and we might as well just
3 basically rule out that and build our own treatment
4 plant? Which is over a million dollars, you know.

5 MR. TOM TURECEK: Well, but if the
6 Army is running it, then they honor the commitment.

7 MAYOR KIMBROUGH: They will not.
8 Colonel Treuting told me they could not honor it.

9 MR. RON LEVY: Our intent is to get
10 rid of the plant --

11 MR. TOM TURECEK: Sounds to me like
12 he can't speak for the new owner.

13 MAYOR KIMBROUGH: Oh, well, we've
14 requested to Anniston Water Works and they said they
15 couldn't give us an answer until actual transfer
16 because, of course, the fee is going to be hooked in
17 with if they get the grant, you know, the cost of
18 operating, how they base the fee, as far as what we
19 send them.

20 MR. TOM TURECEK: The Army's
21 commitment to run it until someone else owns it,
22 what's that based on, just good will or is there --

23 MR. RON LEVY: No, the Army's

1 commitment to run it is by law. I mean, we've got to
2 run a plant. We've got to have --

3 MR. CHRIS JOHNSON: Somebody has
4 got to run it.

5 MR. RON LEVY: So by law, we're
6 under an impetus permit at the plant. So, by law, we
7 will have to operate a plant.

8 MR. TOM TURECEK: Because there are
9 discharges -- okay, yeah, right.

10 MR. BART REEDY: There are other
11 users of that system other than just McClellan.

12 MR. TOM TURECEK: Got you.

13 MR. RON LEVY: And the other thing
14 is there is tie-ins to that plant outside of Fort
15 McClellan. We are --

16 MR. TOM TURECEK: Weaver.

17 MR. RON LEVY: No. The Lenlock
18 area is actually tied into that plant, so, we do
19 re-sales out there back to the water board. We want
20 to get out of business. Our intent is to get out of
21 business. We're not looking for new customers. We
22 want to transfer the plant. And however we --

23 MR. TOM TURECEK: You were already

1 set up --

2 MAYOR KIMBROUGH: We've been given
3 a permission. We don't have a sewage system.

4 MR. TOM TURECEK: And I remember
5 hearing that before, it's Lenlock that's going to it.

6 MR. RON LEVY: The Lenlock
7 community is part of The City of Anniston.

8 MR. KEN WHITLEY: If Anniston Board
9 determined they didn't want to buy it, would the Army
10 offer it up for sale like any other utility at that
11 point?

12 MR. RON LEVY: I don't know, sir.
13 But I would assume --

14 MR. KEN WHITLEY: That would be my
15 guess --

16 MR. RON LEVY: I would assume --

17 MR. KEN WHITLEY: The same as the
18 gas and electricity and the water, which was
19 contracted out to Don Bershette (phonetic) & Company,
20 that there is no particular reason that you wouldn't
21 offer that up under the same --

22 MR. RON LEVY: Of course we -- I
23 would assume that would be the case, but we could also

1 come back -- I would think we could go back to the JPA
2 and say, do you want to be an owner and operator of
3 the plant?

4 MR. KEN WHITLEY: No tango no
5 dinero.

6 MR. RON LEVY: I don't know the
7 answer to that question.

8 MS. MARY HARRINGTON: What was the
9 question?

10 MR. RON LEVY: Or any other --

11 MAYOR KIMBROUGH: Would they reopen
12 it to any other governmental agency?

13 MR. KEN WHITLEY: You going to run
14 that around before the next meeting? Sounds like an
15 Army question.

16 MR. RON LEVY: Frank, can we look
17 into that? Could that come out of the transition
18 office?

19 MR. FRANK COBB: Didn't hear the
20 question.

21 MR. RON LEVY: What would occur, in
22 terms of the plant future, if the transfer, this
23 public benefit conveyance transfer to the water board

1 did not happen? What would happen after that?

2 MR. FRANK COBB: It's my
3 understanding the Army would operate it until the
4 transfer could take place to some entity.

5 MR. RON LEVY: Okay, but who would
6 the entity be or how would that process happen?

7 MR. FRANK COBB: You mean the
8 public benefit conveyance --

9 MR. RON LEVY: If the public
10 benefit conveyance with the water board collapsed, did
11 not happen, how would we work for another transfer and
12 how would that process happen? Would it be a
13 negotiated sale? Would it be -- you know, what would
14 be the process associated with that?

15 MR. FRANK COBB: It's -- you know,
16 the water board is almost a utility just like the gas
17 or electric, in one way. And I don't see why it would
18 not go into the economic development conveyance, the
19 EDC, i.e., a negotiated sale, to any interested
20 parties. Of course, you see, you have limited parties
21 that would be interested in it is the issue.

22 MS. DONNA FATHKE: It's a huge
23 liability, because the minute somebody takes it over,

1 they are in violation of EPA regulations. And I think
2 you would have to pay somebody to take it.

3 MR. RON LEVY: No, they're not in
4 violation of EPA regulations or we'd be in violation
5 of it. Now, I know what that letter said, but we take
6 exception to that, too. Under impetus permit, we're
7 not in violation of the law. In fact, we're out from
8 under the consent order. And we take great exception
9 to what that letter said. Certainly, we've not had
10 the regulatory agencies coming in and doing an
11 enforcement action on us, because the plant is now
12 operating in compliance, compliant and the lines are,
13 and that statement's not true, unless you all know
14 something I don't know.

15 MR. CHRIS JOHNSON: I'm -- what
16 letter are we talking about?

17 MR. RON LEVY: The consent order
18 that was based upon --

19 MR. CHRIS JOHNSON: From us?

20 MR. RON LEVY: Yeah. But we're out
21 from underneath that consent order. It expired. I
22 shouldn't say expired. We met the requirements under
23 the consent order through the SEPS (phonetic).

1 MR. CHRIS JOHNSON: Well, I can --
2 we can get the compliance officer up here from ADEM --

3 MR. RON LEVY: He's already been
4 through. In fact, the plant itself was just -- by
5 ADEM was -- has won an award.

6 MS. DONNA FATHKE: The plant itself
7 is not out of compliance, the collection system --

8 MR. RON LEVY: I'm not aware that
9 the collection system is out of compliance, and I've
10 not seen any enforcement actions about that. In fact,
11 I'm not sure how the law talks about that. There is
12 INI problems for every system, to include the Anniston
13 Sewer & Water Board System. So, I will tell you, I
14 take great exception to a statement that says our
15 system is out of compliance.

16 MR. BART REEDY: I think, at one
17 time, I think the statement was accurate, that
18 statement would be accurate about two years ago.

19 MR. RON LEVY: But as it applied to
20 the plant, though.

21 MR. BART REEDY: Right.

22 MR. RON LEVY: Because we had a
23 release out there.

1 MS. DONNA FATHKE: And every time
2 it rains, I understand though, you have a release. I
3 mean, this is the information that I was given in
4 order to write the grant application.

5 MR. RON LEVY: No, that's not true,
6 either. Every time it rains, we're still meeting our
7 impetus permit requirements.

8 MS. DONNA FATHKE: Our source is
9 different then I guess. I don't know what to say.

10 MR. RON LEVY: Well, I got the
11 plant and the permit and I haven't seen any
12 enforcement action, so, I'm not sure what source that
13 is.

14 We go on the record and say that,
15 because we take great exception to that. In fact, we
16 wouldn't be winning an award if that were the case.

17 MR. TOM TURECEK: Can I roll back
18 just for a second to the contingency plans? Is there
19 the same type of plan for the golf course? If it's
20 not transferred on time or not leased on time, is
21 there a plan for the Army to maintain it and keep the,
22 you know, the facility running, operating?

23 MR. RON LEVY: Well, right now

1 we're temporarily running it. But, no, there isn't.
2 I think if we don't get it under lease soon enough,
3 then we will just stop running it. And that was
4 always the concern that the golf course would go to
5 seed. And I'm not -- not --

6 MR. KEN WHITLEY: But the delay
7 here isn't the issue over what's in the water, it's
8 over the negotiations between the city and the Army or
9 what?

10 MR. RON LEVY: Essentially, yes.

11 MR. BART REEDY: Is it the
12 negotiations that are the problem or is it just -- or
13 is it just the internal Army work that's going to take
14 a little bit?

15 MR. RON LEVY: I don't want to
16 misspeak here, because I'm not part of that real
17 estate action, in terms of the negotiation. But as I
18 understand it, there is negotiations ongoing now on
19 the lease. And I don't know what the true holdup is.

20 MR. BART REEDY: Okay.

21 MR. RON LEVY: So, you know,
22 without -- all I know is that it's still ongoing. I
23 can tell you that it's not based upon the comments

1 that was made by EPA and the state. So, we went
2 forward with the comments and responded --

3 MR. KEN WHITLEY: So, if tomorrow
4 Anniston reached an agreement with the Army and signed
5 on the dotted line that they would pay the X hundred
6 thousand dollars for the course, which I think is what
7 they're going through right now, it would continue to
8 operate?

9 MR. RON LEVY: I would assume so,
10 sir, but again --

11 MR. KEN WHITLEY: The issue of the
12 Cane Creek water would not cause you to turn off the
13 water?

14 MR. RON LEVY: Lisa, do you know
15 the status of what's going on with parks and
16 recreation lease?

17 MS. LISA KINGSBURY: I know that
18 the FOSL is still up at TRADOC and they're putting
19 final touches on that. And I don't know that
20 negotiations with the city have begun, yet. Don
21 Bershette (phonetic) in Mobile, I don't think he has
22 the final FOSL, yet.

23 MR. RON LEVY: So, your comment

1 would go back, it's still in the Army's hands and
2 we're still working it, as opposed to waiting on the
3 city?

4 MS. LISA KINGSBURY: It hasn't been
5 signed yet, I do know that.

6 MR. BART REEDY: But there are no
7 contingencies right now? When are the lawn mowing
8 folks leaving?

9 MR. RON LEVY: Don't know. I don't
10 have the answer to that question. I don't think there
11 is anybody here -- Frank, can you answer that again,
12 for the transition office?

13 MR. FRANK COBB: The only dates
14 I've been given in a formal discussion is that of 30
15 September, the Army is not operating the golf course.
16 Now, I'm thinking that would be subject to change, but
17 that's the information, you know, that I've heard. I
18 do not know of any contingency plan for the Army to
19 operate the golf course as Army, itself, after 30
20 September.

21 MR. TOM TURECEK: It's already put
22 -- you know, if you look at it from the morale welfare
23 point of view, they've already scaled back to like ten

1 percent of what they were doing. So, it's becoming a
2 cost probably to the -- to the military system to run
3 it. At the same time, it's degrading, which will mean
4 that Anniston will have to do some pickup on it to get
5 it up and running. That's -- that's kind of my --

6 MR. KEN WHITLEY: (Inaudible) --

7 MR. TOM TURECEK: That's my
8 concern.

9 MR. KEN WHITLEY: -- (inaudible)
10 would ensue to the Army's MWR fund will fall way off,
11 because all of a sudden now you've got a cow patty
12 field for sale and not a golf course. If it
13 deteriorates down to -- its market value goes down
14 over time.

15 MR. TOM TURECEK: Yeah, it will --

16 MR. KEN WHITLEY: Since we're
17 typing things in for the record, you can put in there
18 the LRA is gravely concerned about this loss of
19 opportunity for the community and expects the Army to
20 coming forth quickly. If TRADOC is sitting on this,
21 somebody needs to say so, because I would have -- I
22 don't have a chain of command, and I'll call the CG
23 TRADOC and tell him his headquarters is about to kill

1 a two million dollar golf course and turn it into a
2 hundred thousand dollar berry farm.

3 MR. RON LEVY: I apologize for not
4 having an answer, but my focus is on the environmental
5 piece. And really I don't have the answers
6 necessarily on all the real estate actions that are
7 going on. But --

8 MR. KEN WHITLEY: My worry is if
9 TRADOC cuts loose on the MWR and the Corps of
10 Engineers and everybody signed on the dotted line, Mr.
11 Stedham, as I understand it, intends to employ the
12 existing employees of the golf course and it would
13 continue to operate. But if that occurred, is there
14 nothing going on that would cause them to have to turn
15 the water off from Cane Creek? Could they continue to
16 irrigate?

17 MR. BART REEDY: They are, now.

18 MR. KEN WHITLEY: I know that.

19 MR. CHRIS JOHNSON: Well, we don't

20 -- you know, like I was telling everybody before, we
21 kind of -- nothing changes until after we get the
22 first results back. You know, it's kind of like --

23 MR. KEN WHITLEY: Then if you see

1 it looks good, one thing, if it looks bad, another?

2 MR. CHRIS JOHNSON: I mean, we
3 can't go out and just --

4 MR. KEN WHITLEY: When will we have
5 those results in the community?

6 MR. BART REEDY: Say again.

7 MR. KEN WHITLEY: When will we know
8 about the water quality? Whether it's an issue, if
9 whether you're finding pesticides are at high level or
10 (inaudible) or whatever is in there that you're
11 looking for? When will we know what's in the water?

12 MR. BART REEDY: I believe the
13 person that will have the best answer to that is --
14 can you make a guess on when we ought to get something
15 on the golf course?

16 MS. LISA KINGSBURY: I can tell you
17 that I can talk to IT and see if they've got data back
18 and possibly arrange for a -- if they do have the data
19 back, arrange for a briefing at the next RAB meeting,
20 if y'all would like.

21 MR. KEN WHITLEY: The next RAB
22 meeting is the end of September. I don't want to wait
23 until the Fort closes to make that determination.

1 MR. RON LEVY: Well, it's -- but
2 it's not impacting from the Army standpoint on the
3 transfer. I mean, there are other actions that are
4 going on, but that data -- and I'm sorry -- not
5 transfer. It's not impacting the lease to the City of
6 Anniston. Because that data, although the State and
7 EPA have taken exception to the lease, it's not
8 causing us to stop from leasing the property.

9 Now, there are other things that
10 are going on, in terms of negotiation and completing
11 the real estate end of it that may be slowing the
12 process down.

13 MR. KEN WHITLEY: If you were
14 buying the golf course --

15 MR. ALAN FAUST: If I were The City
16 of Anniston and I've got an irrigation system that's
17 working now and then all of a sudden I can't because
18 of something that's in it, I mean, I'd want to --

19 MR. KEN WHITLEY: And you've got to
20 hook up to city water and start paying by the gallon.

21 My question is: If you were buying
22 a golf course and you were aware of an environmental
23 study out there that could cause you to have to turn

1 off the irrigation, would you pay for the golf course
2 and wait and see what the study says?

3 MR. TOM TURECEK: That's the
4 purpose of the lease, though, I thought, was to be an
5 interim solution to that.

6 MR. RON LEVY: That's right.
7 Essentially, so we could have it under operation by
8 the city so that we can eventually get through the
9 work that we're doing and then transfer it.

10 MR. ALAN FAUST: But the key point
11 of the golf course is irrigation. And you guys see
12 data that says, oops, stop irrigating until we figure
13 this out, then they've got a lease on a piece of
14 property that's turning brown.

15 MR. KEN WHITLEY: I would have to
16 see the terms of the lease to see if -- well, as I
17 said, my concern is that we'll lose a golf course in
18 this deal. MWR will lose the money that somebody
19 would pay for that golf course, that soldiers can use
20 to recreate with.

21 MR. RON LEVY: You know, sir, it
22 might be a good question to bring up at the IPR, which
23 I believe you're part of, coming up this --

1 MR. KEN WHITLEY: Tuesday. Yeah,
2 it's on my list. But I don't think we can divorce the
3 value and utilization of the property from the
4 environmental issues that drive those values. And it
5 seems to me like what you want to say is, I don't know
6 anything about that business stuff, all I know is
7 about the environment. And the two are joined at the
8 hip.

9 MR. RON LEVY: In this case, I'm
10 not familiar with what's going on with the real estate
11 piece. I just -- I have not tracked it and I can give
12 you an answer at another time. Right now, I can't
13 give you an answer as to where it stands in terms of
14 the actual leasing of the property.

15 MR. KEN WHITLEY: One of my
16 concerns about the RAB came up a minute ago and that
17 is that we seem to approach information a month at a
18 time, and the stage that we're in here with the
19 closure of the Fort and the redevelopment, master
20 lease and all that, sometimes thirty days an awful lot
21 can escape in that time. But most of the RABs just
22 meet once a month for the various LRAs?

23 MR. BART REEDY: Or less.

1 DR. BARRY COX: Or less.

2 MR. RON LEVY: Yeah. I mean, the
3 RAB has the option of meeting more often or less, it's
4 just up to the RAB.

5 MR. BART REEDY: Would it be out of
6 line or wrong if the city or the JPA were to cut a
7 letter to you guys voicing their concerns about the
8 golf course going to seed? There seems to be a lot of
9 things out here that everyone --

10 MR. RON LEVY: I believe we have
11 that --

12 MR. BART REEDY: -- looks at and
13 says, this could cause it to quit, be it the water or
14 the lease itself or EPA or ADEM, whatever, you know,
15 would that be of value?

16 MR. RON LEVY: I think we do have
17 something along that line. Actually, the letter was
18 written from JPA to you all. But I know for a fact
19 that Mr. Seymour, who is the city manager, is in
20 constant discussion with Colonel Treuting about the
21 situation on the lease. I know that there are
22 meetings going on associated with that. Am I right on
23 that?

1 MR. FRANK COBB: (Nods head.)

2 MR. RON LEVY: So, they're aware of
3 the situation. And the details apparently are being
4 worked out. I just don't have knowledge of what those
5 details are.

6 MR. KEN WHITLEY: Is the city
7 invited to the RAB board?

8 MR. RON LEVY: Yeah, this is an
9 open forum, sir. Anybody who wishes to show up can.

10 MR. KEN WHITLEY: I missed them
11 last time, too.

12 MR. ALAN FAUST: I can confirm
13 that, I was speaking to John Seymour just today and he
14 said one of the things hot on his plate is the golf
15 course and golf carts and whatever all goes along with
16 all that. So, I know it's right at the top of his
17 list.

18 MR. KEN WHITLEY: They can always
19 hook onto city water, but it's going to run the fees
20 up, considerably.

21 MR. RON LEVY: Oh, yes. In fact,
22 we had a study done on that.

23 DR. MARY HARRINGTON: Ken, I don't

1 mean to seem unfeeling, but we can talk this back all
2 night long --

3 MR. RON HOOD: That's true --

4 DR. MARY HARRINGTON: Mr. Levy has
5 said he doesn't have any answers and he'll be willing
6 to get some information for them.

7 We do this every month. And I know
8 that it's getting down to the nitty gritty and
9 everybody wants us to go back to last September, and
10 we just can't do that. We don't have answers. And I
11 think we need to kind of get on with -- we can discuss
12 all day of what we think, but we don't have any firm
13 answers. Am I in order to suggest that?

14 MR. RON HOOD: I believe you're
15 correct. And we've, for the last three RABs, we've
16 sort of beat this one around.

17 DR. MARY HARRINGTON: Now I'm
18 serious.

19 MR. RON HOOD: Particularly on the
20 golf course.

21 MAYOR KIMBROUGH: I didn't get the
22 -- is it the same status on the two lakes? Are they
23 still on hold?

1 MR. RON LEVY: They're actually not
2 on the lease, at all.

3 MAYOR KIMBROUGH: So, they're still
4 on hold?

5 MR. RON LEVY: Yeah. But they're
6 not even being discussed, in terms of the lease,
7 because --

8 MR. RON HOOD: Do you have anything
9 to add to -- I know you're just talking about the FOSL
10 for the golf course. Do you have anything to add on
11 institutional controls? That's the next thing on old
12 business.

13 MR. RON LEVY: I don't. I did
14 provide in the mailings copies of the ICs that EPA had
15 proposed. I will tell you that we're still going --
16 our intent is to work with those. I know EPA is
17 waiting for us to come back, but there are folks
18 actually looking at that. And there is some meetings
19 planned to discuss that with EPA. So, that's kind of
20 where we're at with it right now. And some of what
21 EPA had proposed and I know ADEM supported on the
22 site-specific institutional controls as they related
23 to this FOSL, we've actually --

1 MR. BART REEDY: Which FOSL?

2 MR. RON LEVY: The parks and
3 recreation FOSL.

4 MR. BART REEDY: Okay.

5 MR. RON LEVY: We've actually
6 incorporated into the environmental provisions, as we
7 stated in our response back to you.

8 MR. BART REEDY: Uh-huh.

9 MR. RON LEVY: So, although we
10 didn't agree with all of them, we did incorporate a
11 number of them into that. And it's written in the
12 response back. So, if you want to go back and take a
13 look at that, you can see what we agreed to.

14 MR. BART REEDY: I would like to
15 speak to that just a minute, if I could. What we are
16 asking from the Army is to put a base-wide plan
17 together, knowing full well that a base -- anything
18 that is base-wide, one size fits all -- really doesn't
19 fit every site. But the things that would go in there
20 would be by way of example who is going to pick up the
21 cost for this investigation at one of the outlying
22 parcels. Are we sure that we have access? Does the
23 Army -- is the Army going to guaranty access for ADEM

1 and EPA to go do that?

2 Safety plans, who -- if something
3 is found out on Pelham Range -- I mean, at Fort
4 McClellan, who actually is called? Who is going to do
5 the calling? If you stumble across a piece of UXO,
6 who is the person that the fire department in
7 Anniston, who does that person contact? Not just the
8 Army, you know, that's too big, there is no phone
9 number. You look in the phone book under Army, there
10 isn't one.

11 So, those are the kind of things we
12 want. And we think that they are appropriate and more
13 than timely.

14 And the other piece that we're
15 asking is in conjunction with this base-wide plan, if
16 there is a site -- I'm trying to think of one -- let's
17 say one of the boiler plants --

18 MR. CHRIS JOHNSON: Motor pool.

19 MR. BART REEDY: One of the motor
20 pools, if we get data back that shows that there is a
21 problem at the motor pool, hypothetically -- and, you
22 know, how many motor pools do we got? A bunch. One
23 of them has a problem, the site-specific institutional

1 control plan will -- it will be specific for that
2 motor pool.

3 And so the overall plan is
4 identifying the possibles, possible scenarios that are
5 coming up, and then identifying -- picking out people,
6 offices, phone numbers, going down to the courthouse
7 and finding out, who do we actually talk to and
8 scurrying about and get those plans put together. And
9 that's -- that's what we're asking.

10 And what I heard you say is that
11 your intent is to work on that?

12 MR. RON LEVY: That's what you
13 heard me say. And we said that also in the letter
14 back to EPA. I believe it's stated in there, as well.

15 MR. KEN WHITLEY: Other Army bases
16 being closed, have they done this?

17 MR. BART REEDY: In one fashion or
18 another, yes.

19 MR. KEN WHITLEY: I was just seeing
20 if we could not have to reinvent the wheel, if we
21 could find something --

22 MR. CHRIS JOHNSON: It's -- I think
23 -- this is going to be setting a lot of precedence for

1 the Army. I don't know about other agencies, but it's
2 something that the Army even at high levels realizes
3 they're going to have to do. And they do have general
4 guidance for ICs, but this is really going to go
5 beyond that general guidance they have and really
6 taking care of what we all know are serious issues to
7 deal with, especially when the Army leaves and
8 especially with a base that does have a lot of
9 unexploded ordnance within it.

10 MR. KEN WHITLEY: This is a normal
11 thing --

12 MR. BART REEDY: Our goal is to
13 have a plan for the base and then site-specific plans
14 as they become a reality, when we get done
15 investigating or different things like that.

16 MR. KEN WHITLEY: This is something
17 --

18 MR. BART REEDY: In a central
19 location where --

20 MR. KEN WHITLEY: -- (inaudible)
21 that requires this?

22 MR. BART REEDY: In a central
23 location --

1 MR. KEN WHITLEY: Federal law that
2 requires this --

3 MR. BART REEDY: In a central
4 location, that if somebody has got a problem or if
5 someone has an issue or someone has a concern, they
6 could go somewhere to the central location and find
7 out, who do I call?

8 MR. ALAN FAUST: Well, this is a
9 case even in private industry where we're doing
10 cleanups, that you don't (inaudible) to background or
11 whatever, there has to be something recorded that says
12 there is an institutional control that the future
13 owner, leaseholder or whatever, knows what to do when
14 something happens.

15 MAYOR KIMBROUGH: If it's leased,
16 then it's still the Army's responsibility, right? If
17 it's transferred, with the stipulation in the deed,
18 then it's the person who the property is transferred
19 to?

20 MR. BART REEDY: Well, Mayor
21 Kimbrough, it's not necessarily quite that easy. And
22 you're going to speak to the liability thing?

23 MR. CHRIS JOHNSON: (Nods head.)

1 MR. BART REEDY: There is a
2 question of liability, potential liability, and that
3 -- that can be expensive doesn't capture it. There
4 needs to be another word above expensive. That can be
5 a very bad proposition.

6 But there is -- the Army can, if
7 they can find someone to do it, take over the
8 responsibilities out there. Just because the Army is
9 cleaning it up right now, if there is someone that
10 steps forward and wants to lease the property and
11 assume the liabilities and assume the costs that we
12 can project out, then they're free to do that. So, I
13 don't think the blanket statement is an extremely
14 tight fit. I think there are too many unknowns out
15 there to make that statement complete.

16 MAYOR KIMBROUGH: I think what my
17 concern is is that as we get industry in, if the
18 property is transferred, you know, that there is not
19 undue liabilities placed on those people, because when
20 we start attracting somebody and then we tell them,
21 well, there is a possibility that something could
22 happen in the future, that's going to be your
23 liability --

1 MR. BART REEDY: And those kinds of
2 what ifs and contingencies are the very things -- or
3 that's one of the reasons we're asking, write it down.

4 MAYOR KIMBROUGH: I think that's
5 our responsibility as a community is to make sure to
6 protect the citizens and the people coming in from
7 having something like that to happen.

8 MR. CHRIS JOHNSON: Absolutely.

9 MR. RON LEVY: In fact, that's how
10 the Army views it, too. The community, particularly,
11 the LRA views on the institutional controls need to be
12 considered as we start putting these things in place.
13 As a given, what we're going to see with the gray bat
14 is a type of IC, when we start talking about, you
15 know, fifty feet off of stream bed, that's essentially
16 an institutional control.

17 MR. BART REEDY: Sure.

18 MR. RON LEVY: It's a deed
19 restriction which is an institutional control.

20 MR. BART REEDY: It's an
21 encumbrance of some variety.

22 MR. KEN WHITLEY: Additionally,
23 most of the LRA, once they get into serious

1 development, purchase environmental insurance -- there
2 are many firms that offer that, now -- that provide
3 for found things after the fact and actually pay for
4 the cleanup. Or basically it indemnifies you against
5 downstream liability, usually for ten or fifteen
6 years. This is getting to be a very common practice
7 particularly in base closures is the purchase of
8 environmental insurance. You do it out of your
9 revenue stream from whatever else you're doing. And
10 that helps protect these guys that buy your property
11 from you.

12 There is also a thing called RTT that's
13 a rapid transfer that I was telling Bart about earlier
14 that the Navy is doing, a lot of where basically the
15 federal government turns over cleanup to the LRA,
16 along with the funds that go with it, and the LRA goes
17 through all that process. And that tends to transfer
18 that liability issue inferred. And you've got to have
19 that environmental insurance. It's something we'll
20 have to address six or eight months from now.

21 MR. ALAN FAUST: Just curiosity,
22 the parade grounds where they've always had soccer, is
23 that still going to be allowed for soccer this season?

1 MR. CHRIS JOHNSON: Again, I think
2 this needs to be clear to everybody, because it's kind
3 of hard -- we always -- we have to investigate first,
4 take action later. If we went into industry with
5 unknowns and said, okay, you've got to shut down
6 Goodyear because we're going to get ready to do an
7 investigation and we're afraid that your employees may
8 be affected, we can't operate that way. It's always
9 investigations first, decisions after that point
10 later. And it's going to be the same with the golf
11 course and it's going to be the same with any of the
12 property out here, you know, that they can use it for
13 that same intended use. But if we do get the
14 investigations back and the results reveal that that
15 intended use, whether the Army did it in the past,
16 now, or in the future, that that use may be impacted
17 because of what we found, then we will take the
18 appropriate, you know, measures to make sure people
19 are being protected. And that's just how we do it.

20 MR. KEN WHITLEY: That's the reason
21 I asked for that data just as soon as we can get it,
22 because I'm the guy that has to sell the real estate
23 and it's very difficult to sell real estate under the

1 conditions you've just described.

2 MR. CHRIS JOHNSON: Exactly.

3 MR. RON HOOD: Is there anymore
4 discussion on the institutional controls?

5 I hope everyone got to see this
6 card and sign it. As you know, one of our members,
7 Mr. Jimmy Parks, has been ill and is now battling
8 cancer. And we'd like for everyone to sign it, if
9 they would. And we're going to get this to him. You
10 started it out. Were you intending to send it on out?

11 MR. RON LEVY: I think Michele did.

12 MR. RON HOOD: Michele, okay.

13 MR. RON LEVY: Is there any new
14 business, since we're moving on?

15 MR. BART REEDY: We have a meeting
16 scheduled on the ICs. That's one of the primary
17 reasons for the meeting. We have a meeting scheduled
18 the 26th, plus or minus the 27th. Or 27th, plus or
19 minus -- there are two people -- I just got an E-mail.
20 Ron copied down an E-mail for me. There are a whole
21 bunch of people want to come and participate in that.
22 So --

23 MR. KEN WHITLEY: A meeting on

1 what? I'm sorry?

2 MR. BART REEDY: I'm sorry?

3 MR. ALAN FAUST: Institutional
4 controls.

5 MR. KEN WHITLEY: Oh, okay.

6 MR. RON LEVY: If there is a focus
7 for the next RAB meeting, I would like to hear about
8 it. Otherwise, we'll get back into some more of this
9 discussion.

10 In fact, we -- some things, as Ken
11 Whitley pointed out, that we need to get back to y'all
12 on. But if there is a focus for the next RAB meeting,
13 if anybody wants to let us know, we'll prepare it that
14 way. Otherwise, we can go back in and discuss some
15 more of what's going on with the institutional
16 controls.

17 One of the things we might be able
18 to do is, if we have that meeting between now and
19 then, is kind of lay out what occurred between DoD and
20 ADEM.

21 MR. BART REEDY: I would have --

22 MR. KEN WHITLEY: When will we have
23 some real data to look at?

1 MS. LISA KINGSBURY: I've got that
2 written down.

3 MR. RON LEVY: When it comes, let
4 me tell you, you'll be overwhelmed. You'll wish you
5 didn't ask for it.

6 MR. BART REEDY: If there are -- as
7 the RAB, if there are issues that may come to you an
8 hour from now or next Thursday, that you feel might be
9 appropriate to have a plan for those, if there is
10 something that you envision or imagine that could be
11 an institutional control on a parcel of property, we
12 would -- you know, all of us would welcome that.

13 MR. RON LEVY: Let me make a
14 recommendation. Since everybody seems to be
15 interested in what's going on with the real estate
16 actions, maybe Frank might be willing at the next
17 meeting to give an update --

18 MR. FRANK COBB: I would be glad
19 to.

20 MR. RON LEVY: -- similar to what
21 you did before on where we are, what's happening on
22 the real estate issues, as opposed to me trying to
23 speak out of turn.

1 MR. FRANK COBB: Ron, I would like
2 to make mention, too, if any of the audience, any
3 members would like to have any real estate questions
4 answered, there is going to be the last large
5 in-process review -- the Army calls it the IPR -- this
6 Thursday at the Fort. And the TRADOC folks will be
7 there, the Department of the Army personnel will be
8 there. That will be the last gathering that I'm aware
9 of of this large a contingent. And so it would be a
10 perfect time, a perfect time to render any real estate
11 issues.

12 MR. BART REEDY: Is Rick Newsom
13 coming down?

14 MR. RON LEVY: No, he's not part of
15 --

16 MR. BART REEDY: Is Rick Newsom
17 coming down for that?

18 MR. FRANK COBB: I can find out.
19 Now, are we talking about like TRADOC environmental or
20 DA environmental?

21 MR. BART REEDY: DA.

22 MR. FRANK COBB: I don't know.

23 MR. RON LEVY: No, I know he's not

1 going to be there, because he's not part of that, that
2 IPR.

3 Our next scheduled RAB meeting is
4 on the 20th of September. Joan or Michele, we're back
5 at McClellan?

6 MS. MICHELE MALONE: Yes.

7 MR. RON LEVY: Let me point out to
8 you that the environmental office is in a transitional
9 state, and we will not -- probably not be back in the
10 conference room you all have come to love, but we've
11 made plans for a conference room in the new building
12 that we're in, building 215, for the RAB. So, we'll
13 make sure that we get directions out for -- building
14 215 is, for those of you who know the post, is the old
15 DEH engineering, DEH building, directorate of
16 engineering and housing.

17 MS. JOAN MCKINNEY: We'll send
18 directions.

19 MR. RON LEVY: We'll send
20 directions. If you're coming in through Baltzell gate
21 and you hit the circle, you're taking --

22 MS. LISA KINGBURY: 15th Street.

23 MR. RON LEVY: -- 15th Street,

1 which is the one off to the left, going over the
2 bridge.

3 MR. KEN WHITLEY: The building
4 number is?

5 MR. RON LEVY: 215. We expect, in
6 fact, to have most of the transition force in that
7 building. And by the way, guys, we're changing our
8 name. We're going to be the environmental office,
9 part of the base transition force, Fort McClellan,
10 Alabama. So, we're no longer a directorate.

11 MR. CHRIS JOHNSON: Oh, no.

12 MR. RON LEVY: We lose our status.

13 MS. LONGSTRETH: You going to send
14 out a letter about that, where it's located?

15 MR. RON LEVY: Yes, ma'am, we'll do
16 that.

17 MR. CHRIS JOHNSON: I would like to
18 add just one quick thing about the national wildlife
19 refuge meeting with Senator Sessions. That was last
20 week, right?

21 MR. BART REEDY: Yes.

22 MR. CHRIS JOHNSON: Last week. And
23 basically, I think the Senator wanted to know what's

1 the -- you know, when is the national wildlife refuge
2 going to be ready, you know, and what's being done to
3 make it happen.

4 And one thing that we did -- we, I
5 say -- ADEM sent to the Army is that we're looking at
6 ways to expedite the cleanup of the refuge or at least
7 get it to -- get it to a state where it can be used
8 for recreational hunting. And we sent those
9 recommendations to -- as well as our concerns about
10 access, control, to the public and keeping the public
11 safe and out of those areas. So --

12 MR. KEN WHITLEY: I'm hoping I
13 don't run into some sort of deal where the next dollar
14 that's spent on cleanup we have to decide whether we
15 spend it to make the hills safe for turkey hunting or
16 to prepare an industrial site for a thousand jobs.
17 And I'm told that Senator Sessions' guidance on that
18 was that those should not be mutually exclusive, they
19 should run parallel to one another. But I'm -- I love
20 nature as much as anybody else, but I also like to see
21 the people employed. And I would not want to clean up
22 surface areas for wildlife at the expense of jobs.

23 MR. CHRIS JOHNSON: Right. Well,

1 and that's certainly not ADEM's duty to -- you know,
2 you've got -- the community sets the priority. And
3 those priorities should be sent to us through Ron on
4 what we should be addressing first. And I've still --
5 there is some question, I think, even in my mind, on
6 what the community's priority is. Is it industry? Is
7 it the refuge? Is it a combination of both? You
8 know, I don't know. And I would like some feedback
9 from the RAB and others on what is the community's
10 real priority for reuse.

11 MR. BART REEDY: Following that,
12 when I get to the office tomorrow, I'm going to cut
13 you a letter, asking that exact question again,
14 because as Chris accurately stated, we were in the
15 meeting with Senator Sessions and we heard the
16 priorities as -- and this is the priority that we're
17 working on things. Number one, is the bypass. And
18 that's really not a work effort for us right at this
19 moment. It's -- that's passed us a little bit.
20 Number one would be the bypass. Number two is the
21 cantonment area.

22 MR. RON LEVY: Remaining
23 development area.

1 MR. BART REEDY: Remaining
2 development area. And number three is the wildlife
3 refuge. And we need to know -- we need to know that.
4 So, just giving you a heads up, there is what --

5 MR. KEN WHITLEY: As far as I know,
6 speaking for the LRA, it's not changed. But I'm not
7 sure number two and number three are mutually
8 exclusive, because we're not going to sell the whole
9 Fort all at once and there will be areas that we can
10 defer cleanup on (inaudible) so that you can direct
11 your energies to the wildlife. You know, there must
12 be a way in there, too, to balance out some of that.
13 But I'll just give you that same thing back again.
14 I'll run it by the board first, though.

15 MR. RON HOOD: Any other comments
16 before we can adjourn this meeting? Well, let's
17 adjourn.

18 (WHEREUPON, the meeting was adjourned.)
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C E R T I F I C A T E

STATE OF ALABAMA)
CALHOUN COUNTY)

I, SAMANTHA E. NOBLE, a Court
Reporter and Notary Public in and for The State of
Alabama at Large, duly commissioned and qualified,
HEREBY CERTIFY that this proceeding was taken before
me, then was by me reduced to shorthand, afterwards
transcribed upon a computer, and that the foregoing is
a true and correct transcript of the proceeding to the
best of my ability.

I FURTHER CERTIFY this proceeding
was taken at the time and place and was concluded
without adjournment.

1 IN WITNESS WHEREOF, I have hereunto
2 set my hand and affixed my seal at Anniston, Alabama,
3 on this the 23rd day of August, 1999.

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SAMANTHA E. NOBLE

10

Notary Public in and for

11

Alabama at Large

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14 MY COMMISSION EXPIRES: 11-14-2001.

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