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RESTORATION ADVISORY BOARD MEETING

* * *

Taken before Donna D. Gallahar, Court
Reporter and Commissioner for the State of
Alabama at Large on the 21st day of October,
2002, commencing at approximately 6:30 p.m.

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P.O. BOX 544
OHATCHEE, ALABAMA 36271
PHONE: (256) 892-0591

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1 DR. HARRINGTON: At this time we

2 would like to call our meeting to order. We will
3 do our roll call. Mr. Scott Beckett?
4 MR. BECKETT: Here.
5 DR. HARRINGTON: Mr. James Buford?
6 MR. BUFORD: Here.
7 DR. HARRINGTON: Mr. Monty
8 Clendenin?
9 MR. CLENDENIN: Here.
10 DR. HARRINGTON: Mr. Pete Conroy?
11 MR. CONROY: Here.
12 DR. HARRINGTON: Dr. Barry Cox,
13 excused absence. Mr. Donald Cunningham? Mr.
14 Jerome Elser?
15 MR. ELSER: Here.
16 DR. HARRINGTON: Mrs. Donna Fathe,
17 excused absence. Mr. Curtis Franklin?
18 MR. FRANKLIN: Here.
19 DR. HARRINGTON: Mr. Lamar Freeman?
20 Mr. Craig Branchfield, an excused absence. Mr.
21 Ronald Hood? Mayor Kimbrough? Okay, is Mr. Grant
22 here?
23 MR. GRANT: Here.

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1 DR. HARRINGTON: Mr. Levy?
2 MR. LEVY: Here.

3 DR. HARRINGTON: Mr. Brittain,
4 excused absence, and Mr. Stroud. Harrington and
5 Ryan are here. We usually have introduction of our
6 guests, and we start on the corner and go around.

7 MS. CUNNINGHAM: Brenda Cunningham,
8 T.F. environmental.

9 MS. HOLSTEIN: Lisa Holstein, T.F.
10 environmental.

11 MR. JAY: Lee Jaye, T.F.
12 environmental.

13 MR. HOLCOMB: Art Holcomb, Foster
14 Wheeler.

15 MR. JAMES: Paul James, T.F.
16 environmental.

17 MR. JENKINS: Josh Jenkins, Shaw
18 Environmental.

19 MR. GARLAND: Bill Garland, U.S.
20 Fish and Wildlife Service.

21 MR. GARRETT: Chip Garrett, Corps of
22 Engineers.

23 MR. MCNEAL: Al McNeal, Corps of

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1 Engineers.

2 MR. SHANKS: Bill Shanks, T.F.
3 environmental office.

4 MR. DOYLE: Joe Doyle, T.F. legal.

5 MR. DAFFRON: Bob Daffron, National
6 Guard Training Center.

7 MS. PINSON: Karen Pinson, T.F.
8 environmental office.

9 DR. HARRINGTON: At this time we
10 want to move to the approval of our September
11 minutes. I ask that you look over them and if you
12 have any corrections or comments, call them to our
13 attention.

14 MR. CONROY: I move we approve the
15 minutes.

16 MR. FRANKLIN: Second.

17 DR. HARRINGTON: Okay, it's been
18 motioned and seconded that the minutes be approved
19 as printed with no corrections. All in favor of
20 said motion?

21 RAB BOARD MEMBERS: Aye.

22 DR. HARRINGTON: Opposed the same.
23 As we look at our old business, we have responses

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1 to the landfill EE/CA public comments.

2 MR. RYAN: The Army is still
3 preparing comments. We do not have a firm date on
4 which we will have those prepared. And when we do,

5 we'll schedule to brief the RAB members.

6 MR. CONROY: I'll ask again how
7 about a soft date?

8 MR. RYAN: March

9 MR. CONROY: Okay.

10 DR. HARRINGTON: With no other
11 comments, interest in our UXO basic training
12 course. I think we have a little information in
13 our packet relating to that.

14 MR. LEVY: Brenda, do you have
15 anything further on that?

16 MS. CUNNINGHAM: I did not talk to
17 Stacy today.

18 MR. LEVY: I'm aware there was some
19 interested members depending on what was funded and
20 not funded, their ability to go was compromised.
21 And the point of contact in there is a person,
22 Stacy Kingsberry is the point of contact that has
23 to be talked to in order for any individual who

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1 might want to go to verify whether it is funded.

2 We have not been able to reach her.

3 DR. HARRINGTON: So you will keep
4 trying to reach them or should the individual that
5 might be interested in going try and make contact?

6 MR. LEVY: Brenda is still trying
7 to get a hold of them from my office. As soon as
8 we hear something, we will be glad to send
9 something out.

10 MR. CONROY: You may have just said
11 this, but what were the dates?

12 MR. LEVY: 10 and 11 December in
13 Monterey, California. Nice place to go.

14 DR. HARRINGTON: Okay, we're down to
15 our new business. And our first item of new
16 business is that we need to vote on new members.
17 And I think we got the information in your packets
18 before. And I'm sure there is a ballot in this
19 packet. Is that correct?

20 MS. CUNNINGHAM: Yes, ma'am.

21 DR. HARRINGTON: And if we'll look
22 at your ballots, we need to vote for three.

23 MR. LEVY: I would recommend if

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1 there is any discussion -- if anybody wants to say
2 anything about the ballots, I mean the resumes that
3 are in there, now is their chance to talk about the
4 individual.

5 MR. CLENDENIN: I'm sorry, but is it
6 kosher to advocate for an individual?

7 DR. HARRINGTON: If you think
8 someone might be a good choice that you know.

9 MR. CLENDENIN: Okay, I would like
10 to speak in favor of Robert Jackson, Bob Jackson.
11 I have a history with him at First Presbyterian
12 Church, and he has had a tremendous interest in the
13 Eastern Bypass and so I think he would serve well
14 on this board.

15 MR. LEVY: I know I'm not a voting
16 member, but I would like to mention that Jim Miller
17 who is a member of the Anniston Water and Sewer is
18 also a member of the Anniston Army Depot RAB.
19 Somebody you should seriously take into
20 consideration. Certainly knows the environmental
21 side of things.

22 DR. HARRINGTON: I ask that we take
23 a few minutes, mark the ballots and pass them down

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1 and somebody will be counting while we carry on.

2 MR. LEVY: Did you explain how the
3 vote should go? Mark three.

4 DR. HARRINGTON: They are to mark
5 three.

6 MR. CONROY: For the record, I'll
7 mention, actually this happened to me when I worked

8 there, but Cheryl Bragg is the director of the
9 Anniston Museum of Natural History.

10 DR. HARRINGTON: Yes, that would be
11 a good choice.

12 MR. CONROY: Yeah, she's listed as
13 curator.

14 DR. HARRINGTON: Maybe she was
15 curator when she turned her application. I don't
16 know.

17 MR. CONROY: No, she is the
18 director.

19 DR. HARRINGTON: I mean, I know she
20 is, I said possibly she was curator when she turned
21 her application in. She has been the director the
22 whole time?

23 MR. CONROY: Yeah.

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1 DR. HARRINGTON: If you make some
2 kind of sign, let me know when you are finished, we
3 can move on. Okay, just put them all out and I'll
4 ask Brenda to pick them up. I need to tell you the
5 persons that are chosen will receive a very nice
6 welcome letter. And the persons that are not
7 chosen will receive a very nice letter thanking
8 them for their interest and asking them if we might

9 keep them on file for future. Vote for three.

10 MR. RYAN: This is not Florida, no
11 recount or chads.

12 DR. HARRINGTON: We will not be
13 using chads.

14 MR. CONROY: Pass them on in.

15 DR. HARRINGTON: Have we got a
16 quorum?

17 MR. LEVY: Well, the way we have
18 done it in the past, it's the majority of the
19 regular RAB members, but those are the regular
20 members that are presently -- you know we've lost
21 three. So total RAB members was seventeen, I
22 think. So that's fourteen members, that's fifty
23 percent of the majority.

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1 DR. HARRINGTON: Okay, so we're
2 sitting on the fifty line. Because we were
3 counting Ron Grant, and he's not one of us. That's
4 how we got eight.

5 MR. RYAN: We had eight, we counted
6 Ron Grant sitting down there. That's my fault when
7 I was counting.

8 DR. HARRINGTON: So are we saying
9 that we are really having --

10 MR. RYAN: We may can go home really
11 early tonight.

12 DR. HARRINGTON: We have been
13 counting Ron as one of our RAB members.

14 MR. LEVY: Okay, seventeen members--

15 DR. HARRINGTON: Okay, and we're
16 down to fourteen. What does it say about fourteen?

17 MR. LEVY: Karen, bring that back,
18 would you?

19 MS. PINSON: I think we just had
20 actually probably just had sixteen members and then
21 lost three so we are down to thirteen.

22 DR. HARRINGTON: We're okay then?

23 MS. PINSON: We do have a, uh-huh,

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1 we are okay.

2 MR. LEVY: We're down to thirteen
3 members.

4 MS. PINSON: We kept saying we had
5 seventeen, but we really only had sixteen here, so
6 we're down to thirteen.

7 MR. LEVY: So with thirteen, with
8 seven you would have a majority.

9 DR. HARRINGTON: Okay, we do have a
10 majority. It's good to know in as much as we have

11 done at least two items of business, and that's
12 approving the minutes and voting. That's good to
13 know. All right, you know I believe in moving
14 right along whenever possible. We're down to the
15 agency reports.

16 MR. LEVY: Just let me mention that
17 both Philip and Doyle were unable to make it
18 tonight. EPA Doyle had another commitment that he
19 had to go to. And Philip, who I talked to earlier
20 today, he's over his head in documents and he's
21 really trying hard to get them out the door. And
22 because this meeting really didn't have a program
23 and was just a voting, he asked if you all would

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1 recognize that he's really trying to work hard in
2 completing some of this work and thought it would
3 be more appropriate for him to come to some of the
4 meetings where we're actually talking technical
5 stuff. So, I don't have a report from him. In
6 your packet there should be a copy of --

7 DR. HARRINGTON: Mr. Doyle's. It's
8 in there.

9 MR. LEVY: -- EPA's, the documents
10 that they are doing. And I can tell you that just
11 from the Army's standpoint, we're doing fairly well

12 with the turn around times on EPA's documents and
13 keeping the workload up. It's going pretty well.
14 And ADEM, you know, doing the best they can given
15 the workload that they are under. And they've got
16 quite a quit of workload. One of the things that's
17 kind of daunting to them is EPA sends all their
18 comments, instead of directly to us, they send them
19 to ADEM who has to then take those comments and
20 consolidate them with their own comments. That
21 takes twice as much work before they get them back
22 to the Army. So in review of documents, ADEM has
23 got the majority of the work, not the majority, but

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1 a huge task as compared, comparatively.
2 MR. RYAN: How about your report?
3 MR. LEVY: The action summary
4 sheet. I can go through that very briefly. I can
5 tell you that on landfill three off-site
6 groundwater monitoring wells, what you see there,
7 doesn't talk to the fact that we had at our last
8 BCT meeting we did decide on putting additional
9 monitoring wells in and around landfill three.
10 Most of you knew that was something we were looking
11 at. There are approximately ten additional
12 monitoring wells to the north. The majority of

13 those are to the north to try to finalize the
14 lateral extents of the plume that we know is
15 underneath the highway. Amongst EPA, ADEM, and the
16 Army we have defined where those locations are. At
17 some point here we will be able to brief you about
18 where we're planning on putting those additional
19 wells and lay it out in a work plan. We still have
20 not finalized the work plan, we've just kind of
21 gotten to the decision that we all agree that these
22 additional wells should be put in place. That's
23 the status of that.

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1 Alpha area EE/CA, the EE/CA is still
2 internal to the Army. It is still being prepared
3 as a draft. Don't have a date or anything I can
4 tell you in terms of when that will be out for
5 public review. Same thing with the Bravo area.
6 Though the field work is done, we are still working
7 it internally. They really just completed the
8 field work and they are trying to put the reports
9 together. Charlie area EE/CA, the field work has
10 been completed. We did work with ADEM over some
11 responses to their comments, I think very
12 successfully on that. But we are also working
13 through that. But that's probably the furthest

14 behind than most of those. The M1.01 report,
15 everything is done, we're still working on the
16 removal report. I don't have a date when that will
17 come out as well. We've got internal stuff that's
18 going on. Hopefully all this stuff doesn't hit all
19 at once and overwhelm some folks. And the removal
20 action on the Eastern Bypass is still continuing.
21 That's just ongoing stuff there. As post of you
22 know, for the CWM investigation both were done on
23 Main Post and Pelham Range has been completed. To

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1 this date on Main Post we have defined no further
2 action. We've got letters on the action memorandum
3 from both EPA and ADEM concurring with that action.
4 On Pelham Range, again, we haven't found anything.
5 There's an investigation report being concluded on
6 that. And we do have letters from them on that as
7 well. Those are all success stories. You heard
8 what Glynn said about the landfill EE/CA and where
9 we are at on that. We are still working through
10 the comments. We do have two FOSTs out, SuperFOST
11 #2 and FOST for Eastern Bypass, that's tract two
12 and three. We have gotten some comments from EPA
13 and ADEM from SuperFOST #2. And we have pretty
14 much resolved all the comments. We had a couple

15 that we really did not resolve. We have attached
16 those to the document as required by our policies,
17 and we're still working through the comments or
18 excuse me, we are still waiting for comments from
19 EPA and ADEM on tract two and tract three for the
20 Eastern Bypass. For those of you who don't
21 remember, that flying J, the yellow piece up there
22 on that furthest map on my left. And a piece that
23 is south of that that is meant to allow ALDOT to

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1 start construction of the --
2 MR. RYAN: Summerall Gate.
3 MR. LEVY: Summerall Gate, yeah,
4 redirecting Summerall Gate Road so that traffic can
5 come back through there again. We consider both
6 those critical from a transfer standpoint. We know
7 JPA is eagerly awaiting SuperFOST #2, there is
8 property in there they want to get to. And the
9 other piece ALDOT needs just right away for
10 construction up there. Numbers in for contractors
11 still on post in there, and as always we talk about
12 safety. We still have folks who believe that they
13 can get around the barriers out there and just
14 cruise around. That's dangerous given the status
15 of our investigations. And unless anybody has got

16 any particular questions, I don't have anything
17 further to update you on.

18 MR. CONROY: Everything okay with
19 regards to funding from transportation, the letters
20 were sent off in time so we can fund this flying J?

21 MR. RYAN: There's a, we have been
22 talking with ALDOT, and they are telling us the
23 funding is not in jeopardy. They do want to be on

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1 the ground and start construction the first -- Joe,
2 is that correct? You talked to them last. We
3 still do not have the comments from ADEM, and we
4 are working with some draft, but we don't know
5 exactly what they are going to be and if there's
6 any problems we'll have to address. So we're not
7 sure about the construction starting.

8 MR. CONROY: Funding is okay, but
9 the project itself --

10 MR. RYAN: Is on hold.

11 MR. CONROY: Is on hold until the
12 documents come in?

13 MR. DOYLE: And EPA's comments are
14 formalized and have been presented to ADEM. We are
15 still waiting on the formal comments from ADEM
16 which will encompass also what EPA has. But we

17 know what the EPA comments are and have a copy of
18 those.

19 MR. CONROY: At what point is
20 funding an issue relative to the ALDOT side?

21 MR. DOYLE: Well, I can't say with a
22 hundred percent degree of certainty other than
23 representations made to us were that funding was

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1 not jeopardized if 1 November comes and passes and
2 they do not have a right of entry from the Army to
3 get on there. It was not a hundred percent
4 assurance so to speak, and I can't answer for
5 ALDOT.

6 MR. CONROY: Sounds like a phone
7 call.

8 MR. DOYLE: Well, good luck.

9 MR. RYAN: We are proceeding with
10 the comments that we do have in draft form to try
11 to resolve those. We recognize the importance of
12 that project.

13 DR. HARRINGTON: Okay. Miki is not
14 here. Did anybody get any information from JPA?

15 MR. RYAN: I don't have anything.

16 MR. CONROY: Well, I guess from a
17 JPA point of view as well as a community point of

18 view, the National Wildlife Refuge as I hope y'all
19 have read and feel as though you take credit for
20 because our RAB voted to support that National
21 Wildlife Refuge, and that mattered when we were
22 working on this in Washington. But Senator
23 Sessions was able to get authorizing language into

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1 committee report which will -- it's a non-amendable
2 committee report. Military pay raises are in the
3 same committee report, and they are safe. And the
4 National Wildlife Refuge is considered to be
5 non-controversial, so my sense is that it's
6 non-amendable and that means we will have the full
7 house, full senate vote on it, the President sign
8 it. And in this authorizing language, it mandates
9 that a hundred and eighty days after the President
10 signs the bill, U.S. Fish and Wildlife Service will
11 establish a Mountain Longleaf National Wildlife
12 Refuge. It also in authorizing language authorizes
13 the Army to pay a half a million dollars a year for
14 the first two years. So the burden in terms of the
15 funding of this refuge will be on the Army's side
16 from a start-up point. And then beyond that point,
17 we are on our own. That means we have a couple of
18 years to get real serious about long-term funding

19 for the National Wildlife Refuge through interior
20 and work on the issue that we'll have here for the
21 Mountain Longleaf, as well as issues that we have
22 nationwide. Because all the refuges are short on
23 cash right now. But I think it's basically real

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1 good news.

2 MR. BECKETT: Pete, is the half a
3 million dollars a year, is that in addition to any
4 clean up cost?

5 MR. CONROY: That's in addition.
6 That's for the operation and management of this
7 property as a national wildlife refuge.

8 DR. HARRINGTON: Okay, do we have
9 anything technical review? I don't think we had
10 anything they were looking at TRC. And you have
11 gone over your action summary sheet?

12 MR. LEVY: Right.

13 DR. HARRINGTON: Well, I suppose we
14 are down to our update of TAPP hours. We had said
15 no hours were submitted, but as of this afternoon
16 we did get some. I think three hours to date. I
17 suppose Mr. Grant you want to tell us, bring us up
18 to date on those three hours?

19 MR. GRANT: Well, it's just my time

20 I spent at the RAB plus the time I spent to prepare
21 the summary report and the invoice for the billing.

22 DR. HARRINGTON: And let me say to
23 the RAB members, at the time we were asking for

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1 this, we, and I say we because as a board we have
2 to share this collectively, we thought it a good
3 idea. Now, I'm going to have to ask us if we think
4 it was a good idea what has happened, or I suppose
5 all our questions are being answered. Where are we
6 with that in terms of things we want Mr. Grant to
7 take a look at? Or were we overextended thinking
8 that perhaps he could undo some things that really
9 could not be undone as opposed to look at things?

10 MR. LEVY: I think part of why Ron
11 isn't being fully utilized is we haven't been able
12 to get documents out. That's going to come.
13 That's my comment, I hope we don't overwhelm when
14 it does come. Because there will be several
15 documents probably coming close to each other maybe
16 later on down the line. I can tell you that the
17 good news is that you are authorized more than one
18 year's worth of funding, if you need to renew him
19 going in the out years. The T.F. has defined an
20 additional year in for funding purposes, so if you

21 wish to continue that, that's certainly your
22 option. And the other thing is certainly you can
23 address comments to Ron that don't have to be

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1 associated with some document you want him to
2 review. So if you've got something that you wanted
3 to ask him to go in and research, certainly you
4 should be able to do that and he could do the
5 research and come back and tell you. I mean, it
6 can be formulated in your mind as opposed to some
7 piece of paper and tell him what you want him to
8 look at.

9 MR. BECKETT: Do we still run those
10 requests through Craig?

11 MR. LEVY: Well, Craig is no longer
12 the chair, Mary is now. So send it through Mary.

13 DR. HARRINGTON: If he sends them to
14 me I will send them on to you. That will work.
15 They may lay up there a couple of days.

16 MR. BECKETT: Do you have an e-mail
17 address?

18 DR. HARRINGTON: I do. I think it's
19 on there. It's Mary Joe II @ AOL.com. Okay,
20 before we go any further, do we have our results?

21 MS. CUNNINGHAM: Well, we have a

22 little problem. We do not have a quorum which is a
23 majority of the RAB members, we have half of the

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1 RAB members.

2 MS. PINSON: We do have fourteen
3 voting members rather than thirteen. We have
4 fourteen voting members, seven are here. The
5 bylaws say that a majority of the regular RAB
6 members at any meeting shall constitute a quorum.
7 No meeting shall begin or business conducted
8 without there first being a quorum.

9 DR. HARRINGTON: If that's what it
10 says -- and it's not thirteen, it is fourteen?

11 MS. PINSON: It is fourteen voting
12 members.

13 DR. HARRINGTON: Well, we've had a
14 nice twenty-five minutes of practice. But if
15 there's somebody just dying in the audience
16 burning to say something, we won't have you leave
17 without saying it. Well, in as much as we have not
18 officially had a meeting, there's no need for us to
19 adjourn. And since I already have the agenda that
20 we will be looking at in November, I'll ask all of
21 us to make sure we come because I'm sure we'll have
22 some additional things to go to. That's the way it

23 is.

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1 MR. CONROY: Now, what will we do
2 with this vote? Will we revote?

3 DR. HARRINGTON: We'll have to. We
4 didn't really have a vote. We had a practice
5 session.

6 MR. CONROY: Should she rip them up
7 then?

8 DR. HARRINGTON: I'm sure she'll
9 have more for us at that time.

10 MR. RYAN: And we will also have
11 to approve the minutes.

12 DR. HARRINGTON: We will have to do
13 everything. We didn't have a meeting. We'll have
14 to do the voting, we will have to do the minutes.

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C E R T I F I C A T E

STATE OF ALABAMA)

CALHOUN COUNTY)

I, DONNA D. GALLAHAR, a Court
Reporter and a Notary Public in and for the State
of Alabama at Large, duly commissioned and
qualified, hereby certify that this meeting was by
me reduced to shorthand, afterwards transcribed
upon a computer; and that the foregoing is a true
and correct transcript of the meeting as aforesaid.

I FURTHER CERTIFY that this
meeting was taken at the time and place in the
foregoing caption specified, and was completed
without adjournment.

I FURTHER CERTIFY that I am not a
relative, counsel, or attorney for either party, or
otherwise interested in the outcome of this action.

NOBLE & ASSOCIATES
P.O. BOX 544
OHATCHEE, ALABAMA 36271
PHONE: (256) 892-0591

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1 IN WITNESS WHEREOF, I have
2 hereunto set my hand and affixed my seal at
3 Anniston, Alabama, on this the 26th day of October,
4 2002.

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DONNA D. GALLAHAR
Notary Public in and for
Alabama at Large

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12 My commission expires May 20, 2005.

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NOBLE & ASSOCIATES

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OHATCHEE, ALABAMA 36271
PHONE: (256) 892-0591