

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before DARLENE S.
MOORE, a Court Reporter and
Commissioner for Alabama at Large, at
Building 215, Fort McClellan, Alabama,
on the 20th day of July, 2009,
commencing at approximately 5:00 p.m.

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1 RESTORATION ADVISORY BOARD

2 JULY 20, 2009

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5 MR. WILSON: We are ready to
6 start, or call to order, and go through
7 the roll call. I'm here. I hope you
8 can hear.

9 Ms. Bragg? Mr. Buford?

10 MR. BUFORD: Here.

11 MR. WILSON: Mr. Burgett?

12 MR. BURGETT: Here.

13 MR. WILSON: Mr. Clendenin?

14 MR. CLENDENIN: Here.

15 MR. WILSON: Dr. Cox? Mr.

16 Elser?

17 MR. ELSER: Here.

18 MR. WILSON: Mr. Hall is

19 excused.

20 Dr. Harrington? Mr.

21 Howard?

22 MS. CUNNINGHAM: Mr. Howard

23 is excused.

1 MR. WILSON: He is excused.
2 Dr. Kimberly?
3 DR. KIMBERLY: Here.
4 MR. WILSON: Okay. And Mr.
5 Miller?
6 MR. MILLER: Here for the
7 moment.
8 MR. WILSON: Yes, sir.
9 Mr. Kimbrough? He is not
10 here at the present time.
11 And Mr. Buddy Nelson? Mr.
12 John Pearce?
13 MR. PEARCE: Here.
14 MR. WILSON: Dr. Spain?
15 DR. SPAIN: Here.
16 MR. WILSON: Dr. Steffy?
17 Okay. Karen Pinson?
18 MS. PINSON: Here.
19 MR. WILSON: Ron Grant?
20 MR. GRANT: Here.
21 MR. WILSON: Roger Hall?
22 MR. HALL: Here.
23 MR. WILSON: Brandi Little?

1 She is excused.

2 Doyle Brittain? Okay. Not
3 here.

4 Next is introduction of
5 guests. We normally have them
6 introduce themselves. Do we have any
7 guests?

8 MS. KLOMP: I'm Michelle
9 Klomp from Matrix Environmental
10 Services.

11 MR. MILLER: Steve Miller,
12 U.S. Fish and Wildlife Service.

13 MS. CUNNINGHAM: Brenda
14 Cunningham, Transition Force.

15 MS. HOLSTEIN: Lisa Holstein,
16 Transition Force.

17 MR. WILSON: Thank you,
18 guests.

19 Now, next is the approval of
20 minutes for the April 2009 RAB. Has
21 everyone had a chance to review the
22 minutes?

23 MR. MILLER: Move to approve.

1 MR. WILSON: We have a motion
2 to approve. Do we have a second one?

3 MR. ELSER: Second.

4 MR. WILSON: And we have a
5 second. All in favor, please say I.

6 (UNANIMOUS)

7 MR. WILSON: Any opposed?

8 (NO RESPONSE)

9 MR. WILSON: Thank you. The
10 motion carries.

11 And apparently there is no
12 old business. So we'll move to the
13 program, Fish and Wildlife Service
14 Refuge with Mr. Steve Miller.

15 MR. MILLER: Well, good
16 evening, everybody.

17 As he said, I'm Steve Miller.
18 I'm the refuge manager from Mountain
19 Longleaf National Wildlife Refuge. I
20 also manage two other refuges in
21 central Alabama; Watercress Starter
22 National Wildlife Refuge in Jefferson
23 County, and Cahaba River National

1 Wildlife Refuge over in Bibb County.

2 And I have a staff of one
3 person besides myself to go back and
4 forth between all of those refuges.

5 You are kind of a hard group
6 to give a presentation for. I have got
7 presentations for all the refuges. But
8 trying to do something for a RAB, I
9 don't usually go into this much detail,
10 or clean up, or what we do there.

11 But tonight I thought we
12 would go through how Mountain Longleaf
13 National Wildlife Refuge came to be.
14 Go through what guidance documents we
15 have. Talk about UXO contamination.
16 Talk about lead and other
17 contamination. How it affects our
18 habitat and the future plans for public
19 use on a refuge.

20 So, first, you should know a
21 little bit about National Wildlife
22 Refuge System. Our mission has always
23 considered wildlife first. Unlike the

1 park service or unlike BLN, some of the
2 other federal agencies, everything we
3 do is geared toward wildlife first.

4 Public use does have a
5 proper place in a National Wildlife
6 Refuge, but it's always a secondary
7 purpose, and wildlife is always the
8 primary purpose.

9 So Mountain Longleaf
10 National Wildlife Refuge was
11 established in May of 2003. It was the
12 542nd National Wildlife Refuge. I
13 managed the 540th, which is the Cahaba
14 River National Wildlife Refuge, as well
15 as the 542nd one, which is Mountain
16 Longleaf.

17 And the primary purpose for
18 establishing a refuge, according to
19 legislation, was for the protection and
20 management of Longleaf Pine Forest.

21 Right now we have a nine
22 thousand and sixteen acre refuge. We
23 did have through two different land

1 exchanges, or land gifts.

2 The JPA, which is now the
3 MDA, gave us twelve hundred and
4 fifty-seven acres in October of 2003.
5 And the Army, through the legislation,
6 gave us seven thousand, seven hundred
7 and fifty-nine acres. And hopefully
8 that adds up to nine thousand, sixteen.

9 So we have approximately two
10 thousand, nine hundred acres that are
11 contaminated with unexposed ordinance
12 and other contamination. That's the
13 area in the red.

14 Generally I always tell
15 people it's about a third of the refuge
16 contaminated. Third is a buffer. And
17 then we have about approximately
18 one-third opened up for public use.

19 And around that area, we
20 have two thousand, eight hundred acres
21 that's a buffer area between the public
22 use area and the contaminated area.

23 And then the last three

1 thousand -- approximately three
2 thousand, three hundred acres is our
3 public use area.

4 So there is generally two
5 different ways of establishing a
6 refuge.

7 One is to do a preliminary
8 project proposal within the -- the Fish
9 and Wildlife Service would do that
10 internally. And we would run it all
11 the way up to Washington and get
12 approved and we would an EPI process.
13 Where we do an AE, ask for public
14 comments and do a FONZIE and say, you
15 know, "We have established a refuge."

16 We started that process --
17 they tell me. I wasn't here at the
18 time -- for Mountain Longleaf.

19 So we went through the PPP
20 process, the Preliminary Project
21 Proposal. We got hung up negotiating
22 what kind of -- how should we put it
23 politely? How clean the Army is going

1 to get it for us in order to take the
2 property.

3 And it did not go beyond
4 the PPP Process. It didn't go beyond
5 the regional director. It didn't go
6 beyond negotiations with the Army
7 during that Preliminary Project
8 Proposal.

9 And instead of going that
10 route -- the second route is
11 legislature. Just a senator or a
12 Congressman and will just say, "You
13 shall establish a refuge." And that's
14 what happened ultimately in the case of
15 Mountain Longleaf. And in the 2003
16 Defense Appropriation Bill, they just
17 had a line in there that just said,
18 "You shall establish a refuge." Gave
19 me a hundred and eighty days to do it.

20 So we had six months by the
21 time this came out to negotiate an
22 agreement with the Army to go ahead and
23 do the refuge.

1 Some of the things that we
2 consider important in this legislation,
3 and it does guide what we do, it made
4 the Army responsible for all of the
5 clean up.

6 And the Army had to take
7 our management responsibilities into
8 their clean up, the amount of clean up
9 that they do do.

10 So during that six-month
11 period, a hundred and eighty days that
12 we had to do the refuge, we had to
13 negotiate a memoranda of agreement.

14 So we, like, step down this
15 legislation that established the refuge
16 and told us how we were going to manage
17 it on the ground. And it did.

18 It transferred the property
19 within the MOA. We recognize that.

20 And the important part for
21 us was the Army still, you know,
22 maintained responsibility.

23 And then a couple of the

1 other important parts here. Mutual
2 agreement was decided to be -- within
3 the legislation, it was left up, you
4 know, to us and the Army to negotiate
5 how we were going to settle on the
6 final clean-up remedy.

7 So within the MOA, it spelled
8 out we go through a mutual agreement
9 process. And all decision documents --
10 not just the record of decision, but
11 the remedial investigation, remedial
12 action, and all other documents, would
13 have only those remedies that were
14 mutually agreed upon would be
15 incorporated in the final decision
16 document.

17 And then for all of those
18 times when the Fish and Wildlife
19 Service and the Army can't agree on
20 something, there is also a dispute
21 resolution process in there where I
22 would sit down with Scott -- or Scott
23 and I never really disagreed. Did we,

1 Scott? We did pretty good.

2 Actually, you know, if we
3 didn't disagree, we weren't doing our
4 jobs. Because he is here to do the
5 least amount possible -- well, that's
6 maybe not the right way to say it.

7 He is here to do the least
8 amount he is legally required to do and
9 save the Army as much money as
10 possible.

11 I'm here to get as much
12 clean up done as possible for the
13 refuge. So I want a pristine refuge at
14 the end of this.

15 So, you know, if he agreed
16 with me every time, he wouldn't be
17 doing his job. If I agreed with him
18 every time, I wouldn't be doing mine.

19 So we have steps. Any time
20 Scott and I have a disagreement on a
21 clean-up level, we would have a formal
22 process to go through this. And if
23 Scott and I couldn't settle it, we

1 would bump it up to the regional level.
2 And if we couldn't settle it, we would
3 bump it up to Washington level.

4 So the area that ties up the
5 biggest acreage is unexposed ordinance
6 contamination.

7 The history of the clean-up
8 on the refuge. In 2004, the Army
9 cleared all roads, all fire-breaks.
10 And before I got here, there were, I
11 think, four sites determined to be
12 high-use areas.

13 These were sites the Fish
14 and Wildlife Service said, "Hey, we are
15 probably going to have some kind of
16 intensive public use in these areas,
17 and we definitely want those cleared to
18 depth." So it added up to about a
19 hundred and thirty acres. So they
20 cleared that in 2004.

21 In December 2004, they came
22 out with the Draft Final EE/CA. I'll
23 come back to that one.

1 In 2006, they cleared a
2 hundred feet from the center line of
3 Bain's Gap Road in order to open that.
4 Which it opened in 2007.

5 Didn't it, Monty?

6 MR. CLENDENIN: Yeah.

7 MR. MILLER: And then in
8 2009, the Army went ahead and started
9 clearing some of the lead and other
10 contaminated areas in order to do some
11 further clean up in those areas. That
12 added up to about a hundred and
13 thirty-four acres on the refuge.

14 And then in 2009, also they
15 solicited bids to clean up another
16 possibly ninety-seven acres.

17 So the Draft Final EE/CA,
18 that was our first test of our dispute
19 resolution process.

20 And in December of -- well,
21 let's see. It started off in February
22 of 2003, I believe they came out with
23 the Draft EE/CA. There were probably

1 twenty items in there that we had a
2 disagreement with with the Army.

3 So then they came out with
4 the Draft Final EE/CA in December of
5 2004. And there were still nineteen
6 out of twenty left in there. I don't
7 know. It was probably twelve. Twelve
8 items that didn't get solved between
9 the Draft and the Draft final. And we
10 were, like, "Hey, why come out with the
11 Draft final? We still have all of
12 these disagreements. You should have
13 waited a little bit longer."

14 So we sent them a letter, and
15 we went back and forth. So between the
16 document coming out in December of 2004
17 and August of 2005, we had, I think,
18 three different correspondences going
19 back and forth. And we settled -- you
20 know, I think it was down to, like,
21 twelve different items that we
22 disagreed on.

23 So at the time, Scott wasn't

1 here. Gary Harvey and I, we couldn't
2 agree. Actually, we could have -- I
3 think we could have solved it very
4 easily, Gary and I, and Ron Levy.

5 But once you start talking
6 millions of dollars, they don't usually
7 let us decide who spends a million
8 dollars and who doesn't get a million
9 dollars worth of clean-up.

10 So it got elevated up to
11 our regional level. That was in
12 September of 2005.

13 There was actually four
14 main things that Gary Harvey and Ron
15 Levy and I couldn't agree on.

16 One was -- when they came
17 out with the draft EE/CA -- in between
18 the time they came out with the draft
19 EE/CA and the draft final EE/CA, there
20 was some rounds that were improperly
21 disposed of, was a polite way of
22 putting it, I think.

23 And the other way was, there

1 was hidden rounds in this area. So we
2 knew that the boundaries up in this
3 area were not going to be correct.

4 We had an issue because on
5 the EE/CA also there was something
6 called IT finds, which was the
7 predecessor to Shaw had found some
8 possible unexposed ordinance or MEC
9 items up in this area.

10 During the roads and
11 fire-breaks, there was some MEC items
12 found along this road. So we knew that
13 the boundaries probably weren't going
14 to be the right.

15 So the boundary between the
16 clean-up area and the no-further action
17 area was one of the dispute items.

18 The other dispute item was,
19 "How clean is clean?" With the
20 proposal that the Army was doing, they
21 said, "You know, you did your high-use
22 areas, we did your roads and
23 fire-breaks. That's all the clearance

1 to depth you need. The rest of it
2 we'll just do a surface clearance, and
3 we'll hand it back to you."

4 But that wouldn't let us do
5 any force management at all. So that
6 was another disagreement. You know, we
7 really couldn't do any forest
8 management if all they did was surface
9 clearance on the rest of it.

10 The third item, I think, was
11 method of detection. And that was,
12 they were going to do magnetometers, or
13 that's what was proposing in the EE/CA,
14 and we wanted to do a physical map.

15 And then the last item was
16 really not a major item, but all the
17 way through the EE/CA -- or within the
18 EE/CA they used -- the site stability
19 they said was moderately stable. And
20 with the steep slopes we had and the
21 highly erodible soils, we thought that
22 that was an error. Really wasn't going
23 to affect the outcome too much, but we

1 just want to recognize that, you know,
2 if they only cleared something on
3 surface clearance and eroded out, it
4 wasn't because of our management. It
5 was more because of the soils and the
6 steep slopes.

7 So the dispute actually got,
8 you know, elevated to Atlanta, and it
9 got resolved.

10 And the resolution was
11 pretty much -- I don't think this was a
12 final map. This was, like, one short
13 of the final map.

14 But the blue areas here were
15 going to be clearanced to depth. That
16 added up to about a thousand, six
17 hundred and eighty-nine acres. The
18 green one-foot clearance, those were
19 all the slopes that were forty percent
20 and greater. Those were the areas that
21 they weren't going to be able to
22 geophysically map and they were going
23 use a magnetometer.

1 But it also within the
2 EE/CA in a couple of spots it mentioned
3 that the -- if it's a one-foot
4 clearance, we weren't going to be
5 allowed to do any felling of trees. We
6 couldn't drop a tree with a one-foot
7 clearance. And that was really what
8 was driving a lot of this. Why we were
9 going to insist on clearance to depth
10 throughout.

11 But I think that's going to
12 get changed in the next version of the
13 EE/CA so that timber felling is not
14 going to be an issue with a one-foot
15 clearance.

16 Then there was areas that
17 were sensitive habits. The seep areas
18 and some of the stream corridors that
19 we didn't want a lot of clearance or a
20 lot of digging going on. So that was
21 agreed to have a surface clearance
22 only.

23 And then to settle the

1 boundary dispute on the boundary
2 between the clearance areas and the
3 no-further action areas, we agreed that
4 -- you know, they were going to do a
5 little bit more sampling, I think,
6 because of ADEM for this area up here.
7 And I'm pretty sure on another area or
8 two. So that was going to adjust that
9 boundary.

10 And then we decided that
11 any MEC item found within two hundred
12 feet of the boundary, then they could
13 just bump that out another two hundred
14 feet beyond the last item found. And
15 that would be good enough for our
16 clearance, setting our clearance area.

17 Other contaminants. It's
18 primarily lead. There are some other
19 elements on the periodic table with
20 short initials that I don't really know
21 what they are. But it's primarily
22 lead.

23 Our Daphne office deals with

1 everything else other than UXO. I
2 usually deal with UXO issues.

3 The first area is Bain's Gap
4 Road. If you are driving along Bain's
5 Gap Road, the area they are clearing
6 right now, UXO in those -- also ranges
7 are contaminated with lead.

8 Range twenty, this area down
9 here, used to be included within the
10 Baby Bain's Gap Road ranges. But since
11 we are in a different -- most of the
12 Baby Bain's Gap Road ranges are within
13 the MDA area. And this range twenty
14 and a portion of range twenty-six here
15 -- or, I think it's range twenty-six,
16 is within the Charlie area or the
17 refuge area. Then we broke those out,
18 and they are now considered just range
19 twenty. And that's what we are doing
20 for clean up.

21 Range twenty-four Alfa down
22 here in the south, has lead
23 contamination, other contamination

1 issues.

2 And then we have the 81
3 millimeter mortar range up in the very
4 northern corner.

5 So the 81 millimeter mortar
6 range, it's in the northern portion of
7 the refuge -- these are the isocontours
8 that Shaw mapped in one of the figures
9 that Shaw done. There is some heavy
10 contamination. It's a pretty pristine
11 habitat, actually. We don't know how
12 the contamination got there. There is
13 no bullet fragments, but there is quite
14 a bit of contamination in certain
15 areas.

16 So we are trying to figure
17 out some way of cleaning it up and
18 protecting the environment, but also
19 not destroying everything that's there.

20 So the next one is Bain's Gap
21 Road ranges. There is several areas,
22 you know, with contamination. But on
23 this area -- on Bain's Gap Road ranges,

1 our biggest concern is back here.
2 There is a seep area. It has a white
3 fringless orchid, which is a federal
4 candidate species for listing under The
5 Endangered Species Act. This used to
6 be one of the largest populations in
7 the United States for the orchid.

8 Since it's overgrown quite a
9 bit, we haven't been able to maintain
10 it. We have lost most of the orchid
11 population. But we don't want to lose
12 it permanently. We think once we get
13 back in there and we do the burning and
14 we do the clearing we need to do, we
15 are going to be able to bring this
16 species back. But we want to make sure
17 it doesn't get destroyed through the
18 lead clean-up.

19 So this is what the area
20 looks like that we are concerned about.

21 And then this is the orchid
22 that we are looking to protect in that
23 area.

1 The next area is a range
2 twenty area. I think there is, like,
3 2.6 acres. Or right around two acres,
4 anyway, that's contaminated within
5 range twenty.

6 This area, it's kind of a
7 larger map of Baby Bain's Gap Road
8 ranges. Our refuge boundary,
9 everything this way from this road is
10 the refuge. There is a small area down
11 here of contamination and then the
12 major area is right here.

13 Range twenty-four Alfa.
14 This, again, is an isocontour map for
15 the lead contaminations down there.

16 There is also -- on range
17 twenty-four Alfa, there is groundwater
18 contamination. We are going to be
19 limited in what we can do using the
20 groundwater, and I don't know if there
21 is going to be any proposal to do any
22 clean up. But I'm sure once Scott
23 pumps city water all the way out to

1 Range twenty-four Alfa, that will solve
2 that problem.

3 The effects of clean-up on
4 habitats from unexposed ordinance
5 primarily comes down to two different
6 things; brush clearance and then the
7 actual digging of the anomalies.

8 Now, brush clearance, if you
9 look at this, this is an area that has
10 been brushed cleared. This is actually
11 range twenty that they are out clearing
12 now. It's not all the way done yet.
13 This is what it looks like after they
14 get done with doing the brush
15 clearance. They have taken out most
16 trees, three up to four inches in
17 diameter down.

18 Here is the same area. A
19 little bit different view of it.

20 And then here is an area
21 that we were maintaining through fire
22 that's also adjacent to range twenty.

23 So if you look at it, it's

1 somewhat similar. What we are trying
2 to do is get the same open-type
3 habitats. The biggest thing that we
4 are missing is when they do this brush
5 clearance, one, they are not taking out
6 everything we want them to take out.
7 Which would be most of the hardwood
8 trees, leaving all the Longleaf trees.
9 But they are also taking out the
10 younger, smaller diameter.

11 Like, here is a smaller
12 Longleaf Pine. Under brush-clearance,
13 that would be gone. As well as, you
14 know, a couple other smaller Longleaf
15 Pines that are back here. We need to
16 keep those. If we cut down out there
17 when they are doing brush clearance,
18 they cut down every tree that's four
19 inches in diameter and less, we are
20 losing all the species, or all the
21 Longleaf Pine trees that are anywhere
22 from five years old up to forty to
23 fifty years old. So we are losing a

1 whole -- age class, and it will take us
2 forty to fifty years to get them back.

3 So UXO remediation concerns
4 primarily deal with loss of small and
5 intermediate-size classes of Longleaf
6 Pine, introduction of invasive species.

7 Most of the invasive species
8 problems we have out there are along
9 the roads. There is a concern with, as
10 you are going out there to do your UXO
11 recovery work, you are going to be
12 driving those roads, carrying the seeds
13 out into these pristine areas and
14 introducing or spreading the basic
15 species.

16 Disturbance to ground
17 vegetation through multiple passes over
18 the same area can trample or just smash
19 the ground vegetation, and it will take
20 a long time, if ever, to come back.
21 And the just erosion.

22 Most of the erosion
23 problems, if they are digging the items

1 by hand and with a shovel, it's not an
2 issue. But once they get out there
3 with a small mini-excavator or
4 something, sometimes that leaves an
5 erosion problem.

6 Other contamination. Lead
7 contamination and those other things on
8 the periodic table. I'm not sure what
9 they are. For most of those areas,
10 those areas are heavily impacted. A
11 lot of them are just, like, scorched or
12 that has been shot into so long that
13 there is not much habitat value there
14 at all.

15 But there are those gray
16 areas just adjacent to it. Like the
17 seeds. Like some overgrown Longleaf
18 that were maintained from fire from the
19 ranges that are just adjacent to there,
20 and we don't want to lose those.

21 I'm going to scroll through
22 some of these pictures. But here is
23 the Bain's Gap Road range's photo here.

1 You can see that there is a lot of bare
2 dirt areas out here. Those don't have
3 much habitat value. But if you look
4 right back here, this is going to be
5 that seep area right at the back of the
6 range area.

7 Here is a picture from range
8 twenty. This is impact area. You
9 know, machine gun fired into this for
10 so long, there is not much there. But
11 if you look just right back up the
12 hill, these are, you know, old growth
13 Longleaf areas.

14 So here is a picture of the
15 seep close up. And then the old growth
16 Longleaf areas. This picture is just
17 taken just above where that impact area
18 was.

19 The effects of clean-up on
20 the Mountain Longleaf, it will depend
21 on, you know, the condition. Those
22 bare areas, there is not much habitat
23 value there. And the extent of the

1 contamination, if it's a confined area
2 and they can get it without disturbing
3 a lot of the adjacent habitat, that
4 will be great. But if they are going
5 to have to bring in fill adjacent to
6 the area that they are digging out
7 lead, that will just extended out the
8 area of the impact. And then where
9 that contamination is in relation to
10 habitat.

11 Like the seep areas is
12 just, you know, just directly adjacent
13 to. And we are hoping that the level
14 of clean-up is not going to carry it
15 into the seep areas.

16 The amount of restoration, as
17 I said, it's going to be -- the amount
18 of restoration required to offset those
19 habitats is going to be dependent upon
20 the condition of the habitat at the
21 time and then the extent of the impact.

22 So public use at Mountain
23 Longleaf National Wildlife Refuge, we

1 have three thousand, three hundred
2 acres that's open for the public.

3 There is no new areas that we
4 are probably going to open for the
5 public any time soon. It's going to
6 depend on what the clearance schedule
7 is for UXO and other contaminants out
8 there.

9 If you look at how much
10 clean-up the Army did from 2003 to
11 2008, they did about five percent
12 during that five years. At that rate,
13 it will take about ninety-five years to
14 clean everything up.

15 But if you look at what they
16 have done this year and what they are
17 planning on doing this year, it could
18 be as few as twelve years. So anywhere
19 from twelve to ninety-five years before
20 we get all of that cleaned up.

21 The other limiting issue for
22 us is our budget. I mean, like I said,
23 I have myself and one other person, and

1 we manage three refuges in the central
2 part of the state here.

3 So we spend our time
4 traveling a hundred and ten miles in
5 between the farthest two refuges.

6 So our priorities until we
7 get clean-up and until we get a
8 sufficient staff and budget is to focus
9 on Longleaf restoration, seep
10 restoration, and then just maintaining
11 the facilities that we have here for
12 the public, which is mainly the road
13 system to access the area. And that's
14 it.

15 Anybody have any questions?

16 DR. SPAIN: Is there any area
17 out there that is available for any
18 kind of commercial use?

19 MR. MILLER: That would be
20 the MDA portion. There is no
21 commercial use on the National Wildlife
22 refuges. Sometimes we have
23 concessions, but, I mean, there is not

1 enough visitors out there to maintain
2 it.

3 DR. SPAIN: Well, I meant
4 industrial.

5 MR. MILLER: Not on the
6 refuge.

7 DR. SPAIN: No windmills in
8 the valleys?

9 MR. MILLER: The only -- it's
10 not even commercial, but there is a 911
11 tower that the sheriff has up on the
12 top of the mountain. That's it.

13 Most of the area out there is
14 so steep, that there is not much -- not
15 much hope there of getting development.

16 But, no, that would not be --
17 even if you look at some of the
18 legislation that's coming out now on
19 energy development, it excludes
20 national wildlife refuges and national
21 parks.

22 MR. CLENDENIN: Explain
23 exactly the buffer area. You just get

1 a warning if you are in there, or is
2 that just to keep --

3 MR. MILLER: I may tell the
4 law enforcement guy to watch out for
5 Monty Clendenin. They will give you --
6 it will be a trespass violation. So
7 they will give you --

8 MR. CLENDENIN: It is off
9 limits, the buffer area is?

10 MR. MILLER: It is off
11 limits, yeah.

12 MR. CLENDENIN: And another
13 question is, on the Cahaba River thing,
14 our Presbyterian Church is building a
15 camp.

16 MR. MILLER: I know where
17 that is. Living Rivers.

18 MR. CLENDENIN: Is that near
19 your area?

20 MR. MILLER: It's probably
21 eight miles upstream, nine miles.

22 MR. CLENDENIN: Upstream.

23 MR. MILLER: From our

1 northern acquisition boundary.

2 MR. CLENDENIN: Since they
3 removed that slab, how far down will
4 the Cahaba Lilly travel? There is just
5 a little short section in there where
6 it thrives.

7 MR. MILLER: Well, the refuge
8 that's over on Cahaba River has the
9 longest Shoal of Cahaba lilies and it's
10 a half mile long. But that's down
11 stream.

12 And lilies, I mean, they were
13 not going to travel upstream. So you
14 are just going to get regeneration from
15 whatever is upstream from you, and I
16 don't know how long it will take to get
17 that back.

18 But there used to be a Shoal
19 right there that got flooded out by
20 that marble slab.

21 MR. CLENDENIN: And that's
22 gone now.

23 MR. MILLER: That is gone.

1 But it's a nice float. If you go from
2 Living Rivers all the way down to the
3 refuge, it's a one-day float. It's
4 pretty nice.

5 Anybody else?

6 MR. WILSON: Any other
7 questions?

8 MR. MILLER: Thank you very
9 much.

10 MR. WILSON: Okay. Thank
11 you, sir.

12 DR. SPAIN: I'm sure a
13 nuclear power plant is completely out.

14 MR. MILLER: That's probably
15 out.

16 MR. WILSON: Going into our
17 new business. ADEM report?

18 MS. CUNNINGHAM: Brandi
19 Little is not here, but in your packet
20 is her report. She had a sick child
21 and called today. She wasn't going to
22 be able to make it. But she did send
23 her report.

1 MR. WILSON: I guess I would
2 just ask the attendees to review this
3 at your pleasure.

4 What about EPA? EPA?

5 National Guard Bureau?

6 MS. PINSON: As you know, we
7 are remediating some rainwater
8 contamination out on Pelham Range. And
9 so since the last RAB meeting, what we
10 have done, we are out there in the
11 field getting some baseline groundwater
12 values.

13 And after all of that data is
14 in, then we'll be injecting lactose
15 into the contaminated groundwater
16 plumes at Ranges J and K on Pelham
17 Range.

18 So that's kind of what we are
19 up to out there right now.

20 We are also doing a remedial
21 investigation at another area of Pelham
22 Range. The former toxic gas area. And
23 that report is in preparation right

1 now.

2 MR. WILSON: Anybody have any
3 questions for the National Guard
4 Bureau? Thank you, ma'am.

5 How about MDA?

6 MR. HALL: I have got also a
7 packet, or a page, that was inserted in
8 your minutes. But I will very briefly
9 try to summarize them.

10 That old Clint Eastwood
11 movie, The Outlaw of Josey Wells, there
12 was an indian in there by the name of
13 Chief Dan George. And he had a line
14 that I like to use. He said, "We will
15 endeavor to persevere."

16 We are continuing to work on
17 various groundwater remedies at various
18 places. Like, (inaudible) Laundry, T6,
19 T38. We have a design for ground water
20 remediation on the big plume from
21 landfill three that is underway.

22 As far as the MRS'es, the MEC
23 areas, we have Southern Alfa and MRS-1

1 and Bravo area, which are essentially
2 completed. We are working on the
3 after-action report.

4 And actually I believe we
5 have got MRS here shown as -- and
6 three, MRS-2, 3, and 6, fieldwork
7 continuing. I think we essentially
8 completed MRS-2.

9 But a lot of work going on on
10 MRS-3 and MRS-6. These are areas kind
11 of on the south side of the main
12 cantonment.

13 Fieldwork has been completed
14 in the northern Alfa UXO area. We are
15 working on the after-action report.

16 We've just kind of got hot
17 and heavy on MRS-8. Another southern
18 ammunitions response site on the south
19 side of the cantonment.

20 Spending a good bit of time
21 with two rather eminent projects.

22 Of course the Eastern Bypass
23 is gaining speed, and we are assisting

1 the ALDOT and their contractors trying
2 to get them access to the area that was
3 deeded to them, or bought. I don't
4 know if it was deeded or bought.

5 But anyway, their project
6 site on the southwestern side.

7 They have a prebid conference
8 Wednesday. The bid ledging is
9 scheduled for the 30th to let the
10 contract on the grade basin pay for
11 that northern tract of the Eastern
12 Bypass.

13 And then over on the east
14 side of the MDA area, the contract is
15 imminent for widening and paving Iron
16 Mountain Road. That work will probably
17 start in mid-August, mid to late
18 August, is what we are told.

19 And Auburn is working us to
20 death. I might mention those guys,
21 too. We are working with them on a
22 number of things in the area of their
23 interest.

1 So that is sort of what we
2 are doing at the Matrix for the MDA.

3 MR. CLENDENIN: Will the
4 Eastern Bypass be cleared all the way
5 to 21, or is it going to stop at Iron
6 Mountain for the time being? Or are
7 they going to go ahead and clear it all
8 the way up to --

9 MR. HALL: It really has
10 already been --

11 MR. BOLTON: You are talking
12 about construction?

13 MR. CLENDENIN: Yeah. Or
14 just, you know, the initial clearance,
15 I guess, is what I'm --

16 MR. BOLTON: It's already --
17 it's cleared basically from 21. The
18 last piece that they are working on --
19 and really, you could probably call it
20 cleared -- is the Iron Mountain Road
21 addition. They are making the cuts as
22 we speak.

23 MR. CLENDENIN: Yeah.

1 DR. SPAIN: So what is the
2 cleaning associated with Auburn?

3 MR. HALL: It's not
4 necessarily cleaning. Auburn has some
5 interest in some areas that we have
6 land use controls on that we are trying
7 to work with them and making sure that
8 their anticipated use meets the land
9 use controls and that sort of thing.

10 Like the old motor pool
11 thirty-one hundred area, they are
12 interested in. I don't want to steal
13 John's thunder. He may have something
14 to say about it.

15 MR. PEARCE: No, I was going
16 to say where he said (inaudible). We
17 are trying to -- the motor pool area
18 that's right there at thirty-one
19 hundred is part of our footprint, and
20 we are waiting for it to be cleared.
21 And we have been waiting on it for some
22 time, and we have been -- if you know
23 the details behind it.

1 We put vehicles over on
2 another area before, and they weren't
3 in an area that was very secure. And
4 they were vandalized and didn't look
5 very good. But this has been an area
6 that we felt like we could put them and
7 the aesthetics would be real nice.

8 MR. BOLTON: There were those
9 amongst us that couldn't tell that
10 those vehicles had been vandalized.

11 DR. SPAIN: Well, thank you.
12 I'm interested in that.

13 MR. WILSON: Any other
14 questions? Thank you, sir.

15 What about the Army?

16 MR. BOLTON: As, I think,
17 Roger alluded to, the Iron Mountain
18 Road addition, which is the southern
19 portion of the Eastern Bypass there
20 where -- basically it's the exit ramp
21 from the bypass onto Iron Mountain
22 Road, that patch is being worked
23 literally as we speak and hoping they

1 will be done in the next few weeks.

2 And once that happens, then
3 -- we granted ALDOT the right of entry.
4 That's still on Army property. And we
5 granted ALDOT a right of entry into
6 that so that they could do the
7 construction work and so on.

8 Once that's done, we'll go
9 through the drill of finding
10 suitability to transfer. We'll
11 ultimately transfer it to ALDOT.

12 They get those properties for
13 free as a public benefit conveyance.
14 So that's how those work.

15 Normally the Army would
16 assign that to the appropriate federal
17 agency who would actually cut the deed.
18 But in this case, the Federal Highway
19 Administration didn't feel like being a
20 middleman. They authorized the Army to
21 do the deeds direct to ALDOT. So it's
22 a little different than some other
23 places.

1 So that fact is what we do.

2 That area is actually kind of
3 located in the Bravo EE/CA area as we
4 used to call it. Kind of borders the
5 refuge.

6 So, like I say, we anticipate
7 that will be done, you know, some time
8 the end of this month, the middle of
9 next month. And we'll start the
10 process to transfer it. Should happen
11 some time in FY ten, the actual
12 transfer. God willing and the creek
13 don't rise. It's hard to say.

14 The Charlie area as Steve was
15 talking about, which is, in fact, the
16 refuge area which is where the
17 overwhelming majority of the Army
18 clean-up responsibility lies, we have
19 got several actions going on in that
20 area.

21 Basically the approach that
22 we took was, we got with Steve. What
23 we did -- initially we started looking

1 at and said, "Okay, we have got some
2 supplemental money."

3 Those of you may remember
4 this back in, what? I think June of
5 last year is when we got it, Lisa. Or
6 when it was showing up.

7 What we did with that was we
8 said, "Okay. Let's look at obviously
9 the issue that we always have out there
10 in the refuge areas is the MEC is over
11 top of other contaminants." And so you
12 have got to remove the ammunitions
13 before you can deal with the underlying
14 stuff.

15 Now, in fact, a lot of the
16 contamination is very much associated,
17 you know, with the ammunitions,
18 particularly in terms of small arms.

19 So you are going to have your
20 lead, (inaudible), copper, zinc, that
21 kind of stuff on a small-arms range
22 because those are bullet constituents.
23 That kind of stuff.

1 But anyway, long story short,
2 we have got MEC clearance going along
3 Bain's Gap Road, which probably
4 everybody is familiar with.

5 And we had the road closed
6 for a period of time until we could get
7 ourselves back far enough off from the
8 road in the safety zone. So work is
9 still going on in that area.

10 There will be also MEC
11 clearance up in the range twenty area,
12 range twenty-four Alfa area, the 81
13 millimeter area.

14 One of the drivers to
15 actually finalizing our acreage that we
16 can do the MEC clearance on is in
17 twenty-four Alfa. There is a debris
18 area down there. And until we know
19 kind of the extent of the debris area,
20 how many acres of that are going to be
21 impacted. That should take some other
22 (inaudible) that we can do.

23 So our plan obviously is to

1 remove that next so that we can go in
2 and then do the lead clean up. So we
3 have got both of them kind of scheduled
4 and set up in that fashion.

5 And that's a lot of the areas
6 that's going on, like I say, in the
7 refuge area. And that will go on for
8 several more months. Probably another
9 six months or so. Maybe even a little
10 longer.

11 If you want to look on where
12 it talks about the Installation
13 Restoration Program, it talks about
14 exactly what we are looking at in terms
15 of what we call IRP, Installation
16 Restoration Program. Or the non-MEC
17 soil clean-up.

18 And it's almost all metals,
19 with the exception of twenty-four Alfa.
20 And that does, in fact, have some VOC's
21 and some stuff that were associated
22 with the decontamination activities
23 that went on there.

1 As far as property transfers
2 go, as I think Roger mentioned, the two
3 hundred and sixty-six acre northern
4 piece of the Eastern Bypass there
5 on-post has been transferred. So that
6 is now ALDOT's free and clear. They
7 have had the deed. I guess we got the
8 recordation deed dated just a couple
9 weeks back.

10 So we were glad to see that
11 go. That was quite a process.

12 Once it gets hung-up in
13 lawyers' inboxes in Washington D.C.,
14 prying it out in a timely manner can be
15 a real challenge. It finally got loose
16 and didn't cause any problems.

17 As far as the Army goes, we
18 are down to forty-five acres.
19 Forty-four point eight three, to be
20 more specific.

21 Twenty-four of which, or
22 twenty-three of which, you can see.
23 And, again, that's broken up on page

1 three of our report. Twenty-three of
2 which are the water tank sites. Those
3 remain in limbo.

4 We were ready to transfer
5 those to the JPA. The deal was it was
6 going to be a pass-through from the JPA
7 to the Anniston Water Works and Sewer
8 Board, and that became overcome by the
9 Court ruling that dissolved the JPA.

10 And so we are in a bit of a
11 little hover, and remain that way until
12 the supreme court finally does it
13 thing. And at that point it will free
14 up the MDA to receive property.

15 DR. SPAIN: Could you do that
16 in the same way you did the property
17 for ALDOT?

18 MR. BOLTON: Well, it's a
19 different recipient. So the short
20 answer is no. It would go through a
21 different federal agency, too. Since
22 Water Works and Sewer Board would
23 actually go through Health and Human

1 Services, if you did the assignment in
2 that way.

3 And originally that was kind
4 of the set up to do that as the public
5 benefit conveyance. And for speed and
6 a couple of other things is why I
7 decided to pass through JPA. And it
8 would have worked. There, but for two
9 weeks, it would have happened. That
10 Jim could have been caught up in the
11 same degree of difficulty, or not, you
12 know, that comes with any other former
13 JPA deed.

14 Snap Road Water Tank Site,
15 again, it's about approximately an
16 acre. It's a water tank site. It's
17 sort of held hostage to the clean-up of
18 Range Twenty-Nine. We have a piece of
19 that and MDA has a piece of it, as
20 well.

21 Again, the Iron Mountain
22 Road addition we've talked about.

23 And then there is the

1 Highway 21, the eleven acres along
2 Highway 21. And some of that is a
3 function of the groundwater plume
4 associated with Landfill Three.

5 When they get the remedy in
6 place, operating properly and
7 successfully in that groundwater plume,
8 then that property will be able to FOST
9 and transfer that property with the
10 appropriate control.

11 So we are finally at
12 long-last kind of getting down on the
13 Army property.

14 But even if we had zero
15 property, we would still retain the
16 clean-up responsibility for the refuge.

17 And as Steve was talking
18 about, a lot of that is the function of
19 funding. And even the scope, even if
20 somebody just had -- the scope is
21 significant. And that number of acres
22 and that kind of terrain and even if
23 you probably had all the funding you

1 could use, I'm not sure how fast you
2 could really get it done. It would
3 still take you a lot longer than you
4 realize.

5 So that's where we are. But
6 we are getting very close on a lot of
7 the remedial investigations that are
8 still going on. We are guardedly
9 optimistic that we will have a lot of
10 those closed out soon and be able to
11 move on into kind of the feasibility
12 and execution.

13 The execution phase of the
14 remedies is usually kind of the
15 quickest part.

16 I don't want to say the
17 easiest. There is just an awful lot
18 that goes up until you get to that
19 point. And then the actual execution
20 out in the field is usually a lot
21 quicker.

22 Anybody have any questions?

23 MR. WILSON: Any questions?

1 Okay. Thank you, Scott. I appreciate
2 it.

3 The TAPP contractor report.

4 MR. GRANT: The only
5 information I have there is, as I
6 reported at the last meeting, the old
7 contract was due and did expire on July
8 the 16th.

9 Prior to that, the Corp of
10 Engineers in Mobile sent me
11 electronically a contract solicitation
12 slash modification to extend the
13 contract until the end of July. Which
14 I have signed and returned to them.

15 I think Brenda may have
16 further information about that more
17 than I do.

18 MS. CUNNINGHAM: Lisa does.

19 MR. GRANT: Or Lisa does?
20 Okay.

21 MS. HOLSTEIN: I spoke with
22 Mobile today, and they are going to
23 prepare another purchase order and

1 extend the contract from 31 July of '08
2 through -- or '09, through 31 July
3 2010. After you submit the bill for
4 this meeting.

5 MR. GRANT: Okay. They
6 didn't share that information with me.

7 MR. ROBERTS: They didn't
8 have that information at that time.
9 That's why.

10 MS. HOLSTEIN: I talked to
11 Lee this afternoon.

12 MR. GRANT: Okay.

13 MR. WILSON: Any questions
14 with regard to the TAPP contract?

15 We are down to the upcoming
16 programs status of McClellan property
17 and the City of Anniston for the use of
18 McClellan and inviting the Anniston
19 mayor to speak.

20 MR. BOLTON: On that first
21 one, was that supposed to be an MDA
22 presentation or update? Does anybody
23 remember? Whoever the originator of

1 said suggestion.

2 DR. SPAIN: I was not, but I
3 would certainly --

4 MR. BOLTON: Given that it
5 says, "McClellan," I would assume that
6 it was an MDA initiative.

7 DR. SPAIN: I would certainly
8 like to see included in that -- again,
9 I know we had this some time back. But
10 again, I would like an update on the
11 protection of the property that is
12 being remediated and any safety issues
13 that might be involved in that.

14 That's only if we have the
15 update on the status of the McClellan
16 property.

17 MR. BOLTON: Can you kind of
18 clarify what that is? Because they
19 will be getting it third-hand, the
20 information.

21 DR. SPAIN: Well, when they
22 give the status of the property, I
23 would like to also get the status of

1 protecting those areas that still have
2 unexploded ordinance from the general
3 public.

4 MR. WILSON: The areas that
5 are signs or whatever.

6 DR. SPAIN: Just the whole --

7 MR. WILSON: Whatever the
8 security issue is.

9 DR. SPAIN: Yeah, what kind
10 of security that is being deployed.

11 I could ask the City planner
12 to make a presentation on division. I
13 could also ask and invite the mayor if
14 you all would like for me to do that,
15 as well.

16 MR. CLENDENIN: Only if you
17 will invite Ben Little, too, so it will
18 make it more exciting.

19 MR. BUFORD: Leave that
20 alone.

21 DR. SPAIN: As soon as y'all
22 put a tepee up out there for him, he
23 will come.

1 MS. CUNNINGHAM: Your next
2 meeting is October the 19th.

3 MR. KIMBERLY: Ben has a lot
4 of secret information we probably need
5 to hear, you know. He has got all of
6 this data he won't release yet.

7 MR. CLENDENIN: I don't think
8 so. Actually there was a report today,
9 and I don't know where I got it, might
10 have been in the paper, that they found
11 paperwork that indicated that Ladiga --

12 MR. KIMBERLY: I gave it to
13 John a while ago. He has got it in his
14 pocket.

15 MR. CLENDENIN: Yeah, I saw
16 that. There is paperwork, or whatever,
17 found where he sold the property and
18 has no claim. And Collegiate group
19 that was looking to come out here to
20 try to go to Georgia and tried to go to
21 Texas, you know. So they are not
22 legit.

23 DR. SPAIN: Well, I certainly

1 wouldn't be imposed to inviting
2 Councilman Little to come out and
3 update --

4 DR. KIMBERLY: It would be
5 entertaining.

6 MR. BOLTON: Just remember
7 the scope and the purpose.

8 DR. KIMBERLY: Everybody
9 needs a little humor every once in a
10 while in their life.

11 MR. BOLTON: I understand the
12 desire for entertainment.

13 DR. KIMBERLY: It was
14 interesting to hear at the last meeting
15 that there was no such thing as Fort
16 McClellan.

17 When I said "last meeting",
18 the last city council meeting, Ben
19 announced there was never a Fort
20 McClellan. Didn't belong to them. He
21 has documents to prove that. I would
22 like him to bring us a slide and show
23 us something. Show us some documents.

1 MR. WILSON: I spent
2 twenty-five years out here.

3 MR. BOLTON: If you're going
4 -- I would that -- and his document.

5 DR. KIMBERLY: You just
6 thought you spent twenty-five years at
7 Fort McClellan.

8 MR. WILSON: Well, this is
9 some red coordinates, I guess, is where
10 I was.

11 MR. BOLTON: So, John, are
12 you going to see if you can get ahold
13 of the City planner?

14 DR. SPAIN: Whichever one
15 y'all decide on, I would be glad to
16 take that as an action.

17 If y'all want a vision of --
18 there is a pretty nice presentation
19 that I have seen dealing with that.
20 And I would be glad to get him to come
21 out and make it. He does a very good
22 job of making a presentation.

23 MR. BOLTON: It might be

1 interesting to see how it integrates
2 with everything out here.

3 MR. WILSON: Y'all feel
4 alright on that.

5 DR. KIMBERLY: John, let me
6 ask you a question. On updated status
7 of McClellan properties and then the
8 vision of Fort McClellan for the City,
9 would one want to be proceeded by the
10 other, or one on top of the other.

11 I mean, if you hear about
12 what the City plans, then we don't know
13 about the McClellan properties. So
14 that may be interfering with one
15 against the other.

16 Why don't we do the updated
17 McClellan first and then see what the
18 City has.

19 DR. SPAIN: I have no
20 particular preference. Maybe we could
21 just do a quick survey, A, B, C.

22 DR. KIMBERLY: A, B, C, yeah.
23 I'm just concerned about hearing the

1 City's plan and find out that whatever
2 they tell us may not fit into the
3 status of what McClellan properties
4 are.

5 MR. BOLTON: Well, we may or
6 not. I guess we can certainly talk to
7 Rob and Scott about it. But recognize
8 that the MDA --

9 DR. KIMBERLY: Well, until
10 the Judge --

11 MR. BOLTON: Well, they have
12 their own public participation plan in
13 a separate meeting. So I don't know.
14 I don't want to speak for them one way
15 or the other.

16 My assumption is he
17 probably would have somebody willing to
18 address us, but we can ask.

19 DR. KIMBERLY: Until the
20 courts gets through, I don't guess
21 anybody is really sure.

22 MR. BOLTON: No. It's really
23 the supreme court.

1 DR. SPAIN: And what might be
2 a good idea, instead of asking the
3 mayor to come out and make a
4 thirty-minute presentation -- I mean,
5 that's a pretty long presentation.

6 What we might do is get him
7 just to introduce for three or four
8 minutes, you know, make some comments
9 about the City and McClellan and what's
10 McClellan to the City, and let him
11 introduce the planner and we just
12 combine those last two into one thing.

13 DR. KIMBERLY: One thing.

14 MR. WILSON: Yeah, I like the
15 idea of that. Just my own personal
16 opinion, having the mayor just do the
17 intro.

18 MR. BOLTON: So what you are
19 saying is you want to see if we can get
20 an update on the status of McClellan
21 first; is that right? Sounds like what
22 I'm hearing. Like this hearing or
23 what?

1 DR. KIMBERLY: Again, I
2 think, too, what we both agreed on,
3 until the Courts decide what they are
4 going to do, really nobody can tell you
5 anything. Because no one knows how
6 it's going to fall. We all have our
7 opinions of how it's going to fall.

8 DR. SPAIN: I think to get a
9 land use zoning and understanding of
10 exactly what the City has planned would
11 be a very informative thing.

12 DR. KIMBERLY: They would
13 both be informative.

14 DR. SPAIN: From the MDA
15 would be good, but I'm not sure that
16 the MDA has a good enough handle. What
17 do you think, Mike?

18 DR. KIMBERLY: Again, I think
19 they would both be very informative,
20 but I think it's so unsure of what's
21 going to happen. It's going to be
22 difficult to grasp anything because we
23 all know that there is some Judge who

1 is going to make the decision of which
2 way it's going to go.

3 What happens if we hear
4 something from the City and then the
5 judge turns it back over to the JPA?

6 DR. SPAIN: Well, it doesn't
7 make any difference whether it goes to
8 the JPA or MDA. It's still in the
9 City.

10 DR. KIMBERLY: Well, then,
11 you are going to have another argument
12 about who is supposed to be on the JPA.

13 DR. SPAIN: Well, you'll
14 certainly have that.

15 DR. KIMBERLY: Which is going
16 to counteract anything that may have
17 been decided or not decided by the MDA.
18 There is a lot of head-knocking there.

19 DR. SPAIN: But either one
20 would be great information, I think.

21 DR. KIMBERLY: So let's just
22 go with whatever the majority wants.
23 I'm for either one.

1 MR. WILSON: Does anybody
2 else have any feelings one way or
3 another on that issue of whether we
4 just do the planning commission -- the
5 City planner with an intro by the
6 mayor, or should we also include the
7 JPA, or whatever they call themselves?

8 MR. BOLTON: I would think
9 that just in the interest of time you
10 wouldn't want them on the same day. I
11 mean, I thought these were going to be
12 kind of like separate presentations. I
13 see what John is saying about
14 incorporating the mayor.

15 Sounds like a time to flip a
16 coin.

17 DR. KIMBERLY: Either one
18 would be very informative, I think.

19 MR. BOLTON: So which one in
20 October?

21 DR. KIMBERLY: All in favor
22 of the MDA, or the property of the MDA,
23 raise your hand? Okay.

1 All in favor of the City
2 raise your hand.

3 Looks like the last one has
4 it. How about that.

5 MR. BOLTON: So, John, looks
6 like you have got the action item.

7 DR. SPAIN: I'll take it.

8 MR. BOLTON: Thank you.

9 MR. WILSON: Okay.

10 Gentlemen, thank you.

11 DR. KIMBERLY: I make a
12 motion we adjourn.

13 MS. CUNNINGHAM: I need to
14 tell you that at your October meeting
15 you will have an election of a new
16 vice-chair, and you'll vote to ascend
17 Mr. Howard to the community
18 chairperson. That will take effect in
19 January, but you will have to vote in
20 October.

21 DR. KIMBERLY: I make a
22 motion we adjourn.

23 MR. WILSON: Everybody in

1 favor of adjournment, please stand up.

2 MR. BUFORD: Gone.

3 (END OF PROCEEDINGS)

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2 CERTIFICATE3
4 STATE OF ALABAMA

5 ETOWAH COUNTY

6
7 I, the undersigned, a CSR and Notary
8 Public of the State of Alabama at
9 Large, hereby certify that the
10 proceedings in the herein matter were
11 taken at the time and place therein
12 stated; that the proceedings were
reported by me, court reporter and
disinterested person, and were
thereafter transcribed by means of
computer-aided transcription; that the
foregoing is a complete and true record
of said witness.13 I further certify that I am not of
14 counsel or attorney for either or any
15 of the parties in the foregoing
16 proceedings and caption named, or in
any way interested in the outcome of
the cause named in said caption.17 IN WITNESS WHEREOF set my hand and
18 affixed my seal this 31st day of
19 August, 2009.
2021 Darlene Scott-Moore, CSR, ACCR#348
22 Notary Public State of Alabama

23 My Commission Expires: May 5, 2010