

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before SAMANTHA E. NOBLE, CCR,
Certified Court Reporter and Commissioner
for Alabama at Large, at Fort McClellan,
Alabama, on the 16th day of April 2019,
commencing at approximately 5:00 p.m.

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MR. JOHN HALL: We're ready to call the meeting to order. At this time, I would like to take attendance. We have Mr. Nuttall is here. I'm here. Mr. James Buford? Mr. Phillip Burgett?

MR. PHILLIP BURGETT: Here.

MR. ROGER HALL: Dr. Barry Cox?

DR. BARRY COX: Present.

MR. JOHN HALL: Mr. Jerome Elser?

MR. JEROME ELSER: Here.

MR. JOHN HALL: Mr. Bobby Foster?

MS. BRENDA CUNNINGHAM: He's excused.

MR. JOHN HALL: Dr. Mary Harrington?

MS. BRENDA CUNNINGHAM: She's excused.

MR. JOHN HALL: I'm marking in the wrong column here. I'm

working on October, already.

MS. BRENDA CUNNINGHAM: It's okay.

MR. JOHN HALL: Dr. Michael Kimberly?

DR. MICHAEL KIMBERLY: Here.

MR. JOHN HALL: Mr. Ed Kimbrough?

MR. ED KIMBROUGH: Here.

MR. JOHN HALL: Mr. John Pearce? Dr. David Steffy? Mr. Tony Thompson? Mr. Ed Turner?

MR. ED TURNER: Present.

MR. JOHN HALL: Gerald Hardy?

MR. GERALD HARDY: Here.

MR. JOHN HALL: All right, I believe that gives us enough for a quorum. Introduction of guests.

MS. BRENDA CUNNINGHAM: Oh, okay. I want to say, too, that Karen Pinson and Brandi Little

are excused.

I'm Brenda Cunningham with environmental office here, transition force.

MS. LISA HOLSTEIN: Lisa Holstein, environmental research group. We're supporting Owen.

MR. OWEN NUTTALL: Need all the help I can get.

MR. SCOTT SIGLER: Scott Sigler, Zapata. I am the senior unexploded ordnance supervisor for the site.

MR. TERRY HAMIL: Terry Hamil, Corps of Engineers, Huntsville. I am the project manager for the site.

MR. MICHAEL WINNINGHAM: Michael Winningham, project manager Zapata.

MR. MICHAEL SPANGBERG: Michael Spangberg with TetraTech, supporting Zapata.

MR. KEITH WESTLAKE: Keith Westlake, U.S. Fish & Wildlife Service, refuge manager for Mountain Longleaf National Wildlife Refuge.

MR. KENT BOLER: Kent Boler, Matrix.

MR. BOB BEACHAM: Bob Beacham, Corps of Engineers, Mobile District.

MR. JOHN HALL: Has everyone had a chance to read through the minutes of October of last year? Yes. Do I have a motion to accept?

DR. MICHAEL KIMBERLY: So moved.

MR. JEROME ELSE: Second.

MR. JOHN HALL: All those in favor? Opposed? Motion carries.

It appears we have no old business to discuss.

MS. BRENDA CUNNINGHAM:
Uh-huh.

MR. JOHN HALL: Programs.
Update on MEC removal, Mr. Mike
Winningham.

MR. MICHAEL WINNINGHAM: Thank
you, sir.

MR. JOHN HALL: Yes, sir.

MR. MICHAEL WINNINGHAM: There
is a set of slides, hard copies
and some figures as we go
through. So, if we could go to
the next slide, please.

All right, this is where we
are as of the end of March.
Surface fans, as you remember,
were areas five and six.

And, if you need me, I can
flip back and forth to maps or
we can just go through slides
and then I can sort of highlight
again on the figures. Any
preference?

All right, we'll go right through the slides first then.

So, the surface sweep has been completed, including area three and eight. Vegetation removal is eight hundred and eighty-six acres. It's a hundred percent complete, including area -- parts of area three, but not area eight.

Geophysical mapping, which was divided into digital geophysical mapping, which is eleven hundred and seventeen and some change acres, and analogue geophysical mapping is roughly a hundred and forty acres.

The first part we'll talk about is the AGM, or the analogue geophysical mapping and clearance. We've completed a hundred and sixteen acres, and it is complete.

I know you're looking at the numbers and thinking they're not matched, but we'll get to that.

DGM, we've completed 700.55 acres, and this includes parcel area and area three. And it is a hundred percent complete.

Targets reacquired -- come on in, sir.

MR. JOHN PEARCE: A Little late.

MR. JOHN HALL: Mr. Pearce.

MR. MICHAEL WINNINGHAM: Mr. John Pearce has joined us.

MR. JOHN PEARCE: Yeah. Thanks.

MR. MICHAEL WINNINGHAM: Joined the conference.

Targets reacquired, six hundred -- roughly, six hundred and thirty acres. It's been a hundred percent complete.

Intrusive, six hundred and

twenty-seven. And it's 99.56.

But the good news is we completed all of that, as of today. All the intrusive is done on everything that's been DGM'd and AGM'd with the exception of the step-outs.

Quality control, at the end of March, was six hundred and ninety acres. 92 percent complete. And QA is six hundred and twenty-six acres. 84 percent complete.

And then you see the little footnote at the bottom, area three, roughly two hundred and fifty acres, and area eight are scheduled to be de-scoped from the task order.

We can answer questions now or we can wait to the end and you can barrage me, if you have any questions.

Next slide, please. To date, this is what we found. We've excavated both analogue geophysical mapping -- digital geophysical mapping and backhoe digs, just a little bit over a hundred and twenty-five thousand.

Munitions and explosive concern items, MEC, we've covered two thousand, three hundred and eighty-five. And then there's a list of the various items that we've included.

Munitions debris, at the end of March 31st, is roughly a hundred and thirty-seven thousand pounds. And non-munitions-related debris is roughly forty-seven thousand pounds.

Next slide, please.

Step-outs, these are the areas, if you remember, if we found MEC items on the border of the proper areas, then you're required to go out two hundred feet until we find no more.

So, step-outs completed to date, at the end of March, area one was nine; area nine, we have ten completed; ten, twelve; area eleven, three; area twelve, two.

And the total, at the end of March, we're up to a hundred and ten additional step-out drivers.

Area three currently has twenty-four that will not be completed. Area eight has nine that will not be completed. And that's based on the de-scoping of area three and nine.

MR. OWEN NUTTALL: Three and eight.

MR. MICHAEL WINNINGHAM: Three

and eight. Sorry, did I say nine?

MR. OWEN NUTTALL: Three and eight, three and eight.

MR. MICHAEL WINNINGHAM: And then there are seventy-seven still to be completed, through the end of the step-outs.

And I can show you some figures, if anybody wants to look at the figures.

We can bring up figure one. Figure one are those sites north of Bains Gap Road. Area twelve has been completed. Two and one Alpha proper has been completed.

And this also shows the step-outs. It's hard to see them, but they are on there.

One Bravo four, as of today, has been intrusively completed, also. So, it's all done.

Slide two, please, or figure

two.

MR. GERALD HARDY: Back up.

MR. MICHAEL WINNINGHAM: Back up, figure one.

MS. BRENDA CUNNINGHAM: Is that it? No.

MR. MICHAEL WINNINGHAM: That's figure two.

MS. BRENDA CUNNINGHAM: Okay.

MR. OWEN NUTTALL: That's it.

MS. BRENDA CUNNINGHAM: Okay.

MR. MICHAEL WINNINGHAM: Talking about those step-outs right there?

MR. GERALD HARDY: Yeah.

MR. MICHAEL WINNINGHAM: Yeah.

MR. GERALD HARDY: Those -- those were the ones in the MDA property?

MR. MICHAEL WINNINGHAM: Yeah, a little bit in MDA that was not completed. You guys did, I think, up to twelve inches, if I

remember right. And then there was a portion of it that was not done that we went in and --

MR. GERALD HARDY: Yeah, there was a portion that the Army determined didn't need --

MR. MICHAEL WINNINGHAM: Right, NFA. And then those are those two -- so, we found, you know, some MEC items on the edge there. We stepped out. Completed those.

There are -- there are no more step-outs in those two. So, those are done. They still need to be QC'd and QA'd, but they are done, and we're going no further that direction.

MR. GERALD HARDY: Okay, thank you.

MR. MICHAEL WINNINGHAM: You're welcome.

Brenda, figure two, please.

And this is the area south of Bains Gap, which includes one Charlie and the step-outs of one Charlie, area seven, six, area eight, nine, one Delta, one Echo -- try not to give anybody a test -- ten and eleven. These have all been completed. The proper areas have been completed, QC'd and QA'd.

And then we are in the process of working on these step-outs. There are some here on seven. Area one Charlie, we're working on. Area nine. There's a couple down here on ten that we're wrapping up. And there are some additional step-outs on ten, one Charlie, one Delta.

*** MR. SCOTT SIGLER ***: One Delta nine.

MR. MICHAEL WINNINGHAM: One Delta nine that have to add

additional step-outs to complete also, because we found them within the step-outs. We got to bump it out another two hundred feet from there. So, we're chasing the stuff across the mountain.

MR. GERALD HARDY: But area eight's one that's not going to be complete?

MR. MICHAEL WINNINGHAM: Area eight has been de-scoped. The same with area three.

DR. BARRY COX: So, what does de-scope mean?

MR. MICHAEL WINNINGHAM: It means no further work will be done in there.

DR. BARRY COX: I mean, the reason for it, though, I guess?

MR. MICHAEL WINNINGHAM: Yes, it is --

MR. OWEN NUTTALL: Contractual

reason. The contract is out of money to finish three and eight, so what the -- Zapata had filed a -- what they called an REA, request for equitable adjustment, and the Huntsville Corps has agreed that they are due the equitable adjustment, which is taking all the funds to complete three and eight.

So, to fund what we have to pay them, we had to de-scope areas three and areas eight.

MR. ED KIMBROUGH: So, they won't be done?

MR. OWEN NUTTALL: They will not be done at this time. What I'll have to do is go back to Washington -- a couple of things. We got to go back to Washington and get additional funding, but the Corps and the Army will have to come up with a

new cost to complete for areas three and areas eight. So, at this time, no, they will not be done.

What we hope to happen -- and I was going to talk about this when it was the Army time, but I'll go ahead and bring it up, since we're here.

We will have enough funds to complete every area except three and eight, to include the hundred and ten or seventy -- I don't -- you do the math --

MR. MICHAEL WINNINGHAM:
Seventy-seven --

MR. OWEN NUTTALL:
Seventy-seven step-outs that they keep talking about, we're gonna have enough funds to complete all the areas, including all of the step-outs, except areas three and eight.

So, when we finish up, when Zapata finishes the fieldwork in, you know, July, August, whenever that will be done, all of them areas will be a hundred percent complete.

MR. ED KIMBROUGH: So, no work has been done in three and eight?

MR. OWEN NUTTALL: No, there has been work done in three and eight. But once they got in there -- and you can check in here --

MR. MICHAEL WINNINGHAM: Yeah, I can explain to you a little bit better.

So, area eight, which is this area right here, what we did there is we completed a surface sweep over there. And then -- and then we also found pockets of large saturated areas

full of unexploded munition items.

And then -- so, which are these pink areas that you see here and up here. So, then we also went back in there and we started doing what we called a six inch aggressive clearance, just to remove the first six inches, to try to get it -- if you remember, we talked about it before -- try to clear it out so we could do the digital geophysical mapping. But we rapidly realized it was taking anywhere from --

*** MR. SCOTT SIGLER ***:
Three to four days.

MR. MICHAEL WINNINGHAM: --
three to four days to clear a --

*** MR. SCOTT SIGLER ***:
(Inaudible.)

MR. MICHAEL WINNINGHAM: -- a

hundred by hundred, just to six inches.

So, we -- you know, we got with the Corps and the Army, and then let them know -- if you go back to figure one, please.

Figure one has had more work done in it. We've done the surface sweep. We've done quite a bit of vegetation clearance. We've also done quite a bit of digital geophysical mapping in there. So, we have that data. But we have not processed that data, so -- we processed some, but not all of it.

So, we had an idea, once again, that this was going to be really contaminated also. It's part of the eighty-one impact area, if you remember, up in this area up here, just to the northeast.

So, the same thing, it just wasn't going to be enough money to be able to do area three.

MR. ED KIMBROUGH: So, you know there are UXO there?

MR. MICHAEL WINNINGHAM: Yes. And, if you go to figure three, figure three, as you can see, the (inaudible), that was the old eighty-one impact area. And then there is a bunch over here. And you see there is a bunch of step-outs.

And when we did the surface sweep, you know, we were seeing stuff all the way over here. And this hill up here, they fired from over here onto this hill, so we knew this was going to be --

COURT REPORTER: Repeat that again.

MR. MICHAEL WINNINGHAM: So,

I'll repeat it again.

So, we looked at the eighty-one impact area. And then the area to the southeast, there is a hill down there, with these large amount of step-outs. And that hill proceeds, you know, upward over here.

And then, from the evidence we saw, that it was going to continue to grow up on this hill. So, we stopped there.

And, if you go to figure four, figure four, this is area A.

And then this is the areas where we did the six inch aggressive. And we actually stopped here, because you can see the amount of MEC items. We were pulling in a hundred by hundred grid, just in the first six inches, sometimes as many as --

*** MR. SCOTT SIGLER ***:
Fifty to sixty items.

MR. MICHAEL WINNINGHAM: Fifty to sixty MEC items, just in the first six inches, full-up ones. Not even just debris or nothing, just full-up MEC items.

MR. KENT BOLER: You mean artillery prodos (phonetic).

COURT REPORTER: Okay --

MR. MICHAEL WINNINGHAM: Prodo (phonetic), mortars, you know, the whole thing. But, yeah, just within the first six inches. They were stacked on top of each other.

COURT REPORTER: Who was that down there?

MR. KENT BOLER: Sorry, Kent from Matrix.

COURT REPORTER: Thank you.

MR. ED KIMBROUGH: Were they all exploded?

MR. MICHAEL WINNINGHAM: No. These were full-up, ready-to-go-boom MEC rounds.

Now, we did dispose of those we found, but there are that many -- you know, that's just within the first six inches. Anything we found we disposed.

MR. ED KIMBROUGH: (Inaudible) about the danger factor and, you know, if that property is accessible to people going in there.

MR. KEITH WESTLAKE: It's close to the public.

(Multiple side conversations.)

MR. PHILLIP BURGETT: So, how many years do we have left with this process?

MR. MICHAEL WINNINGHAM: For area three --

MR. PHILLIP BURGETT: The whole thing. How many years do

we have left for the -- for y'all to be totally finished?

MR. MICHAEL WINNINGHAM: Minus area three and eight? Or if we are --

MR. OWEN NUTTALL: Including area three and eight?

MR. PHILLIP BURGETT: For right now, how long is it going to take y'all to be finished, right now?

MR. MICHAEL WINNINGHAM: The piece that we have, which is minus area three and eight -- that are getting de-scoped -- fieldwork should potentially be done right around all the step-outs, if they continue to grow, late August, probably the beginning of September. And then we'll have the reports, which will take us through into 2020.

MR. PHILLIP BURGETT: Oh, okay.

MR. MICHAEL WINNINGHAM: So, that piece -- the pieces that we got, those ten areas will be done basically around September.

MR. PHILLIP BURGETT: So, are we done this year?

MR. OWEN NUTTALL: No, we're not done.

MR. ED TURNER: Good try.

MR. OWEN NUTTALL: That was, that was really good, but it --

MR. ED TURNER: Good try.

MR. ED KIMBROUGH: So, three and eight, what is the time factor on three and eight?

MR. OWEN NUTTALL: That has a lot to do with funding. We did not expect the REA. You know, when we -- before my time, when Scott Bolton and company, and this contract was awarded, it

was supposed to get us to completion, but that didn't happen. Okay.

So, this was dropped on us a few months ago. And the -- it's been a -- it will be awarded.

And so three and eight will be de-scoped. So, that will be back up to Washington. We got to get a cost to complete, IG, the government estimate of what it's gonna cost. Funding has to come down, and a contract has to be put in place. And then we go back to work.

MR. ED KIMBROUGH: Okay. When you contract, when you go back to work, what is the estimate timeline of, when they start to do that, how long will it take to complete that project?

MR. OWEN NUTTALL: I would think to do areas three and

eight would probably be two years. Is that a --

MR. MICHAEL WINNINGHAM: Yeah.

*** MR. SCOTT SIGLER ***:
That's a good guess.

MR. MICHAEL WINNINGHAM: And then most of it is in area eight. That depends -- once again, it would have to be pretty much the same team composition we had here, which we had ten teams working out there, plus an independent -- you know, we had eight DGM teams. We had a separate demo team. So, you're talking roughly, to get it done with that timeframe, about another hundred people on the ground again.

MR. ED KIMBROUGH: So, you'll have to pay that, too?

MR. OWEN NUTTALL: Oh, yeah.

MR. ED KIMBROUGH: Start up and all that?

MR. OWEN NUTTALL: Everything. It's gonna be expensive.

Still waiting. They're trying to find out -- you know, it'll be a while before we know what the government estimate will be. But once we get that --

MR. GERALD HARDY: Because I think, as you mentioned, you still got to go back through the budgeting process to get --

MR. OWEN NUTTALL: Yeah, I --

MR. GERALD HARDY: -- Congress and DOD --

MR. OWEN NUTTALL: Yes. And this --

MR. GERALD HARDY: -- to set this money --

MR. OWEN NUTTALL: This is something that came on that we didn't budget.

Yeah. So, this is another process of going up through Washington and the funds being allocated for Fort McClellan.

MR. ED KIMBROUGH: Well, it was my understanding at one time that the money that was allocated for here, if the military or DOD needed money elsewhere, that they could take that money, and they, you know, could take it out of these funds.

And so, do we have the same -- is there the same option there? Are there other projects that money could be diverted from to complete this job?

MR. OWEN NUTTALL: At this time, I do not know. That would be a BRAC headquarters call.

All I know is what I get from my sites. You know, when we

asked for the forty million or fifty million, they gave it to us right off the bat, you know.

We -- they know this is happening. But we have not -- because we -- we, within the last two weeks, have agreed on a settlement for the REA.

So, this is -- we're just now getting started of paying them out to finish all the areas, except three and eight. That is actually not gonna be de-scoped for another week or two through the contracting office at the Huntsville corps.

We'll have enough money left over after that to pay for all the step-outs. That's another one, two million dollars, to pay for all the step-outs.

That way, at least we will have every area, one through

twelve, complete, totally, except three and eight. And that, to me, is really huge, to get that much done.

Then it's back to the drawing board. Coming up with a cost to complete. What three and eight's gonna cost. Give us a estimate. And then request the funds. And then go through the contracting process. Select a contractor, and get 'em out here.

DR. BARRY COX: Refresh my memory. How did we end up -- go back a long ways with the gray areas? In other words, why are we dig -- why are we in these and not over in -- how do we -- what type of screening was done?

MR. MICHAEL WINNINGHAM: Yeah, if you -- this is Mike

Winningham -- if you remember, AECOM had the remedial investigation feasibility study, which was basically to do transects and grids across the entire parcel.

DR. BARRY COX: Okay.

MR. MICHAEL WINNINGHAM: And then through that data, they came in and they identified areas that were most likely to be impact areas, concentrated-use munition areas. And then they bounded it with the areas, with the understanding that you would work to the edge. If you didn't find anything, you were done. If you found stuff, then you would continue your step-outs.

DR. BARRY COX: Okay. So, the most likely, I guess, is the key word in that, isn't it?

DR. MICHAEL KIMBERLY: We hope.

MR. MICHAEL WINNINGHAM: Well, it's statistically looked at and evaluated to come up with the risk. And then -- so, you'd come up with a no-further action area.

MR. GERALD HARDY: They had a lot of historical data. They went through all the decades and knew where the firing line and their target zones, so that's where they concentrated --

DR. BARRY COX: Right.

MR. GERALD HARDY: -- and started from --

DR. BARRY COX: And we're talking about -- I guess we're going back, back when we were here in the '90s, when they started that, yeah.

MR. ED KIMBROUGH: Before

that, when they were sitting outside the tents firing the mortars, there wasn't any -- any maps or anything to show where they fired mortars.

DR. MICHAEL KIMBERLY: And remember, they found an airplane out there they didn't know about.

MR. PHILLIP BURGETT: I'm going to give it another shot at my question.

DR. MICHAEL KIMBERLY: You want to know when the whole thing will be finished?

MR. PHILLIP BURGETT: That's right. When will the RAB no longer be needed?

MR. OWEN NUTTALL: That, I do not know. That's a good question, but I do not have an answer.

MS. LISA HOLSTEIN: When can

you quit coming to these RAB meetings?

MR. PHILLIP BURGETT: I didn't want to sound like that, but --

DR. MICHAEL KIMBERLY: Ten years.

MR. PHILLIP BURGETT: Ten years?

DR. MICHAEL KIMBERLY: Just an answer.

(Multiple side conversations.)

MR. MICHAEL WINNINGHAM: Any additional questions on the slides or figures?

(Multiple side conversations.)

MR. GERALD HARDY: (Inaudible) -- with the MDA -- the MDA has completed their portion, because it didn't stop magically on that line.

MR. MICHAEL WINNINGHAM: Yes, you are correct. Yes. So, like, if you look over here,

that was cleared. That's why it -- otherwise, they're really good shots.

DR. BARRY COX: Be no step-outs there then?

MR. MICHAEL WINNINGHAM: Correct. That's why there is no step-outs.

MR. JOHN HALL: Anything else for Mr. Winningham?

(Multiple side conversations.)

MR. MICHAEL WINNINGHAM: Well, thank you very much.

MR. JOHN HALL: Thank you, sir.

MR. MICHAEL WINNINGHAM: I'll return the pointer to Brenda.

MR. JOHN HALL: Moving right along. You'll notice that Ms. Brandi Little is absent. She has provided a hard copy in your packet there for ADEM's report.

Might want to look that over at your leisure. And when she's back around, we'll ask questions.

Ms. Karen Pinson, she is excused, as well. And she has no report provided here.

So, Mr. Hardy, MDA.

MR. GERALD HARDY: Yeah, me huh.

MR. JOHN HALL: You're up, good, sir.

MR. GERALD HARDY: I do -- I think, Brenda, you did include mine, I believe, in --

MS. BRENDA CUNNINGHAM: Yes, sir, I did. It's in the packet.

MR. GERALD HARDY: I won't read through this entire four pages, just -- I'll point out a couple of items.

One of the things is, as part of the extension of

Iron Mountain two, going up to Highway 21, we had about four monitoring wells associated with landfill three, which is in the northwest corner. Two of those were in the median of Highway 21 and two of them were in the right-of-way for the road extension. And those four wells we had to submit an abandonment plan, because the highway folks were after us to get 'em removed so they could do the highway work.

The ones in the median of Highway 21 is where the interchange is gonna go, and they'll have to do the turn lanes and all.

So, we properly abandoned those. And got our report in. And we did those around -- finished all that work

in February of this year.

So, there is no environmental issues impeding the roads right now, from our standpoint.

If you -- on page two, the landfill four, the Butler Green Industrial Landfill, we had to renew the MPDS permit this year. Received that in February of '19, also.

The next big soil remediation project, which is the -- we referred to it as the Iron Mountain Road ranges. Some people refer to it as the western ranges or the pistol ranges. But that's from the new bypass and the road in, where the trees have been cleared is point of reference. We have had a corrective measures implementation plan in. And we've received the first set of

comments from ADEM on that, back in March of this year.

We're about ready to turn the response to comments in. If that's acceptable, we truly hope we can be out removing soil, go through the contracting process, and hope to be out there some time this summer, while the weather is dry, digging dirt.

And when we mobilize, everybody will see us out there digging along the main highway.

A couple of final documents. Let's see, on the pistol range we received concurrence on the final report of corrective measures. In November of '18 we received -- let's see -- a concurrence on MRS nine on the final report of corrective measures. So, those are two more documents that I have

received the final concurrence on.

Range twenty-nine, which is east of the existing Iron Mountain Road, we have completed an RFI, that our preliminary results show no further action is necessary. That included portions of one of the tank sites. And we've gotten the figure corrected to show that.

But we're waiting on ADEM to give us comments on that. They've had it since -- and you can see, since May of '18.

That's under review.

We operate at the MDA, our cleanup is similar to a permit -- the cleanup agreement and mod five of the cleanup agreement is currently out on notice.

One addition to the cleanup agreement this time will be table four three, which is a listing of all the sites that have received concurrence on a final report of corrective measures.

So, when we move all sites to that, then we will have completed the work that -- but, as ADEM informs me, for all these ancient landfills, where we still have to make an annual inspection, they're not gonna give a final concurrence, so --

MR. OWEN NUTTALL: That'll go on forever.

MR. GERALD HARDY: And that's something that we'll have to cross with the DOD, under the ESCA, to see how that's finally resolved.

And one other thing. At the

last board meeting, the MDA agreed to convey nine hundred acres to the county, Calhoun County -- if anybody is familiar with the parcels out here, it's primarily in MRS-11, and portions of two, eight and nine -- for them to construct horse trails in there. So, that's nine hundred acres.

And then west of that area, up to basically the soccer fields, they have agreed to construct mountain bike trails on that. And that construction is proceeding now, so they can -- it's the bike group NICA -- it's NICA certified trails, so they can have all these sanctioned events, where they ride the bikes on the mountains.

MS. LISA HOLSTEIN: Who's going to own that?

MR. GERALD HARDY: MDA is going to own it, in that portion, and set up a lease, so --

The -- as I understand it, there were some issue with the Back Country Horseman's Association being willing to sign a lease. So, to resolve that, the county agreed to take ownership of the nine hundred acres for the horse trail.

MS. LISA HOLSTEIN: Oh, okay.

DR. MICHAEL KIMBERLY: Anything done about the fishing ponds last time?

MR. GERALD HARDY: It was excluded from the horse trail property.

DR. MICHAEL KIMBERLY: It was?

MR. GERALD HARDY: Yeah.
Uh-huh.

MR. ED KIMBROUGH: Yahoo.

MR. GERALD HARDY: Yahoo Lake. And they are -- if y'all read any of the articles in the paper, they have agreed to restock -- they had to drain Yahoo Lake about two years ago to repair the overflow pipe and to repair the dam.

That was a manmade lake by the Army way back when for recreation. So, they repaired the dam and raised the elevation back up to near its initial elevation.

And they agreed this spring to stock it with fish. And so it will be opened for --

DR. MICHAEL KIMBERLY: Two types.

MR. GERALD HARDY: Yeah, I mean, they'll have bass and brim.

But when they allow them

sufficient time to mature, then they will open Yahoo Lake to the public for fishing. You'll have to get a little permit.

MR. ED KIMBROUGH: Is that the MDA or is that Anniston?

MR. GERALD HARDY: That's MDA, right now.

MR. ED KIMBROUGH: Okay. So, neither one of the lakes was transferred, were they?

MR. GERALD HARDY: No.

DR. MICHAEL KIMBERLY: No.

MR. ED KIMBROUGH: Because they were supposed to transfer one of them, but that never materialized.

MR. GERALD HARDY:
Originally --

DR. MICHAEL KIMBERLY: Didn't the county get the horse trail?

MR. GERALD HARDY: The county has the horse trail, right.

DR. MICHAEL KIMBERLY: And
see --

MR. GERALD HARDY: And there
was some discussion way back
that the horse trails were gonna
start at Reilly Lake, at the
north part, and try to
transition into Fish & Wildlife
property, but that could not be
accomplished. So, now
we're -- where they are.

That's my report, unless
anybody has any additional
questions.

MR. JOHN HALL: Thank you,
Mr. Hardy.

Mr. Nuttall?

MR. OWEN NUTTALL: Well, what
I was going to talk about, we
kind of already discussed. Was
going to give you an update on
the work that Zapata is doing
and the fact that the -- we have

agreed to the REA, the request for equitable adjustment. And we will be pulling out areas three and eight. And I forget that -- I saw the total acreage, which was two hundred and -- two hundred and fifty acres in area three and two hundred and sixty-two areas -- acres in area eight. So, that will go -- stop work for now.

Like I said, the Army will get a government estimate of what it will cost. I will go to Washington to request the funds, and go back through the whole process to get that recontracted.

I do not have a schedule at this moment of when we will receive funds and get a contract in place.

I'm working with Bob Beacham

and the Corps about when we will -- as soon as we know what it will cost, we will start -- and once I know that we can get the funding secure -- that's the issue that I have, because this was unexpected. We didn't -- we thought we had Fort McClellan funded to completion. So, that's why this is kind of coming at us out of left field, so --

MR. GERALD HARDY: When you get to that stage, will that contract be open, competitive?

MR. OWEN NUTTALL: If you -- it will be whoever can meet the requirements of the -- of a MEC --

***: The PWS, the MMRP.

MR. OWEN NUTTALL: Yeah, the MMRP program, I guess. I mean,

the BRAC office really doesn't have that. The Corps of Engineers are the ones who open it up to whoever can bid.

All we do is we use the Corps of Engineers as our contract mechanism to get contracts in place. We're the customer. We are the ones who fund everything. And the Corps of Engineers is the ones that put everything in place for us.

So, when you say who it's open to, I really don't know that.

MR. GERALD HARDY: But I mean -- I assume it will be released --

MR. OWEN NUTTALL: Yeah.

MR. GERALD HARDY: -- we're requesting the --

MR. OWEN NUTTALL: Yeah. Yeah. Exactly. That's exactly --

MR. GERALD HARDY: The RFP will go out. And anybody that's qualified can submit a proposal?

MR. OWEN NUTTALL: If they're on the list. I think they have to be on a list for qualified, who's met whatever the Army requirements are, or the Corps requirement.

MR. TERRY HAMIL: I'm Terry, Terry Hamil.

MR. OWEN NUTTALL: Hey, Terry.

MR. TERRY HAMIL: What it depends on will be, much like we do some of the smaller sites, we'll look at the size of the work, the type of work that's gonna be done, and then we take it through a process of looking at who can complete the work.

And then, when we get ready to RFP it out on the street, we have to determine whether it

would be in the best interest to go with a small business or whether it would be in the best interest to go with a larger business.

In this case, when it was awarded to Zapata, Zapata was classified as a small business; is that correct?

MR. MICHAEL WINNINGHAM:
Correct.

MR. TERRY HAMIL: So, we'll -- the SS -- the source selection board is who makes that determination. So, when we put together the PWS and everything that -- you know, the performance work statement, all of the pieces of the puzzle that would create a contract action, that action then goes through a vetting process, where the source selection board takes it.

And they'll look at all these different factors.

And then they basically put it out on the street for RFP, request for proposal. The proposals come back. And then they evaluate the proposals, much like they did with Zapata and TetraTech.

Once those proposals are evaluated -- they're evaluated on not only their price, but also their past performance, their technical approach on how they would actually do the clearances.

Then they come out with basically, like, a grade, whether they're acceptable, not acceptable, good, outstanding, excellent. And then there is a vote that happens at the SSRP, the source selection review

board.

Once that selection is made, that selection is then given over to the contracting officer. And the contracting officer, at that point, then selects the company, and then the award is made.

MR. ED KIMBROUGH: Why did you have to pull this out and not leave it in there?

I know I've served on the PM committee, too. And we renegotiated some of the existing funds, and didn't have to start all over.

So, why can't it be left -- this company negotiating to get the money where you wouldn't have to go through all that process?

MR. OWEN NUTTALL: That's a really good question.

MS. LISA HOLSTEIN: We don't have the money.

MR. OWEN NUTTALL: Yeah, we didn't have the twenty-five million dollars.

MR. ED KIMBROUGH: Well, we didn't have the money, either. But we negotiated -- it was left in there. It wasn't closed.

This is -- y'all -- what y'all -- y'all are saying, y'all are going to close this contract --

MR. OWEN NUTTALL: Well --

MR. ED KIMBROUGH: -- and then start all over.

MR. OWEN NUTTALL: Yes.

MR. ED KIMBROUGH: Right?

MR. OWEN NUTTALL: Yeah.

Well, the --

MR. ED KIMBROUGH: So, why can't you negotiate for more money and leave it open where, when you get the money, you

don't have to go -- jump
through --

MR. OWEN NUTTALL: Well, they
would do a stop work. The
contractor was going to do a
stop work on everything. None
of the sites were going to be
completed.

*** MR. BOB BEACHAM ***: In
essence, right, your mob and
de-mob --

MR. OWEN NUTTALL: Yeah.

*** MR. BOB BEACHAM ***: --
would have been -- you're going
to pay for it either way.

MR. OWEN NUTTALL: Yeah. They
were going to stop work.

*** MR. BOB BEACHAM ***:
-- (inaudible) -- all of them
that you (inaudible).

MR. ED KIMBROUGH: Right. And
that's a pretty good amount.

*** MR. BOB BEACHAM ***: Yes,

sir, it certainly is.

MR. OWEN NUTTALL: It is a big amount --

MR. ED KIMBROUGH: And that's what I'm saying --

MR. OWEN NUTTALL: So, what we tried to do --

MR. ED KIMBROUGH: -- that, it seems like every time a committee would run into these things, then it adds additional cost to what we're going to have to do.

*** MR. BOB BEACHAM ***: It would have been even more cost, sir. What would have happened is --

MR. ED KIMBROUGH: To demobilize and to mobilize again?

*** MR. BOB BEACHAM ***: No, what would have happened is is Zapata would have taken us to

court. And then we would have lost in the court, millions and millions --

MR. OWEN NUTTALL: Yeah. We're trying to stop the bleeding.

MR. ED KIMBROUGH: Okay.

*** MR. BOB BEACHAM ***: So, that's why -- what we did was we turned around and we negotiated, like you said --

MR. ED KIMBROUGH: Oh, okay. Well, that's my question.

MR. OWEN NUTTALL: Yeah, that --

MR. ED KIMBROUGH: That explains it.

MR. OWEN NUTTALL: Yeah. That's how -- we came up with enough money to finish all the sites, except three and eight.

MR. ED KIMBROUGH: Okay.

MR. OWEN NUTTALL: So, we did

negotiate. And that's all the money we got left.

MR. ED KIMBROUGH: Yeah. We had to go back and we got money. Never mind.

I've been on this thing ever since it's been in existence. That's why I'm asking.

I've seen from the JPA to the MDA to, you know, to the DOD, to the -- all this other, and I still stay confused on why we do things --

MR. OWEN NUTTALL: Me and you both.

MR. ED KIMBROUGH: -- the way we do them.

***: Been doing it for thirty years, sir. I'm with you on that.

MR. OWEN NUTTALL: Exactly.

MR. ED KIMBROUGH: And spend more money.

***: Yes, sir.

MR. OWEN NUTTALL: Yeah. I am with you a hundred percent:

DR. MICHAEL KIMBERLY: Twenty years.

*** MR. TERRY HAMIL ***: He's answering your question again.

DR. MICHAEL KIMBERLY: Twenty years.

MR. OWEN NUTTALL: Yeah, you'll be here a while.

MR. GERALD HARDY: Speaking of people being here, is Tom Lederle still going to --

MR. OWEN NUTTALL: Tom --

MR. GERALD HARDY: He hasn't announced his retirement?

MR. OWEN NUTTALL: He has not. That is my boss. He has not announced retirement yet. But I wouldn't be surprised if he could go any time.

But, yeah. And I'm -- I don't

know how --

MR. ED KIMBROUGH: Well,
that's who we negotiated with --

MR. OWEN NUTTALL: Yeah.
That's for the ESCA.

MR. ED KIMBROUGH: And he
upped the money --

MR. OWEN NUTTALL: Yeah.

MR. ED KIMBROUGH: -- where we
could do more.

MR. OWEN NUTTALL: Yeah. And
I understand that.

You know, right now the BRAC
office doesn't have that big pot
of money. Okay.

Because, actually -- just to
talk BRAC for a second -- if you
want to talk that -- there is
not another BRAC round on the
schedule. So, pretty much the
BRAC office is kind of going
away.

So, you know, back then, when

BRAC was big, there was lots of money for BRAC. And with the ESCA that was done for the MDA, and when y'all needed more money for -- there was plenty at that time. But right now, the funding for environmental is -- is -- it's there, but it ain't like it used to be.

MR. ED KIMBROUGH: Okay. Let me ask a final question, maybe.

MR. OWEN NUTTALL: Maybe.

MR. ED KIMBROUGH: Do we need to get our local people involved in this, as far as --

MR. OWEN NUTTALL: As far as --

MR. ED KIMBROUGH: -- contacting our senators and our representatives and people like that?

MR. OWEN NUTTALL: I wouldn't think so.

MR. PHILLIP BURGETT: It sounds like, because the government always has enough money, except for fulfilling their promises. You know, they made promises a long time ago, and we're two decades --

MR. OWEN NUTTALL: Well, you can --

MR. PHILLIP BURGETT: -- into this --

MR. OWEN NUTTALL: You can definitely call them. It wouldn't hurt me none.

MR. ED KIMBROUGH: Well, we had a committee at one time that was involved in that.

Mr. -- Colonel Phillips, some of the former military people and some of the former people at the Depot. And they were working with the -- with our senators and the people and Tom

Lederle to get that money.

And that's my question: Have they been informed -- has MDA been informed of this? And do we need to activate that group? And they have some contacts up there.

MR. OWEN NUTTALL: I wouldn't think you would need to do that at this moment. I mean, I don't -- we don't know what the cost is going to be. I haven't gone -- the BRAC office, Tom Lederle is a hundred percent aware of what's going on right here.

MR. ED KIMBROUGH: He supported it.

MR. OWEN NUTTALL: Yeah. Well -- yeah. And he supports this.

I just -- we just haven't come up with a price yet -- this is -- this has all happened

within the last two weeks.

MR. ED KIMBROUGH: Okay.

DR. MICHAEL KIMBERLY: Ed, you are going to --

MR. OWEN NUTTALL: Okay.

DR. MICHAEL KIMBERLY: -- have to educate --

MR. OWEN NUTTALL: That's just where we're at.

DR. MICHAEL KIMBERLY: -- everybody on the MDA again, because this whole bunch is gone.

MR. ED KIMBROUGH: I don't know if I can.

DR. MICHAEL KIMBERLY: It's new heads there now. And they got thinking different way than when the general was out there and when others were there. They had somebody there that understood, but you don't have anybody now. One or two maybe.

MR. ED KIMBROUGH: That's my last question, I promise.

MR. OWEN NUTTALL: No problem. I answer them the best I can. I ain't got nothing to hide.

That's really all I've got for the BRAC --

MR. PHILLIP BURGETT: Let's talk about our venue here. We got people standing up and we got people along the walls and we can't hardly get in here every time. There really needs to be a better venue.

The government's got plenty of money for stuff, you know, like cleanup, but supplying a venue for the volunteers on the RAB, it seems like they cut corners.

MR. ED TURNER: And if they can get a new venue, they may have to cut out on the cookies.

MR. OWEN NUTTALL: Exactly.

You got to pick --

MR. JOHN HALL: There's cookies out there?

MR. OWEN NUTTALL: You didn't get your cookies?

MR. ED TURNER: You missed out, Brother.

MR. OWEN NUTTALL: They're probably gone by now.

MR. PHILLIP BURGETT: The government is so interested in regulation -- and I doubt we're ADA compliant here, because people can't even get in, you know, against the wall.

MR. OWEN NUTTALL: I'll bring that up.

DR. MICHAEL KIMBERLY: We can go to Kimbrough's house.

MR. OWEN NUTTALL: Okay.

MR. ED TURNER: I like that idea.

DR. MICHAEL KIMBERLY: We'll

have it at your house next time.

MS. BRENDA CUNNINGHAM: We lost our big room when they moved us.

MR. JOHN HALL: Does anyone else have any questions or comments for Mr. Nuttall?

Very well. Moving along. We have a bullet point here for new programs and ideas/upcoming programs. Any new ideas?

MR. PHILLIP BURGETT: I won't express my new ideas.

MR. JOHN HALL: Very well.

MS. BRENDA CUNNINGHAM: Before you adjourn, I want to make sure that all the contractors that are in here sign in out there so we know who you are. Thank you.

MR. JOHN HALL: At this time, we'll entertain any other comments. None.

Have a motion for adjournment?

MR. ED TURNER: So moved.

DR. MICHAEL KIMBERLY: So
moved.

MR. JOHN HALL: Second?

MR. JEROME ELSE: Second.

MR. JOHN HALL: All in favor?
Opposed? Motion carries.

(Whereupon, the meeting was
concluded at 5:47 p.m.)

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 as noted and was concluded without adjournment.

IN WITNESS WHEREOF, I have
hereunto set my hand and affixed
my seal at Anniston, Alabama, on
this the 20th day May 2019.

SAMANTHA E. NOBLE (ACCR 232)
Notary Public in and for
Alabama at Large

MY COMMISSION EXPIRES: 11-6-2021.