

**LETTER OF TRANSFER FOR
A PORTION OF THE FORMER FT. MCCLELLAN, ALABAMA
TO THE U.S. DEPARTMENT OF THE INTERIOR**

FROM: The Department of the Army

TO: The U.S. Department of the Interior

For the Department of the Army (Army), I, Joseph W. Whitaker, Deputy Assistant Secretary of the Army (Installations and Housing), do hereby transfer to the Department of the Interior (Interior) administrative jurisdiction of approximately 7,758.68 acres, more or less of the former Fort McClellan, Alabama, specifically described in Exhibit A to this letter of Transfer (hereinafter called the Property), and the interests, rights, leases, easements, and appurtenances, as described and set forth herein and the applicable sections of the Memorandum of Agreement (MOA) between the parties, dated May ___, 2003, attached hereto at Exhibit B to this Letter of Transfer, to be used, to establish the Mountain Longleaf National Wildlife Refuge.

Article 1 – Authority: This transfer of the Property is made in accordance with the authority authorized by Section 2821 of Title XXVIII of Public Law 107-314.

Article 2 – Consideration: In accordance with Public Law 107-314, this transfer of the Property is made without monetary reimbursement.

Article 3 – Possession and Accountability: Full administrative jurisdiction and control for the Property will shift from the Army to Interior as of the date of the acceptance of this Letter of Transfer by Interior.

Article 4 – Other Terms and Conditions of Transfer:

a. The MOA between the parties, which is hereby incorporated by reference, sets out the general terms and conditions of this transfer, which shall be binding on the parties.

b. This transfer is subject to existing easements for public utilities, roads, and pipelines. The transfer is also subject to Easement No. DACA01-2-94-248 for 5.74 acres for communication facility granted to the Calhoun County 911 District for a period of 25 years ending January 31, 2019.

NOW THEREFORE, in consideration of the foregoing, I hereby approve and deliver this Letter of Transfer and cause administrative jurisdiction, custody, and control of the Property described herein to be transferred to the Department of the Interior, effective upon the date of acceptance, as recorded below.

Dated this 12nd day of May, 2003.

DEPARTMENT OF THE ARMY

BY : Joseph W. Whitaker
Joseph W. Whitaker
Deputy Assistant Secretary of the Army
Installations and Housing
OASA(I&E)

Accepted:

The U.S. Fish and Wildlife Service hereby accepts this transfer in accordance with terms provided for herein:

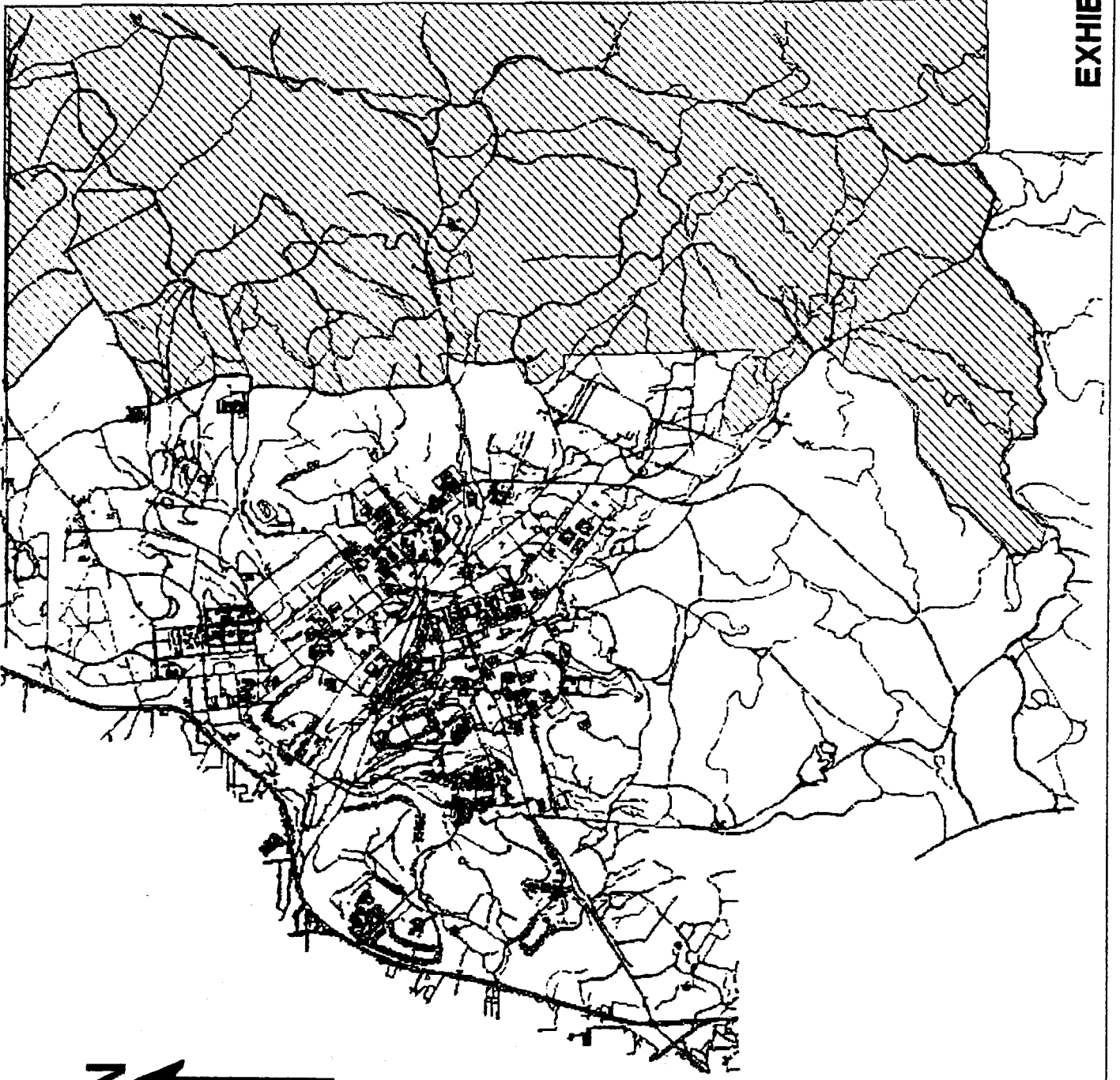
U.S. DEPARTMENT OF THE INTERIOR

Craig Manson
Craig Manson
Assistant Secretary of the Interior
Fish, Wildlife and Parks

29 May 03
DATE

Exhibits:

- A - Property Description
- B - Memorandum of Agreement



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EXHIBIT "A-2"

SPECIAL PURPOSE SURVEY
PROPERTY DESCRIPTION

A tract of land containing 7758.685 acres located in Sections 1,2 and 3 of Township 16 South Range 8 East, and in Sections 1,2,11,12,13,14,23,24,25,26,35 and 36 of Township 15 South Range 8 East, and in Sections 6,7,18,19,30, and 31 of Township 15 south Range 9 East in Calhoun County, Alabama, and being further described as follows:

COMMENCING at the Northeast corner of Section 1, Township 16 South, Range 8 East, said point being marked by a found 3 inch iron pipe with a U.S. General Land Office brass cap stamped as the corner common to Sections 36, 31, 1 and 6 and being dated 1919; thence run South 88 Degrees 44 Minutes 56 Seconds East a distance of 281.78 feet to a set iron rod with an aluminum cap stamped USFW-41-2003 and the POINT OF BEGINNING; thence run North 45 Degrees 12 Minutes 00 Seconds West a distance of 715.35 feet; thence run South 45 Degrees 00 Minutes 00 Seconds West a distance of 2172.80 feet; thence run South 69 Degrees 27 Minutes 00 Seconds West a distance of 1665.30 feet; thence run North 73 Degrees 32 Minutes 00 Seconds West a distance of 1264.20 feet; thence run South 58 Degrees 38 Minutes 00 Seconds West a distance of 584.00 feet; thence run North 25 Degrees 55 Minutes 00 Seconds West a distance of 439.40 feet; thence run South 56 Degrees 58 Minutes 00 Seconds West a distance of 701.10 feet; thence run North 81 Degrees 13 Minutes 00 Seconds West a distance of 687.50 feet; thence run South 76 Degrees 36 Minutes 00 Seconds West a distance of 400.90 feet; thence run North 89 Degrees 21 Minutes 00 Seconds West a distance of 389.00 feet; thence run North 44 Degrees 20 Minutes 00 Seconds West a distance of 275.10 feet; thence run North 89 Degrees 21 Minutes 00 Seconds West a distance of 486.20 feet; thence run North 00 Degrees 39 Minutes 00 Seconds West a distance of 388.90 feet; thence run North 55 Degrees 40 Minutes 00 Seconds West a distance of 1051.70 feet; thence run South 79 Degrees 20 Minutes 00 Seconds West a distance of 495.80 feet; thence run South 60 Degrees 54 Minutes 00 Seconds West a distance of 783.90 feet; thence run South 24 Degrees 36 Minutes 00 Seconds West a distance of 957.60 feet; thence run North 76 Degrees 50 Minutes 00 Seconds West a distance of 896.40 feet; thence run North 19 Degrees 05 Minutes 00 Seconds East a distance of 307.50 feet; thence run North 70 Degrees 55 Minutes 00 Seconds West a distance of 307.40 feet; thence run North 34 Degrees 20 Minutes 00 Seconds East a distance of 350.60 feet; thence run North 62 Degrees 46 Minutes 00 Seconds West a distance of 217.50 feet; thence run North 46 Degrees 39 Minutes 00 Seconds East a distance of 1925.10 feet; thence run North 22 Degrees 27 Minutes 00 Seconds East a distance of 523.60 feet; thence run North 64 Degrees 03 Minutes 00 Seconds East a distance of 231.30 feet; thence run North 66 Degrees 04 Minutes 00 Seconds West a distance of 159.85 feet to a set aluminum monument stamped USFW-1-2003; thence run along the arc of a non-tangential curve to the left for a distance of 137.08 feet, said curve being more particularly described with a radius of 276.73 feet, a chord bearing of North 77 Degrees 18 Minutes 44 Seconds East, and a chord length of 135.68 feet; thence run along the arc of a non-tangential curve to the right for a distance of 169.84 feet, said curve being more particularly described with a radius of 569.17 feet, a chord bearing of North 71 Degrees 02 Minutes 32 Seconds East, and a chord length of 169.21 feet; thence run North 80 Degrees 37 Minutes 54 Seconds East a distance of 141.45 feet; thence run North 63 Degrees 55 Minutes 29 Seconds East a distance of 126.73 feet; thence run along the arc of a non-tangential curve to the left for a distance of 220.91 feet, said curve being more particularly described with a radius of 565.54 feet, a chord bearing of North 51 Degrees 39 Minutes 07 Seconds East, and a chord

length of 219.51 feet to a set aluminum monument stamped USFW-2-2003; thence run North 40 Degrees 38 Minutes 55 Seconds East a distance of 262.65 feet; thence run North 35 Degrees 10 Minutes 47 Seconds East a distance of 136.49 feet; thence run along the arc of a non-tangential curve to the right for a distance of 196.71 feet, said curve being more particularly described with a radius of 301.78 feet, a chord bearing of North 55 Degrees 40 Minutes 55 Seconds East, and a chord length of 193.24 feet; thence run North 71 Degrees 42 Minutes 01 Seconds East a distance of 75.60 feet; thence run North 68 Degrees 00 Minutes 59 Seconds East a distance of 120.54 feet; thence run along the arc of a non-tangential curve to the right for a distance of 137.94 feet, said curve being more particularly described with a radius of 355.98 feet, a chord bearing of North 84 Degrees 45 Minutes 26 Seconds East, and a chord length of 137.08 feet; thence run along the arc of a non-tangential curve to the left for a distance of 106.66 feet, said curve being more particularly described with a radius of 278.69 feet, a chord bearing of North 77 Degrees 56 Minutes 11 Seconds East, and a chord length of 106.01 feet; thence run North 70 Degrees 06 Minutes 42 Seconds East a distance of 30.83 feet to a set aluminum monument stamped USFW-3-2003; thence run along the arc of a non-tangential curve to the right for a distance of 77.66 feet, said curve being more particularly described with a radius of 198.72 feet, a chord bearing of North 81 Degrees 05 Minutes 43 Seconds East, and a chord length of 77.17 feet; thence run South 82 Degrees 16 Minutes 12 Seconds East a distance of 308.34 feet; thence run along the arc of a non-tangential curve to the left for a distance of 211.57 feet, said curve being more particularly described with a radius of 1274.00 feet, a chord bearing of South 86 Degrees 27 Minutes 26 Seconds East, and a chord length of 211.33 feet; thence run North 87 Degrees 32 Minutes 53 Seconds East a distance of 144.47 feet; thence run North 84 Degrees 44 Minutes 45 Seconds East a distance of 232.91 feet to a set aluminum monument stamped USFW-4-2003; thence run along the arc of a non-tangential curve to the left for a distance of 157.33 feet, said curve being more particularly described with a radius of 148.86 feet, a chord bearing of North 59 Degrees 23 Minutes 36 Seconds East, and a chord length of 150.11 feet; thence run along the arc of a non-tangential curve to the right for a distance of 172.37 feet, said curve being more particularly described with a radius of 409.45 feet, a chord bearing of North 48 Degrees 47 Minutes 28 Seconds East, and a chord length of 171.10 feet; thence run North 50 Degrees 27 Minutes 12 Seconds East a distance of 223.01 feet; thence run North 46 Degrees 42 Minutes 36 Seconds East a distance of 188.38 feet; thence run along the arc of a non-tangential curve to the left for a distance of 262.40 feet, said curve being more particularly described with a radius of 1051.64 feet, a chord bearing of North 35 Degrees 50 Minutes 48 Seconds East, and a chord length of 261.72 feet to a set aluminum monument stamped USFW-5-2003; thence run along the arc of a non-tangential curve to the left for a distance of 187.64 feet, said curve being more particularly described with a radius of 642.07 feet, a chord bearing of North 18 Degrees 52 Minutes 39 Seconds East, and a chord length of 186.98 feet; thence run North 13 Degrees 20 Minutes 46 Seconds East a distance of 165.88 feet; thence run along the arc of a non-tangential curve to the left for a distance of 82.60 feet, said curve being more particularly described with a radius of 998.28 feet, a chord bearing of North 15 Degrees 21 Minutes 18 Seconds East, and a chord length of 82.57 feet; thence run along the arc of a non-tangential curve to the right for a distance of 123.64 feet, said curve being more particularly described with a radius of 371.45 feet, a chord bearing of North 20 Degrees 30 Minutes 51 Seconds East, and a chord length of 123.07 feet; thence run North 21 Degrees 36 Minutes 17 Seconds East a distance of 123.58 feet; thence run North 21 Degrees 17 Minutes 32 Seconds East a distance of 213.74 feet to a set aluminum monument stamped USFW-6-2003; thence run along the arc of a non-tangential curve to the left for a distance of 124.09 feet, said curve being more particularly described with a radius of 187.48 feet, a chord

bearing of North 05 Degrees 52 Minutes 47 Seconds East, and a chord length of 121.84 feet; thence run North 09 Degrees 55 Minutes 10 Seconds West a distance of 84.68 feet; thence run along the arc of a non-tangential curve to the right for a distance of 150.74 feet, said curve being more particularly described with a radius of 138.86 feet, a chord bearing of North 18 Degrees 36 Minutes 30 Seconds East, and a chord length of 143.45 feet; thence run North 40 Degrees 05 Minutes 02 Seconds East a distance of 92.75 feet; thence run North 44 Degrees 53 Minutes 16 Seconds East a distance of 78.15 feet; thence run along the arc of a non-tangential curve to the right for a distance of 117.78 feet, said curve being more particularly described with a radius of 92.93 feet, a chord bearing of North 69 Degrees 39 Minutes 21 Seconds East, and a chord length of 110.06 feet; thence run South 70 Degrees 53 Minutes 10 Seconds East a distance of 99.58 feet; thence run South 80 Degrees 43 Minutes 10 Seconds East a distance of 124.38 feet to a set aluminum monument stamped USFW-7-2003; thence run North 05 Degrees 56 Minutes 54 Seconds East a distance of 32.72 feet; thence run along the arc of a non-tangential curve to the right for a distance of 87.20 feet, said curve being more particularly described with a radius of 259.36 feet, a chord bearing of North 17 Degrees 15 Minutes 56 Seconds East, and a chord length of 86.79 feet; thence run along the arc of a non-tangential curve to the left for a distance of 124.04 feet, said curve being more particularly described with a radius of 97.32 feet, a chord bearing of North 13 Degrees 05 Minutes 03 Seconds West, and a chord length of 115.81 feet; thence run North 31 Degrees 25 Minutes 48 Seconds East a distance of 48.79 feet; thence run along the arc of a non-tangential curve to the left for a distance of 89.48 feet, said curve being more particularly described with a radius of 687.61 feet, a chord bearing of North 29 Degrees 08 Minutes 57 Seconds East, and a chord length of 89.41 feet; thence run along the arc of a non-tangential curve to the right for a distance of 114.46 feet, said curve being more particularly described with a radius of 220.46 feet, a chord bearing of North 36 Degrees 22 Minutes 34 Seconds East, and a chord length of 113.17 feet; thence run along the arc of a non-tangential curve to the left for a distance of 56.20 feet, said curve being more particularly described with a radius of 59.09 feet, a chord bearing of North 26 Degrees 35 Minutes 33 Seconds East, and a chord length of 54.11 feet; thence run North 10 Degrees 34 Minutes 34 Seconds East a distance of 135.73 feet; thence run along the arc of a non-tangential curve to the right for a distance of 78.65 feet, said curve being more particularly described with a radius of 134.36 feet, a chord bearing of North 24 Degrees 36 Minutes 26 Seconds East, and a chord length of 77.53 feet to a set aluminum monument stamped USFW-8-2003; thence run along the arc of a non-tangential curve to the left for a distance of 76.84 feet, said curve being more particularly described with a radius of 624.51 feet, a chord bearing of North 31 Degrees 34 Minutes 28 Seconds West, and a chord length of 76.79 feet; thence run along the arc of a non-tangential curve to the right for a distance of 134.13 feet, said curve being more particularly described with a radius of 1204.57 feet, a chord bearing of North 33 Degrees 11 Minutes 17 Seconds West, and a chord length of 134.06 feet; thence run along the arc of a non-tangential curve to the left for a distance of 162.98 feet, said curve being more particularly described with a radius of 207.83 feet, a chord bearing of North 47 Degrees 05 Minutes 10 Seconds West, and a chord length of 158.84 feet; thence run North 66 Degrees 57 Minutes 45 Seconds West a distance of 61.66 feet; thence run along the arc of a non-tangential curve to the right for a distance of 195.71 feet, said curve being more particularly described with a radius of 661.07 feet, a chord bearing of North 59 Degrees 54 Minutes 07 Seconds West, and a chord length of 195.00 feet; thence run North 53 Degrees 15 Minutes 22 Seconds West a distance of 163.70 feet; thence run along the arc of a non-tangential curve to the right for a distance of 232.63 feet, said curve being more particularly described with a radius of 1478.16 feet, a chord bearing of North 46 Degrees 14 Minutes 12 Seconds West, and a chord length of 232.39

feet; thence run North 40 Degrees 51 Minutes 51 Seconds West a distance of 506.41 feet to a set aluminum monument stamped USFW-9-2003; thence run along the arc of a non-tangential curve to the left for a distance of 231.48 feet, said curve being more particularly described with a radius of 320.82 feet, a chord bearing of North 58 Degrees 03 Minutes 46 Seconds West, and a chord length of 226.49 feet; thence run North 74 Degrees 51 Minutes 36 Seconds West a distance of 163.07 feet; thence run along the arc of a non-tangential curve to the left for a distance of 181.99 feet, said curve being more particularly described with a radius of 874.72 feet, a chord bearing of North 81 Degrees 43 Minutes 10 Seconds West, and a chord length of 181.67 feet; thence run North 85 Degrees 55 Minutes 32 Seconds West a distance of 93.73 feet; thence run along the arc of a non-tangential curve to the right for a distance of 284.51 feet, said curve being more particularly described with a radius of 475.90 feet, a chord bearing of North 64 Degrees 53 Minutes 41 Seconds West, and a chord length of 280.29 feet; thence run North 48 Degrees 19 Minutes 24 Seconds West a distance of 117.89 feet to a set aluminum monument stamped USFW-10-2003; thence run along the arc of a non-tangential curve to the right for a distance of 175.45 feet, said curve being more particularly described with a radius of 2390.47 feet, a chord bearing of North 47 Degrees 00 Minutes 06 Seconds West, and a chord length of 175.41 feet; thence run North 45 Degrees 17 Minutes 52 Seconds West a distance of 365.45 feet; thence run along the arc of a non-tangential curve to the left for a distance of 118.84 feet, said curve being more particularly described with a radius of 1278.99 feet, a chord bearing of North 48 Degrees 23 Minutes 34 Seconds West, and a chord length of 118.79 feet; thence run North 47 Degrees 48 Minutes 23 Seconds West a distance of 140.70 feet; thence run along the arc of a non-tangential curve to the left for a distance of 193.56 feet, said curve being more particularly described with a radius of 1423.43 feet, a chord bearing of North 51 Degrees 40 Minutes 22 Seconds West, and a chord length of 193.41 feet; thence run North 56 Degrees 51 Minutes 49 Seconds West a distance of 190.52 feet to a set aluminum monument stamped USFW-11-2003; thence run along the arc of a non-tangential curve to the right for a distance of 136.26 feet, said curve being more particularly described with a radius of 216.22 feet, a chord bearing of North 32 Degrees 54 Minutes 11 Seconds East, and a chord length of 134.01 feet; thence run along the arc of a non-tangential curve to the left for a distance of 120.42 feet, said curve being more particularly described with a radius of 855.95 feet, a chord bearing of North 43 Degrees 44 Minutes 19 Seconds East, and a chord length of 120.32 feet; thence run North 37 Degrees 59 Minutes 47 Seconds East a distance of 63.42 feet; thence run along the arc of a non-tangential curve to the left for a distance of 80.16 feet, said curve being more particularly described with a radius of 139.86 feet, a chord bearing of North 27 Degrees 34 Minutes 35 Seconds East, and a chord length of 79.07 feet; thence run North 13 Degrees 41 Minutes 03 Seconds East a distance of 77.52 feet; thence run North 17 Degrees 54 Minutes 38 Seconds East a distance of 129.46 feet; thence run along the arc of a non-tangential curve to the left for a distance of 115.40 feet, said curve being more particularly described with a radius of 1277.88 feet, a chord bearing of North 14 Degrees 34 Minutes 46 Seconds East, and a chord length of 115.36 feet; thence run North 09 Degrees 28 Minutes 54 Seconds East a distance of 90.12 feet; thence run along the arc of a non-tangential curve to the right for a distance of 114.42 feet, said curve being more particularly described with a radius of 254.60 feet, a chord bearing of North 15 Degrees 35 Minutes 33 Seconds East, and a chord length of 113.46 feet; thence run North 25 Degrees 09 Minutes 21 Seconds East a distance of 125.74 feet to a set aluminum monument stamped USFW-12-2003; thence run South 76 Degrees 58 Minutes 35 Seconds East a distance of 187.70 feet; thence run South 73 Degrees 09 Minutes 33 Seconds East a distance of 57.27 feet; thence run along the arc of a non-tangential curve to the right for a distance of 138.36 feet, said curve being more particularly described with a radius of

191.65 feet, a chord bearing of South 54 Degrees 13 Minutes 24 Seconds East, and a chord length of 135.38 feet; thence run South 38 Degrees 26 Minutes 24 Seconds East a distance of 80.53 feet; thence run along the arc of a non-tangential curve to the left for a distance of 75.00 feet, said curve being more particularly described with a radius of 149.00 feet, a chord bearing of South 48 Degrees 31 Minutes 42 Seconds East, and a chord length of 74.21 feet; thence run South 78 Degrees 46 Minutes 45 Seconds East a distance of 129.54 feet; thence run along the arc of a non-tangential curve to the left for a distance of 82.91 feet, said curve being more particularly described with a radius of 1145.38 feet, a chord bearing of South 80 Degrees 02 Minutes 16 Seconds East, and a chord length of 82.89 feet; thence run along the arc of a non-tangential curve to the right for a distance of 141.66 feet, said curve being more particularly described with a radius of 741.42 feet, a chord bearing of South 80 Degrees 36 Minutes 48 Seconds East, and a chord length of 141.44 feet; thence run along the arc of a non-tangential curve to the left for a distance of 113.49 feet, said curve being more particularly described with a radius of 460.79 feet, a chord bearing of South 80 Degrees 53 Minutes 48 Seconds East, and a chord length of 113.21 feet to a set aluminum monument stamped USFW-13-2003; thence run South 84 Degrees 46 Minutes 50 Seconds East a distance of 101.73 feet; thence run along the arc of a non-tangential curve to the right for a distance of 143.55 feet, said curve being more particularly described with a radius of 884.23 feet, a chord bearing of South 80 Degrees 30 Minutes 20 Seconds East, and a chord length of 143.39 feet; thence run along the arc of a non-tangential curve to the right for a distance of 91.20 feet, said curve being more particularly described with a radius of 275.62 feet, a chord bearing of South 65 Degrees 37 Minutes 27 Seconds East, and a chord length of 90.78 feet; thence run South 64 Degrees 55 Minutes 53 Seconds East a distance of 85.29 feet; thence run along the arc of a non-tangential curve to the left for a distance of 208.34 feet, said curve being more particularly described with a radius of 993.82 feet, a chord bearing of South 71 Degrees 20 Minutes 59 Seconds East, and a chord length of 207.96 feet; thence run along the arc of a non-tangential curve to the right for a distance of 111.08 feet, said curve being more particularly described with a radius of 452.26 feet, a chord bearing of South 73 Degrees 19 Minutes 42 Seconds East, and a chord length of 110.80 feet; thence run South 68 Degrees 11 Minutes 36 Seconds East a distance of 81.73 feet; thence run along the arc of a non-tangential curve to the left for a distance of 94.07 feet, said curve being more particularly described with a radius of 233.54 feet, a chord bearing of South 75 Degrees 45 Minutes 47 Seconds East, and a chord length of 93.43 feet; thence run along the arc of a non-tangential curve to the left for a distance of 119.80 feet, said curve being more particularly described with a radius of 138.29 feet, a chord bearing of North 63 Degrees 31 Minutes 37 Seconds East, and a chord length of 116.09 feet; thence run along the arc of a non-tangential curve to the left for a distance of 181.75 feet, said curve being more particularly described with a radius of 213.67 feet, a chord bearing of North 28 Degrees 55 Minutes 34 Seconds East, and a chord length of 176.32 feet; thence run North 16 Degrees 07 Minutes 50 Seconds East a distance of 176.18 feet to a set aluminum monument stamped USFW-14-2003; thence run along the arc of a non-tangential curve to the right for a distance of 149.97 feet, said curve being more particularly described with a radius of 105.42 feet, a chord bearing of North 51 Degrees 36 Minutes 08 Seconds East, and a chord length of 137.64 feet; thence run South 84 Degrees 48 Minutes 50 Seconds East a distance of 181.21 feet; thence run along the arc of a non-tangential curve to the left for a distance of 115.36 feet, said curve being more particularly described with a radius of 68.71 feet, a chord bearing of North 45 Degrees 13 Minutes 12 Seconds East, and a chord length of 102.28 feet; thence run North 00 Degrees 43 Minutes 15 Seconds East a distance of 141.74 feet; thence run along the arc of a non-tangential curve to the left for a distance of 220.69 feet, said curve being more particularly

described with a radius of 316.72 feet, a chord bearing of North 19 Degrees 49 Minutes 24 Seconds West, and a chord length of 216.25 feet to a set aluminum monument stamped USFW-15-2003; thence run South 79 Degrees 19 Minutes 22 Seconds East a distance of 158.76 feet; thence run along the arc of a non-tangential curve to the left for a distance of 55.63 feet, said curve being more particularly described with a radius of 67.80 feet, a chord bearing of North 56 Degrees 35 Minutes 23 Seconds East, and a chord length of 54.09 feet; thence run North 17 Degrees 03 Minutes 26 Seconds East a distance of 41.55 feet; thence run along the arc of a non-tangential curve to the right for a distance of 106.98 feet, said curve being more particularly described with a radius of 472.51 feet, a chord bearing of North 25 Degrees 05 Minutes 25 Seconds East, and a chord length of 106.75 feet; thence run North 41 Degrees 06 Minutes 29 Seconds East a distance of 100.06 feet; thence run North 51 Degrees 38 Minutes 48 Seconds East a distance of 54.13 feet; thence run along the arc of a non-tangential curve to the right for a distance of 63.87 feet, said curve being more particularly described with a radius of 158.76 feet, a chord bearing of North 59 Degrees 31 Minutes 47 Seconds East, and a chord length of 63.44 feet; thence run North 70 Degrees 57 Minutes 22 Seconds East a distance of 96.14 feet; thence run North 60 Degrees 27 Minutes 29 Seconds East a distance of 63.33 feet to a set aluminum monument stamped USFW-16-2003; thence run North 00 Degrees 09 Minutes 55 Seconds East a distance of 318.82 feet; thence run North 00 Degrees 00 Minutes 33 Seconds East a distance of 249.53 feet; thence run North 00 Degrees 00 Minutes 01 Seconds West a distance of 216.64 feet; thence run North 00 Degrees 03 Minutes 05 Seconds West a distance of 466.78 feet; thence run North 00 Degrees 02 Minutes 35 Seconds West a distance of 394.97 feet; thence run North 00 Degrees 01 Minutes 11 Seconds East a distance of 338.72 feet; thence run North 00 Degrees 04 Minutes 11 Seconds West a distance of 203.76 feet to a set aluminum monument stamped USFW-17-2003; thence run North 70 Degrees 08 Minutes 15 Seconds West a distance of 40.69 feet; thence run along the arc of a non-tangential curve to the right for a distance of 98.27 feet, said curve being more particularly described with a radius of 579.83 feet, a chord bearing of North 58 Degrees 48 Minutes 21 Seconds West, and a chord length of 98.16 feet; thence run North 48 Degrees 25 Minutes 45 Seconds West a distance of 79.04 feet; thence run along the arc of a non-tangential curve to the right for a distance of 99.99 feet, said curve being more particularly described with a radius of 254.31 feet, a chord bearing of North 39 Degrees 49 Minutes 44 Seconds West, and a chord length of 99.34 feet; thence run along the arc of a non-tangential curve to the right for a distance of 96.05 feet, said curve being more particularly described with a radius of 128.30 feet, a chord bearing of North 10 Degrees 03 Minutes 12 Seconds West, and a chord length of 93.83 feet; thence run North 13 Degrees 25 Minutes 59 Seconds East a distance of 48.33 feet; thence run along the arc of a non-tangential curve to the left for a distance of 69.88 feet, said curve being more particularly described with a radius of 1200.39 feet, a chord bearing of North 00 Degrees 17 Minutes 41 Seconds West, and a chord length of 69.87 feet; thence run along the arc of a non-tangential curve to the right for a distance of 94.41 feet, said curve being more particularly described with a radius of 98.23 feet, a chord bearing of North 36 Degrees 55 Minutes 54 Seconds West, and a chord length of 90.82 feet; thence run along the arc of a non-tangential curve to the left for a distance of 77.24 feet, said curve being more particularly described with a radius of 49.66 feet, a chord bearing of North 58 Degrees 20 Minutes 10 Seconds West, and a chord length of 69.68 feet; thence run North 02 Degrees 32 Minutes 40 Seconds West a distance of 26.64 feet; thence run North 38 Degrees 20 Minutes 54 Seconds West a distance of 66.02 feet; thence run along the arc of a non-tangential curve to the left for a distance of 112.64 feet, said curve being more particularly described with a radius of 254.61 feet, a chord bearing of North 47 Degrees 26 Minutes 20 Seconds West, and a chord length of 111.72 feet; thence run North 48 Degrees 49 Minutes 49 Seconds West a

distance of 53.90 feet; thence run along the arc of a non-tangential curve to the right for a distance of 117.00 feet, said curve being more particularly described with a radius of 432.67 feet, a chord bearing of North 44 Degrees 23 Minutes 59 Seconds West, and a chord length of 116.65 feet; thence run along the arc of a non-tangential curve to the left for a distance of 136.50 feet, said curve being more particularly described with a radius of 544.30 feet, a chord bearing of North 44 Degrees 55 Minutes 55 Seconds West, and a chord length of 136.14 feet to a set aluminum monument stamped USFW-18-2003; thence run North 52 Degrees 26 Minutes 03 Seconds West a distance of 193.16 feet; thence run along the arc of a non-tangential curve to the right for a distance of 136.90 feet, said curve being more particularly described with a radius of 466.36 feet, a chord bearing of North 50 Degrees 37 Minutes 26 Seconds West, and a chord length of 136.41 feet; thence run North 36 Degrees 40 Minutes 57 Seconds West a distance of 100.63 feet; thence run along the arc of a non-tangential curve to the right for a distance of 117.37 feet, said curve being more particularly described with a radius of 1002.00 feet, a chord bearing of North 33 Degrees 59 Minutes 37 Seconds West, and a chord length of 117.31 feet; thence run along the arc of a non-tangential curve to the right for a distance of 167.62 feet, said curve being more particularly described with a radius of 1361.86 feet, a chord bearing of North 34 Degrees 15 Minutes 04 Seconds West, and a chord length of 167.52 feet; thence run North 33 Degrees 39 Minutes 31 Seconds West a distance of 58.42 feet; thence run North 36 Degrees 25 Minutes 51 Seconds West a distance of 163.65 feet; thence run North 59 Degrees 31 Minutes 46 Seconds West a distance of 56.20 feet; thence run along the arc of a non-tangential curve to the right for a distance of 185.70 feet, said curve being more particularly described with a radius of 290.37 feet, a chord bearing of North 45 Degrees 55 Minutes 55 Seconds West, and a chord length of 182.55 feet; thence run North 28 Degrees 40 Minutes 04 Seconds West a distance of 99.39 feet; thence run along the arc of a non-tangential curve to the left for a distance of 124.85 feet, said curve being more particularly described with a radius of 349.14 feet, a chord bearing of North 35 Degrees 42 Minutes 24 Seconds West, and a chord length of 124.19 feet; thence run North 47 Degrees 42 Minutes 48 Seconds West a distance of 37.90 feet to a set aluminum monument stamped USFW-19-2003; thence run North 45 Degrees 45 Minutes 38 Seconds East a distance of 113.43 feet; thence run North 41 Degrees 21 Minutes 19 Seconds East a distance of 52.31 feet; thence run North 38 Degrees 09 Minutes 33 Seconds East a distance of 54.80 feet; thence run North 36 Degrees 32 Minutes 02 Seconds East a distance of 88.55 feet; thence run North 38 Degrees 25 Minutes 40 Seconds East a distance of 69.31 feet; thence run along the arc of a non-tangential curve to the right for a distance of 382.50 feet, said curve being more particularly described with a radius of 461.02 feet, a chord bearing of North 63 Degrees 13 Minutes 19 Seconds East, and a chord length of 371.62 feet; thence run North 83 Degrees 14 Minutes 21 Seconds East a distance of 103.71 feet; thence run along the arc of a non-tangential curve to the left for a distance of 148.85 feet, said curve being more particularly described with a radius of 529.24 feet, a chord bearing of North 75 Degrees 37 Minutes 13 Seconds East, and a chord length of 148.36 feet to a set aluminum monument stamped USFW-20-2003; thence run along the arc of a non-tangential curve to the left for a distance of 127.24 feet, said curve being more particularly described with a radius of 282.93 feet, a chord bearing of North 55 Degrees 47 Minutes 55 Seconds East, and a chord length of 126.17 feet; thence run along the arc of a non-tangential curve to the left for a distance of 254.27 feet, said curve being more particularly described with a radius of 254.47 feet, a chord bearing of North 13 Degrees 17 Minutes 29 Seconds East, and a chord length of 243.82 feet; thence run North 13 Degrees 41 Minutes 36 Seconds West a distance of 54.08 feet; thence run North 15 Degrees 23 Minutes 58 Seconds West a distance of 76.81 feet; thence run North 13 Degrees 53 Minutes 07 Seconds West a distance of 55.06 feet; thence run North 11 Degrees 55 Minutes 30 Seconds

West a distance of 64.19 feet; thence run North 10 Degrees 24 Minutes 03 Seconds West a distance of 126.08 feet; thence run along the arc of a non-tangential curve to the right for a distance of 329.28 feet, said curve being more particularly described with a radius of 885.34 feet, a chord bearing of North 00 Degrees 39 Minutes 24 Seconds West, and a chord length of 327.38 feet to a set aluminum monument stamped USFW-21-2003; thence run North 10 Degrees 21 Minutes 01 Seconds East a distance of 70.17 feet; thence run North 08 Degrees 47 Minutes 21 Seconds East a distance of 42.07 feet; thence run North 04 Degrees 45 Minutes 41 Seconds East a distance of 52.10 feet; thence run North 02 Degrees 37 Minutes 48 Seconds East a distance of 123.03 feet; thence run North 03 Degrees 25 Minutes 03 Seconds East a distance of 177.42 feet; thence run North 04 Degrees 33 Minutes 39 Seconds East a distance of 121.26 feet; thence run North 06 Degrees 01 Minutes 30 Seconds East a distance of 135.45 feet; thence run North 07 Degrees 57 Minutes 10 Seconds East a distance of 92.30 feet; thence run along the arc of a non-tangential curve to the right for a distance of 170.51 feet, said curve being more particularly described with a radius of 397.17 feet, a chord bearing of North 20 Degrees 13 Minutes 50 Seconds East, and a chord length of 169.21 feet to a set aluminum monument stamped USFW-22-2003; thence run along the arc of a non-tangential curve to the right for a distance of 162.77 feet, said curve being more particularly described with a radius of 662.92 feet, a chord bearing of North 42 Degrees 00 Minutes 18 Seconds East, and a chord length of 162.36 feet; thence run North 52 Degrees 47 Minutes 28 Seconds East a distance of 50.34 feet; thence run North 89 Degrees 26 Minutes 01 Seconds West a distance of 107.66 feet; thence run North 89 Degrees 45 Minutes 35 Seconds West a distance of 366.94 feet; thence run along the arc of a non-tangential curve to the left for a distance of 232.33 feet, said curve being more particularly described with a radius of 576.52 feet, a chord bearing of South 79 Degrees 41 Minutes 10 Seconds West, and a chord length of 230.76 feet to a set aluminum monument stamped USFW-23-2003; thence run North 19 Degrees 26 Minutes 37 Seconds West a distance of 113.69 feet; thence run North 24 Degrees 28 Minutes 34 Seconds West a distance of 43.89 feet; thence run North 29 Degrees 53 Minutes 43 Seconds West a distance of 55.11 feet; thence run North 31 Degrees 08 Minutes 18 Seconds West a distance of 96.81 feet; thence run along the arc of a non-tangential curve to the right for a distance of 104.51 feet, said curve being more particularly described with a radius of 560.13 feet, a chord bearing of North 24 Degrees 08 Minutes 57 Seconds West, and a chord length of 104.36 feet; thence run along the arc of a non-tangential curve to the right for a distance of 129.92 feet, said curve being more particularly described with a radius of 396.64 feet, a chord bearing of North 13 Degrees 49 Minutes 11 Seconds West, and a chord length of 129.34 feet; thence run North 01 Degrees 31 Minutes 39 Seconds West a distance of 60.18 feet; thence run North 00 Degrees 18 Minutes 16 Seconds East a distance of 312.92 feet to a set aluminum monument stamped USFW-24-2003; thence run North 00 Degrees 03 Minutes 26 Seconds West a distance of 257.92 feet; thence run North 00 Degrees 03 Minutes 27 Seconds East a distance of 74.66 feet; thence run North 00 Degrees 43 Minutes 46 Seconds West a distance of 64.10 feet; thence run along the arc of a non-tangential curve to the left for a distance of 132.47 feet, said curve being more particularly described with a radius of 387.35 feet, a chord bearing of North 07 Degrees 55 Minutes 08 Seconds West, and a chord length of 131.82 feet; thence run North 06 Degrees 04 Minutes 51 Seconds West a distance of 142.68 feet; thence run North 10 Degrees 37 Minutes 54 Seconds West a distance of 93.91 feet; thence run North 12 Degrees 46 Minutes 44 Seconds West a distance of 112.27 feet; thence run along the arc of a non-tangential curve to the right for a distance of 111.89 feet, said curve being more particularly described with a radius of 285.61 feet, a chord bearing of North 02 Degrees 23 Minutes 16 Seconds East, and a chord length of 111.17 feet to a set aluminum monument stamped USFW-25-2003; thence run North 11 Degrees 35 Minutes 31 Seconds East a distance of 77.95 feet; thence run North 05

Degrees 24 Minutes 23 Seconds East a distance of 34.27 feet; thence run North 00 Degrees 13 Minutes 03 Seconds East a distance of 159.03 feet; thence run North 01 Degrees 49 Minutes 57 Seconds East a distance of 146.99 feet; thence run North 05 Degrees 31 Minutes 22 Seconds East a distance of 152.40 feet; thence run along the arc of a non-tangential curve to the left for a distance of 84.50 feet, said curve being more particularly described with a radius of 127.86 feet, a chord bearing of North 11 Degrees 25 Minutes 35 Seconds West, and a chord length of 82.97 feet; thence run North 27 Degrees 30 Minutes 51 Seconds West a distance of 94.89 feet; thence run North 22 Degrees 21 Minutes 47 Seconds West a distance of 135.20 feet; thence run North 18 Degrees 28 Minutes 30 Seconds West a distance of 106.41 feet; thence run North 11 Degrees 15 Minutes 40 Seconds West a distance of 153.76 feet to a set aluminum monument stamped USFW-26-2003; thence run North 08 Degrees 34 Minutes 25 Seconds West a distance of 157.60 feet; thence run North 01 Degrees 52 Minutes 06 Seconds West a distance of 60.49 feet; thence run North 02 Degrees 51 Minutes 49 Seconds East a distance of 316.74 feet; thence run along the arc of a non-tangential curve to the right for a distance of 189.25 feet, said curve being more particularly described with a radius of 475.48 feet, a chord bearing of North 13 Degrees 39 Minutes 04 Seconds East, and a chord length of 188.01 feet; thence run North 32 Degrees 21 Minutes 12 Seconds East a distance of 52.14 feet; thence run North 41 Degrees 06 Minutes 05 Seconds East a distance of 90.51 feet; thence run along the arc of a non-tangential curve to the left for a distance of 99.69 feet, said curve being more particularly described with a radius of 153.18 feet, a chord bearing of North 27 Degrees 32 Minutes 38 Seconds East, and a chord length of 97.94 feet to a set aluminum monument stamped USFW-27-2003; thence run North 09 Degrees 19 Minutes 19 Seconds East a distance of 72.94 feet; thence run along the arc of a non-tangential curve to the left for a distance of 116.04 feet, said curve being more particularly described with a radius of 258.62 feet, a chord bearing of North 01 Degrees 05 Minutes 15 Seconds West, and a chord length of 115.07 feet; thence run North 18 Degrees 08 Minutes 03 Seconds West a distance of 71.54 feet; thence run along the arc of a non-tangential curve to the right for a distance of 126.52 feet, said curve being more particularly described with a radius of 321.38 feet, a chord bearing of North 06 Degrees 16 Minutes 54 Seconds West, and a chord length of 125.70 feet; thence run North 07 Degrees 44 Minutes 46 Seconds East a distance of 122.69 feet; thence run North 11 Degrees 57 Minutes 48 Seconds East a distance of 118.97 feet; thence run North 11 Degrees 36 Minutes 46 Seconds East a distance of 117.45 feet; thence run North 08 Degrees 27 Minutes 12 Seconds East a distance of 133.52 feet to a set aluminum monument stamped USFW-28-2003; thence run North 07 Degrees 23 Minutes 00 Seconds East a distance of 91.54 feet; thence run North 04 Degrees 56 Minutes 06 Seconds East a distance of 181.70 feet; thence run North 04 Degrees 13 Minutes 24 Seconds East a distance of 97.08 feet; thence run North 00 Degrees 38 Minutes 14 Seconds West a distance of 223.69 feet; thence run along the arc of a non-tangential curve to the left for a distance of 164.00 feet, said curve being more particularly described with a radius of 331.59 feet, a chord bearing of North 14 Degrees 45 Minutes 07 Seconds West, and a chord length of 162.33 feet; thence run North 34 Degrees 57 Minutes 24 Seconds West a distance of 69.46 feet; thence run North 45 Degrees 23 Minutes 01 Seconds West a distance of 25.12 feet; thence run North 45 Degrees 27 Minutes 16 Seconds West a distance of 44.72 feet to a set aluminum monument stamped USFW-29-2003; thence run North 05 Degrees 57 Minutes 26 Seconds West a distance of 93.40 feet to a set aluminum monument stamped USFW-30-2003, said point being set on line between two found iron rods representing a portion of that certain survey performed by Mr. B. G. Bailey dated November 17, 2000 and designated as JOB NUMBER: 00-598A; thence run North 84 Degrees 02 Minutes 03 Seconds East (North 84 Degrees 03 Minutes 53 Seconds East per B. G. Bailey Survey), along said line, a distance of 427.68 feet to a found iron rod; thence run North 03 Degrees 43 Minutes 28 Seconds West, along said survey, a distance

of 896.83 feet (North 03 Degrees 40 Minutes 14 Second West a distance of 896.79 feet per B. G. Bailey Survey) to a found iron rod; thence run North 86 Degrees 16 Minutes 32 Seconds East a distance of 8.39 feet to a set aluminum monument stamped USFW-31-2003; thence run North 24 Degrees 28 Minutes 56 Seconds West a distance of 209.16 feet; thence run North 26 Degrees 18 Minutes 13 Seconds West a distance of 200.88 feet; thence run North 26 Degrees 37 Minutes 24 Seconds West a distance of 165.85 feet; thence run North 24 Degrees 04 Minutes 37 Seconds West a distance of 69.25 feet; thence run along the arc of a non-tangential curve to the right for a distance of 153.71 feet, said curve being more particularly described with a radius of 588.89 feet, a chord bearing of North 16 Degrees 06 Minutes 45 Seconds West, and a chord length of 153.28 feet; thence run North 13 Degrees 27 Minutes 43 Seconds West a distance of 173.54 feet to a set aluminum monument stamped USFW-32-2003; thence run along the arc of a non-tangential curve to the left for a distance of 167.39 feet, said curve being more particularly described with a radius of 989.49 feet, a chord bearing of North 20 Degrees 09 Minutes 13 Seconds West, and a chord length of 167.19 feet; thence run North 24 Degrees 21 Minutes 12 Seconds West a distance of 79.16 feet; thence run North 26 Degrees 48 Minutes 30 Seconds West a distance of 197.55 feet; thence run North 28 Degrees 36 Minutes 10 Seconds West a distance of 44.87 feet; thence run North 25 Degrees 11 Minutes 38 Seconds West a distance of 75.98 feet; thence run North 26 Degrees 57 Minutes 18 Seconds West a distance of 222.03 feet; thence run North 21 Degrees 30 Minutes 44 Seconds West a distance of 40.07 feet; thence run North 26 Degrees 17 Minutes 52 Seconds West a distance of 54.93 feet; thence run North 22 Degrees 07 Minutes 17 Seconds West a distance of 36.83 feet; thence run North 18 Degrees 13 Minutes 33 Seconds West a distance of 37.32 feet; thence run along the arc of a non-tangential curve to the right for a distance of 113.50 feet, said curve being more particularly described with a radius of 614.62 feet, a chord bearing of North 11 Degrees 02 Minutes 13 Seconds West, and a chord length of 113.34 feet to a set aluminum monument stamped USFW-33-2003; thence run North 80 Degrees 31 Minutes 52 Seconds East a distance of 210.39 feet; thence run along the arc of a non-tangential curve to the right for a distance of 96.45 feet, said curve being more particularly described with a radius of 2739.80 feet, a chord bearing of North 79 Degrees 09 Minutes 10 Seconds East, and a chord length of 96.44 feet; thence run along the arc of a non-tangential curve to the left for a distance of 273.86 feet, said curve being more particularly described with a radius of 2989.77 feet, a chord bearing of North 76 Degrees 13 Minutes 10 Seconds East, and a chord length of 273.77 feet; thence run along the arc of a non-tangential curve to the left for a distance of 193.48 feet, said curve being more particularly described with a radius of 2320.13 feet, a chord bearing of North 70 Degrees 39 Minutes 40 Seconds East, and a chord length of 193.42 feet; thence run along the arc of a non-tangential curve to the left for a distance of 296.02 feet, said curve being more particularly described with a radius of 5180.89 feet, a chord bearing of North 67 Degrees 17 Minutes 28 Seconds East, and a chord length of 295.98 feet to a set aluminum monument stamped USFW-34-2003; thence run North 64 Degrees 02 Minutes 01 Seconds East a distance of 88.70 feet; thence run North 62 Degrees 32 Minutes 20 Seconds East a distance of 96.35 feet; thence run along the arc of a non-tangential curve to the left for a distance of 170.78 feet, said curve being more particularly described with a radius of 1713.75 feet, a chord bearing of North 59 Degrees 54 Minutes 24 Seconds East, and a chord length of 170.71 feet; thence run North 54 Degrees 20 Minutes 04 Seconds East a distance of 78.10 feet; thence run North 50 Degrees 32 Minutes 24 Seconds East a distance of 54.40 feet; thence run North 48 Degrees 01 Minutes 50 Seconds East a distance of 57.75 feet; thence run along the arc of a non-tangential curve to the right for a distance of 192.70 feet, said curve being more particularly described with a radius of 608.76 feet, a chord bearing of North 48 Degrees 51 Minutes 51 Seconds East, and a chord length of 191.90 feet; thence run North 55 Degrees 02 Minutes 30 Seconds

East a distance of 105.98 feet to a set aluminum monument stamped USFW-35-2003; thence run along the arc of a non-tangential curve to the right for a distance of 235.14 feet, said curve being more particularly described with a radius of 1076.64 feet, a chord bearing of North 63 Degrees 22 Minutes 26 Seconds East, and a chord length of 234.68 feet; thence run along the arc of a non-tangential curve to the right for a distance of 171.45 feet, said curve being more particularly described with a radius of 546.64 feet, a chord bearing of North 76 Degrees 57 Minutes 44 Seconds East, and a chord length of 170.75 feet; thence run along the arc of a non-tangential curve to the left for a distance of 115.98 feet, said curve being more particularly described with a radius of 492.05 feet, a chord bearing of North 76 Degrees 04 Minutes 33 Seconds East, and a chord length of 115.71 feet; thence run along the arc of a non-tangential curve to the left for a distance of 143.24 feet, said curve being more particularly described with a radius of 710.22 feet, a chord bearing of North 60 Degrees 27 Minutes 02 Seconds East, and a chord length of 143.00 feet; thence run North 60 Degrees 09 Minutes 41 Seconds East a distance of 181.47 feet; thence run along the arc of a non-tangential curve to the left for a distance of 123.66 feet, said curve being more particularly described with a radius of 443.22 feet, a chord bearing of North 50 Degrees 35 Minutes 56 Seconds East, and a chord length of 123.26 feet to a set aluminum monument stamped USFW-36-2003; thence run North 46 Degrees 01 Minutes 47 Seconds East a distance of 79.74 feet; thence run North 49 Degrees 02 Minutes 51 Seconds East a distance of 108.76 feet; thence run along the arc of a non-tangential curve to the right for a distance of 203.17 feet, said curve being more particularly described with a radius of 4131.85 feet, a chord bearing of North 51 Degrees 48 Minutes 07 Seconds East, and a chord length of 203.15 feet; thence run along the arc of a non-tangential curve to the right for a distance of 114.24 feet, said curve being more particularly described with a radius of 1641.21 feet, a chord bearing of North 55 Degrees 28 Minutes 16 Seconds East, and a chord length of 114.22 feet; thence run North 58 Degrees 58 Minutes 26 Seconds East a distance of 55.49 feet; thence run North 45 Degrees 20 Minutes 06 Seconds West a distance of 218.33 feet; thence run North 47 Degrees 23 Minutes 37 Seconds West a distance of 68.84 feet; thence run North 42 Degrees 37 Minutes 58 Seconds West a distance of 67.53 feet; thence run North 41 Degrees 25 Minutes 54 Seconds West a distance of 78.10 feet; thence run North 44 Degrees 01 Minutes 17 Seconds West a distance of 129.79 feet; thence run North 42 Degrees 21 Minutes 46 Seconds West a distance of 90.78 feet to a set aluminum monument stamped USFW-37-2003; thence run along the arc of a non-tangential curve to the left for a distance of 138.51 feet, said curve being more particularly described with a radius of 755.49 feet, a chord bearing of North 37 Degrees 23 Minutes 04 Seconds West, and a chord length of 138.32 feet; thence run along the arc of a non-tangential curve to the left for a distance of 167.28 feet, said curve being more particularly described with a radius of 804.28 feet, a chord bearing of North 49 Degrees 47 Minutes 39 Seconds West, and a chord length of 166.98 feet; thence run along the arc of a non-tangential curve to the right for a distance of 165.39 feet, said curve being more particularly described with a radius of 1412.02 feet, a chord bearing of North 45 Degrees 55 Minutes 49 Seconds West, and a chord length of 165.30 feet; thence run along the arc of a non-tangential curve to the right for a distance of 111.81 feet, said curve being more particularly described with a radius of 1202.92 feet, a chord bearing of North 39 Degrees 51 Minutes 48 Seconds West, and a chord length of 111.77 feet; thence run North 36 Degrees 46 Minutes 33 Seconds West a distance of 135.19 feet; thence run along the arc of a non-tangential curve to the left for a distance of 74.04 feet, said curve being more particularly described with a radius of 215.29 feet, a chord bearing of North 48 Degrees 47 Minutes 12 Seconds West, and a chord length of 73.67 feet; thence run North 61 Degrees 34 Minutes 18 Seconds West a distance of 172.94 feet to a set aluminum monument stamped USFW-38-2003; thence run North 58 Degrees 00 Minutes 31 Seconds West a

distance of 55.86 feet; thence run North 47 Degrees 50 Minutes 34 Seconds West a distance of 394.17 feet; thence run North 48 Degrees 42 Minutes 27 Seconds West a distance of 132.21 feet; thence run North 47 Degrees 15 Minutes 57 Seconds West a distance of 241.86 feet; thence run North 48 Degrees 56 Minutes 41 Seconds West a distance of 146.19 feet to a set aluminum monument stamped USFW-39-2003; thence run North 47 Degrees 05 Minutes 54 Seconds West a distance of 110.38 feet; thence run North 43 Degrees 39 Minutes 27 Seconds West a distance of 219.95 feet; thence run North 47 Degrees 56 Minutes 17 Seconds West a distance of 131.97 feet; thence run North 52 Degrees 04 Minutes 49 Seconds West a distance of 132.87 feet; thence run North 47 Degrees 46 Minutes 41 Seconds West a distance of 82.93 feet; thence run along the arc of a non-tangential curve to the right for a distance of 329.12 feet, said curve being more particularly described with a radius of 933.58 feet, a chord bearing of North 31 Degrees 44 Minutes 29 Seconds West, and a chord length of 327.42 feet to a set aluminum monument stamped USFW-40-2003 said monument being on the North line of the South half of the Southeast Quarter of Section 2, Township 15 South Range 8 East; thence run South 89 degrees 35 minutes 06 seconds East, for a distance of 1352.73 feet along said North line of South half OF Southeast Quarter to a found concrete monument with brass cap and no stamping; thence run South 88 degrees 58 minutes 12 seconds East, for a distance of 2650.45 feet along the North line of the South half of the Southwest Quarter of Section 1, township 15 South Range 8 East to a found three-quarter inch ($\frac{3}{4}$ ") pinched pipe; thence run South 88 degrees 55 minutes 37 seconds East, for a distance of 2649.18 feet along the North line of the South half of the Southeast Quarter of said Section 1 to the Northeast corner thereof and a found 1" pipe with brass cap stamped U.S. General Land Office S-1/16 S1\S6 1919; thence run South 89 degrees 33 minutes 49 seconds East, for a distance of 5242.77 feet along the North line of the South half of the South half of Section 6, Township 15 south Range 9 East to a found 1" pipe with brass cap stamped U.S. General Land Office S-1/16 S5\S6 marking the south sixteenth corner between Section 6 and Section 5; thence run South 00 degrees 04 minutes 51 seconds East, for a distance of 1315.87 feet along the Section line between Section 6 and Section 5 to the Southeast corner of said Section 6 and a found 2" pipe with a U.S. General Land Office brass cap stamped as the corner common to Sections 5,6,7 and 8 and dated 1919; thence run South 00 degrees 00 minutes 10 seconds West, for a distance of 2661.37 feet along the Section line common to Section 7 and Section 8 to a found 1" pipe with a U.S. General Land Office brass cap stamped S7\S8 1919; thence run South 00 degrees 01 minutes 44 seconds West, for a distance of 2656.02 feet along said Section line to the Southeast corner of Section 7 and a found 2" pipe with a U.S General Land Office brass cap stamped as the corner common to Section 7,8,17 and 18 dated 1919; thence run South 00 degrees 03 minutes 56 seconds East, for a distance of 2649.86 feet along the Section line common to Section 17 and 18 to a found 1" pipe with a U.S. General Land Office brass cap stamped S17\S18 1919; thence run South 00 degrees 10 minutes 14 seconds East, for a distance of 2657.63 feet to the Southeast corner of said Section 18 and a found 2" pipe with a U.S. General Land Office brass cap stamped as the corner common to Sections 17,18,19 and 20 dated 1919; thence run South 00 degrees 18 minutes 56 seconds East, for a distance of 2651.47 feet along the Section line common to Section 19 and 20 to a found 1" pipe with a U.S. General Land Office brass cap stamped S19\S20 1919; thence run South 00 degrees 19 minutes 00 seconds East, for a distance of 2651.15 feet to the Southeast corner of said Section 19 and a found 2" pipe with a U.S. General Land Office brass cap stamped as the corner common to Sections 19,20,29 and 30 dated 1919; thence run South 00 degrees 30 minutes 33 seconds West, for a distance of 2631.70 feet along the Section line common to Section 30 and 29 to a found 1" pipe with a U.S. General Land Office brass cap stamped S30\S29 1919; thence run South 00 degrees 29 minutes 56 seconds West, for a distance of 2634.41 feet along said Section line to the Southeast corner of

Section 30 and a found 2" pipe with a U.S. General Land Office brass cap stamped as the corner common to Sections 29,30,31 and 32 dated 1919; thence run South 00 degrees 34 minutes 03 seconds West, for a distance of 2623.57 feet along the Section line common to Section 31 and 32 to a found 1" pipe with a U.S. General Land Office brass cap stamped S31\S32 1919; thence run South 00 degrees 36 minutes 55 seconds West, 2620.06 feet along said Section line to the Southeast corner of said Section 31 and a found concrete monument with a U.S. General Land Office brass cap stamped as the corner common to Sections 31 and 32 in Township 15 South Range 9 East and Sections 5 and 6 in Township 16 South Range 9 East; thence run North 88 degrees 37 minutes 20 seconds West, for a distance of 2636.35 feet along the Section line common to Section 31, Township 15 South Range 9 East and Section 6, Township 16 South Range 9 East to a found 1" pipe with a U.S. General Land Office brass cap stamped S31\S6 1919; thence run North 88 degrees 44 minutes 56 seconds West, for a distance of 2352.73 feet along said Section line to the POINT OF BEGINNING.

MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES DEPARTMENT OF THE ARMY
AND
THE UNITED STATES DEPARTMENT OF THE INTERIOR
CONCERNING THE TRANSFER OF
DEPARTMENT OF ARMY PROPERTIES AT FORT MCCLELLAN, ALABAMA
TO
THE DEPARTMENT OF THE INTERIOR

1. PURPOSE

This Memorandum of Agreement ("MOA"), between the United States Department of the Army ("Army") and the United States Department of the Interior ("Interior") sets forth the terms and conditions for the transfer to Interior, pursuant to Section 2821 of Title XXVIII of Public Law 107-314, ("the Act"), of approximately 7,758.68 acres of Fort McClellan, Anniston, Alabama, currently held by the Department of Army. A map and a legal description of the property to be transferred are attached as Exhibit A-1 and Exhibit A-2. The transfer shall include personal property identified at Exhibit C.

2. BACKGROUND

WHEREAS, Army is required by the Bob Stump National Defense Authorization Act for Fiscal Year 2003, P. L. No. 107-314 to transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior, Army properties at Fort McClellan, Alabama, consisting of approximately 7,758.68 acres that are designated as the "Acquisition Area" in the 2000 Memorandum of Understanding numbered 1448-40181-00-K-014, between the Secretary of the Army and Secretary of the Interior; and

WHEREAS, Congress directed that the lands transferred to Interior shall be administered as the Mountain Longleaf National Wildlife Refuge ("Refuge") under the National Wildlife Refuge System Administration Act of 1966, as amended, for the purposes of enhancing, managing, and protecting the unique mountain longleaf ecosystem on the Transferred Property; and

WHEREAS, the Secretary of the Interior shall manage the Mountain Longleaf National Wildlife Refuge in a manner that conserves and enhances populations of fish, wildlife, and plants on the Refuge, including migratory birds and species that are threatened and endangered, with particular emphasis on the protection of the mountain longleaf pine ecosystem; protects and enhances the quality of aquatic habitats on the Refuge; provides, in coordination with the Alabama Department of Conservation and Natural Resources, the public with recreational opportunities, including hunting, fishing, wildlife observation, and photography; provides opportunities for scientific research and education on land use and environmental law; and is consistent with

environmental restoration efforts conducted by the Secretary of the Army on the Refuge or on lands adjacent to the Refuge; and

WHEREAS, the Secretary of the Army shall continue to be responsible for unexploded ordnance, discarded military munitions, and munitions constituents on the Transferred Property and shall continue to follow a remediation process consistent with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et. seq.); and

WHEREAS, Army shall appropriately factor the management directives for the Mountain Longleaf National Wildlife Refuge, as described in the Act, into the remedy selection process for the Transferred Property; and

WHEREAS, Army and Interior have agreed to enter into a Local Memorandum of Agreement regarding the daily operations and coordination of Army and Interior activities within the Mountain Longleaf National Wildlife Refuge; and

WHEREAS, Army has prepared an Environmental Condition of Property (ECOP) dated April 2003 for the property being transferred. The ECOP and its attachments are attached hereto as Exhibit B and incorporated herein by this reference. Should there be any conflict between the ECOP and its attachments and this MOA, the provisions of this MOA shall apply.

NOW, THEREFORE, the parties agree upon the terms and conditions as described herein.

3. **DEFINITIONS**

A. **"Act"** means Title XXVIII of Public Law 107-314, The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (December 2, 2002).

B. **"Environmental Contaminants"** means any (1) petroleum and any petroleum product or derivative; (2) unexploded ordnance (UXO), ordnance explosives waste (OEW), Recovered Chemical Warfare Material (RCWM), military munitions; (3) nuclear or radiological material as regulated by the Nuclear Regulatory Commission or biological warfare agents.

C. **"Engineering Controls"** are physical means of treating, containing, or monitoring Hazardous Substances or Environmental Contaminants, or limiting access to a site where such contamination remains in place. Examples include a landfill cap, monitoring wells, signs and fencing.

D. **"Fort McClellan"** means Fort McClellan, Anniston, Alabama.

E. **"Hazardous Substances"** shall mean a hazardous substance as defined under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC 9601 (14), and pollutants and contaminants.

F. **"Institutional Controls"** are non-engineering measures, such as legal or administrative mechanisms, whether temporary or permanent, designed to prevent or limit exposure to Hazardous Substances or Environmental Contaminants left in place at a site or to assure effectiveness of the chosen remedy.

G. **"Land Use Controls"** (LUCs) shall mean any type of physical, legal, or administrative mechanisms used to restrict the use of, or limit access to, real property to ensure that there are no unacceptable risks to human health, safety, or the environment. Land Use Controls consist of Engineering Controls and/or Institutional Controls.

H. **"OE"** means ordnance and explosives, a collective term including UXO and any other items of ordnance and explosives.

I. **"Response Actions"** shall mean any action taken in response to Hazardous Substances, including removal or remedial action as defined in CERCLA (42 U.S.C. §9601 (23) and (24)), and other required actions to address Environmental Contaminants under applicable laws.

J. **"Transferred Property"** means the real property transferred by the Secretary of the Army to the administrative jurisdiction of the Secretary of the Interior, pursuant to Section 2821 of the Act.

4. **ARMY RESPONSIBILITIES:**

A. **Transfer of Administrative Jurisdiction to the Secretary of the Interior.** Pursuant to Section 2821 of the Act, the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior, the Department of the Defense real properties on Fort McClellan, Alabama, consisting of approximately 7,758.68 acres, that are designated as the Acquisition Area in the 2000 Memorandum of Understanding numbered 1448-40181-00-K-014, between the Secretary of the Army and Secretary of the Interior.

B. **Continuing Army Responsibility for Hazardous Substances and Environmental Contaminants.** With respect to the Transferred Property, the Army shall have sole responsibility to fund and to conduct all necessary Response Actions, including operation and maintenance, consistent with Section 4(F), to address Hazardous Substances and Environmental Contaminants existing at the time of transfer, whether on the property or off the property and whether known at the time of transfer, or subsequently discovered, or from the use, management, storage, release or disposal of Hazardous Substances and Environmental Contaminants by Army during its occupancy or use of the Transferred Property. The Army shall also be responsible for (1) hazardous substances that are in the future regulated as hazardous under federal or state (as defined under CERCLA, 42 U.S.C. 9601 (27)) law applicable to the Transferred Property and that requires a Response Action as a result of a release or threatened release of such substance and (2) any other substance, material, or waste the release of which the parties jointly agree (or is determined through dispute resolution) requires a response action to

protect human health and the environment. Response Actions and cleanup standards selected to address Hazardous Substances and Environmental Contaminants shall be subject to and in compliance with applicable laws.

C. **Selection of Response Actions.** Response Actions and cleanup standards shall be determined in accordance with applicable environmental law and based upon and guided by the land uses established by Congress in the Act, although for certain areas technical impracticability or cost effectiveness considerations may result in remedy decisions that require limitations on those uses of the Transferred Property in order to insure that the remedy is protective of human health and the environment. In addition, UXO Response Actions shall be subject to and conducted in accordance with the DOD and EPA Interim Final Management Principles for Implementing Response Actions at Closed, Transferring, and Transferred (CTT) Ranges, March 7, 2000, ("Interim Principles"), or any amending or superceding guidance, provided that in the event of a conflict between the Interim Principles or superceding guidance and this MOA, this MOA shall control. This section establishes a process by which Army and Interior intend to finalize decisions regarding Response Actions.

- i. Army and Interior will plan and conduct Response Actions on the Transferred Property based on mutual agreement. Mutual agreement will be necessary at decision points including, but not limited to, the following: (1) site determination; (2) removal/remedial action determination; (3) removal/remedial investigation work plan development; (4) remedy selection; and (5) completion of Response Actions.
- ii. Army shall prepare all decision documents in conjunction with Interior. Prior to execution of all decision documents, Interior shall have an opportunity to review and comment on the decision documents. All comments, mutually agreed to by Army and Interior, shall be incorporated into the decision document.
- iii. When Army and Interior are unable to reach mutual agreement, either party may initiate dispute resolution as contained in Section 8 of this Agreement.

D. **Restoration.** Army shall incorporate into Response Actions an environmental assessment of natural resources that may have been injured by Hazardous Substances, Environmental Contaminants or Response Actions taken on or affecting the Transferred Property. The selected remedy shall attempt to maximize restoration of resources to the extent authorized under applicable law. Army and Interior shall identify restoration actions that can be incorporated into Response Actions in a timely and coordinated manner.

E. **Recurring Reviews and Additional Response Actions.** The Army, in cooperation with Interior, shall conduct five-year reviews of Response Actions and conditions on the Transferred Property to determine if (a) Response Actions taken continue to ensure

explosives safety, and protect human health and the environment in accordance with the Act; and, (b) in the event the chosen remedy includes Land Use Controls, to assess whether those Land Use Controls continue to be justified in light of changed circumstances or new technology.

The results of the reviews shall be documented. These reviews may be coordinated with similar reviews required under applicable law.

Army shall conduct additional Response Actions and/or remove or modify Land Use Controls, as determined appropriate through the review. The Army shall conduct additional Response Actions, at a minimum, where (1) the remedy fails (e.g., the remedy fails to achieve Response Action objectives); (2) a Land Use Control fails that is not due to the acts or omissions of Interior; (3) new Hazardous Substances or Environmental Contaminants are discovered that are not addressed by the Response Action; or (4) changes in laws and regulations governing cleanup standards necessitate additional Response Actions.

F. **Land Use Controls.** As part of the final remedy, final Land Use Controls may be required for certain portions of the Transferred Property. Determinations have not been made as to the type and scope of any final Land Use Controls as of the effective date of this Agreement. Once final Land Use Controls are established, Interior agrees to assist Army by monitoring, maintaining, and enforcing those Land Use Controls that fall within the normal course of refuge management. Following consultation with the Army, Interior will determine those controls that fall within the course of refuge management. Upon determination of final LUCs, Army and Interior shall meet to discuss implementation of this provision.

G. **Environmental Contamination Security and Institutional Controls.** With respect to any areas of the Transferred Property containing Hazardous Substances or Environmental Contaminants, Army shall retain sole and exclusive authority and responsibility to fund and maintain all necessary physical security prior to completion of Response Actions.

H. **Maintenance of Roads and Bridges.** Army shall retain operations and maintenance responsibility for roads and bridges within the Transferred Property that are needed only by Army to access its retained facilities. For roads and bridges within the Transferred Property that are needed by both Army and Interior, the parties shall develop a plan, within 60 days of the effective date of this Agreement, describing each agency's operation and maintenance responsibilities.

I. **Safety Training.** Army shall, at no cost to Interior, provide Interior personnel and Interior contractors working on the Transferred Property with appropriate on-site safety training involving the recognition of Hazardous Substances and Environmental Contaminants and shall identify all known locations that may contain Environmental Contaminants and Hazardous Substances. Army shall also provide, at no cost to Interior, written materials appropriate for distribution to the public regarding the risks presented by UXO and related safety information.

J. **Tort Claims.** Army shall process and adjudicate all administrative claims and defend litigation asserted under the Federal Tort Claims Act that arise from any activity of Army

with respect to the Transferred Property, any Hazardous Substances or Environmental Contaminants for which the Army is responsible under this MOA and the Act, or out of any failure of Army to comply with applicable law, the Act, or this MOA. Interior shall cooperate with Army by providing any information Interior has relating to any such tort claims.

K. **Land Survey.** Army shall complete a survey of the boundary of the Transferred Property making up the approximately 7,758.68 acre Refuge and provide Interior with all survey maps and other survey related data and records.

L. **Easements and Agreements.** Army shall identify any existing easements and other real estate agreements which exist on the Transferred Property on the date of transfer. Army shall not enter into any other easements or real estate agreements concerning the Transferred Property without the consent of Interior before the transfer.

M. **Wildfire Management.** Army will be responsible for wildfire management in all areas defined as potential UXO areas in the Enclosure 1 Figure of the LUCIP.

N. **Cessation of Hazardous Waste Disposal Activities.** The Army will cease any current and refrain from any future disposal activities of any materials regulated under CERCLA, the Resource Conservation and Recovery Act (42 U.S.C. 6901 et. Seq.), or other related authorities on the Transferred Property until Interior has the opportunity to review and concur with disposal of the substances or materials in question, their volume or concentrations, the proposed disposal method, and the site of disposal.

O. **Fort McClellan Records and Other Information.** Army and Interior shall identify all Fort McClellan records (e.g., property records, environmental records, historical or cultural resources surveys, etc.) that shall be transferred to Interior, or otherwise preserved or disposed. To the extent not provided, Army shall, in a timely manner, provide Interior with an opportunity to review and comment on all information concerning environmental investigations, documentation, proposed Response Actions, or other compliance, closure, maintenance, restoration, or related activity with respect to Army's obligations to address Hazardous Substances or Environmental Contaminants on the Transferred Property. Army shall also provide Interior with final copies of all such information.

P. **Equipment and Facilities.** Army shall transfer to Interior equipment and facilities identified in Exhibit C of this MOA.

5. **INTERIOR RESPONSIBILITIES**

A. **Administrative Jurisdiction.** Upon execution of this MOA and the acceptance by Interior of the transfer of administrative jurisdiction from Army to Interior of the Transferred Property, Interior shall assume jurisdiction and control of the Transferred Property in accordance with the Act and this MOA. In exercising its administrative jurisdiction over the property, Interior shall immediately report any observed violation of LUCs to Army's on-site representative and shall take other appropriate and available preventive action if danger to human

health and environment is indicated.

B. Refuge Goals and Purposes. Upon Interior's assumption of jurisdiction and control of the Transferred Property, Interior shall establish and manage the Mountain Longleaf National Wildlife Refuge in accordance with the National Wildlife Refuge Administration Act of 1966, as amended, and the goals and purposes delineated in the Act regarding the transferred property. The Act specifically lists the following goals and purposes: preserving and enhancing the natural mountain longleaf pine ecosystem; perpetuating neotropical migratory bird resources; preserving the natural diversity and abundance of flora and fauna of the area with special emphasis on endangered and threatened species; providing recreational opportunities such as hunting, fishing, wildlife observation, photography, environmental education and interpretation; promoting an understanding and appreciation of fish and wildlife ecology.

C. Access to Army for Response Actions and Environmental Compliance. Interior shall provide a right of access to Army, Environmental Protection Agency (EPA), and Alabama Department of Environmental Management (ADEM) and their officers, agents, employees, contractors, and subcontractors, to enter upon the Transferred Property in any case in which a Response Action is found to be necessary after the date of transfer of the property or such access is necessary to carry out a Response Action on adjoining property, including the following purposes:

- i. To conduct investigations and surveys, including, where necessary, drilling, soil and water sampling, testing-pitting, test soil borings and other activities;
- ii. To inspect field activities of the Army and its contractors and subcontractors;
- iii. To conduct any test or survey related to the environmental conditions at the Transferred Property or to verify any data submitted to the EPA or ADEM by the Army relating to such conditions;
- iv. To construct, operate, maintain or undertake any other Response Actions as required or necessary, including but not limited to, monitoring wells, pumping wells and treatment facilities.

Prior to entry, except in cases of emergency, Army shall provide Interior with reasonable notice, to allow coordination between Response Actions and refuge management activities. In cases of emergency, Army shall notify Interior as soon as practicable, but not later than 24 hours of Army's being notified of the emergency.

D. Discovery of Additional Hazardous Substances or Environmental Contaminants. If Interior discovers additional Hazardous Substances or Environmental Contaminants for which Army is responsible on the Transferred Property, or otherwise identifies previously-unidentified conditions associated with such Hazardous Substances or Environmental Contaminants that may require a Response Action, it shall notify Army of such substances or

contaminants as soon as reasonably possible after such discovery.

After Army receives notice from Interior, or any third party regulatory agency, of the presence or reasonably likely presence of Hazardous Substances or Environmental Contaminants for which Army is responsible, Army shall provide notice to Interior as soon as practical, but in no event later than 30 days after such notification, of Army's proposed course of action. Army will execute any Response Actions under this section unless otherwise agreed to by the parties.

E. Emergency Response Actions. In the event of an emergency situation or the need to abate imminent and substantial threats to human health or the environment caused by existing or newly-discovered Hazardous Substances or Environmental Contaminants for which Army is responsible, Interior shall provide notice to the Army and take steps to secure the affected area to prevent public access or warn the public against entry into the affected area. If Army has not responded within 72 hours of receiving notice, Interior may undertake Response Actions with respect to the Hazardous Substances or Environmental Contaminants for which Army is responsible.

F. Interior Response Costs. For Army to pay Interior for costs associated with Hazardous Substances or Environmental Contamination under one of the circumstances listed in Provisions 5.D or 5.E above, the Army and Interior must agree to such costs in writing and in accordance with applicable law prior to Interior taking any Response Action. Army shall promptly review requests for payment pursuant to such agreement, and upon approval by Army and subject to audit, Army will make all reasonable effort to pay Interior within sixty (60) days. In case of an emergency in which Interior conducts a response action without a prior written agreement with Army, the Army shall seek and use best efforts to obtain specific appropriations from Congress to reimburse Interior for reasonable and necessary response costs. To the extent Interior violates a Land Use Control that creates a release, Interior will be responsible for any costs associated with that release.

G. Notice and Approval for Ground Disturbing Activities. Interior shall seek written approval from Army prior to conducting any ground disturbing activities on the Transferred Property in areas that are subject to Land Use Controls. Army may grant such approval if the proposed ground disturbing activity will not adversely affect the remedy. In the event a proposed ground disturbing activity results in a release or threatened release of a Hazardous Substance or Environmental Contaminant Army or Interior will be liable for such release in accordance with the terms of this MOA.

H. Restrictions on Use. Prior to conducting activities or allowing uses of the Transferred Property that could interfere with the Army's obligations to address Environmental Contaminants or Hazardous Substances, Interior shall consult with the Army. Interior shall not conduct activities or allow uses of the Transferred Property that will materially interfere with Army's compliance with its obligations. To the extent that selected remedies consist of LUCs, Interior shall manage the Transferred Property consistent with those controls.

I. Land Status Maps. Interior shall post UXO notifications on Interior Land Status

Maps for the transferred property.

J. **Environmental Protection Provisions, Notices and Covenants.** Interior agrees that it will include the Environmental Protection Provisions, Notices and Covenants found in Attachment 2 to the ECOP (Exhibit B) and any other notices and covenants required by applicable law in future disposals including, but not limited to, sales, leases or transfers of the Transferred Property.

K. **Archeological Resources.** Interior shall comply with all applicable laws and regulations with respect to the maintenance and disposal of the 19 archeological properties on the Transferred Property. Interior will draft a historic preservation management plan that is consistent with applicable law and in accordance with the purpose for which the Refuge was established. Interior will consult during the development of the management plan with the Alabama State Historic Preservation Office, appropriate federally recognized tribes, and other interested parties.

L. **Tort Claims.** Interior shall process and adjudicate all administrative claims and defend litigation asserted under the Federal Tort Claims Act that are not the responsibility of the Army or occur as a result of any failure of Interior to comply with applicable law, the Act, or this MOA. Army agrees to cooperate with Interior by providing any information Army has relating to any such claims.

6. **PHYSICAL CONDITION INSPECTION.** Prior to or within 30 days following the transfer, the Army and Interior shall conduct a physical condition inspection of the Transferred Property to document the general physical appearance and condition of the Transferred Property at the time of transfer. The Army and Interior will jointly prepare a report to document their inspection findings.

7. **FUNDING.** The Secretary of the Army, in accordance with the Act, will provide \$500,000 from funds in the Base Realignment and Closure Account of 1990 to the Secretary of the Interior to facilitate the establishment of the Refuge and to support environmental research at the Refuge during the first two years of the operation of the Refuge. Army and Interior have agreed to two equal payments of \$250,000 to Interior. The first payment will be made prior to transfer, and the second payment will be made after transfer of the property to Interior, but no later than December 31, 2003. Nothing in this MOA shall be construed as obligating funds in violation of the Anti-Deficiency Act, 31 U.S.C. 1341.

8. **DISPUTE RESOLUTION.** If a dispute arises, including the selection of response actions, Army site manager and the Fish and Wildlife Service project leader shall make a good faith effort to settle the dispute informally, at the local level. If a dispute arises that cannot be resolved informally at that level, either party may initiate Dispute Resolution.

A. To initiate Dispute Resolution, the disputing party shall advise the other party of its intent to invoke Dispute Resolution and give written notice of the dispute. The notice shall include a detailed explanation of the dispute. Upon receipt of such notice the parties shall make

their best efforts to resolve the dispute within 14 calendar days.

B. If the parties do not resolve the dispute within 14 days, the dispute will be elevated to the BRAC Hampton Field Office and to the Fish and Wildlife Service's Regional Director for the Southeast Region. Within 30 days of receiving the dispute, the Director for the Hampton Field Office and the Regional Director for the Southeast Region of the Fish and Wildlife Service shall confer and attempt to resolve the dispute.

C. If the dispute is not resolved within 60 days of its notification, the disputing party may elevate the dispute to the Deputy Assistant Secretary of the Army and the Director of the Fish and Wildlife Service. Within 30 days of the elevation of the dispute, the parties shall confer and resolve the dispute.

9. **EFFECTIVE DATE, MODIFICATION, AND TERMINATION.** This MOA shall become effective as of the date of any transfer under the authority of Section 2821 of Title XXVIII of Public Law 107-314. Modifications may be proposed at any time by any party, and shall become effective pursuant to the terms of such modifications, as agreed to in writing by the parties. This MOA shall remain in effect until such time as the parties mutually agree to its termination.

10. **OBLIGATIONS TO PAY OR REIMBURSE.** Any obligation on Army or Interior to pay or reimburse any money under this Agreement is subject to the availability of appropriated funds. Nothing in this Agreement shall be interpreted to require obligations or payments by Army or Interior in violation of the Anti-Deficiency Act, Public Law 97-258.

11. **NOTICES.** All notices required or permitted under this MOA shall be in writing and shall be deemed sufficiently served when delivered by hand, if a receipt is obtained therefore, or when actually received if delivered by mail, and if delivered by mail shall be mailed registered or certified first class mail, return receipt requested, postage pre-paid, and in all cases shall be addressed as set forth in the Local Memorandum of Agreement between Army and Interior regarding the daily operations and coordination of Army and Interior activities within the Mountain Longleaf National Wildlife Refuge.

12. **ENFORCEMENT ACTIONS.** With respect to the Transferred Property, Army and Interior agree that any administrative or legal actions necessary to enforce the requirements of applicable laws or regulations concerning Environmental Contaminants or Hazardous Substances for which Army has retained responsibility shall be taken against the Secretary of the Army, and not against the Secretary of the Interior.

13. **NO THIRD PARTY RIGHTS.** This MOA is intended only to set forth the terms and conditions for the transfer of the property described herein, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by any person against the United States, its agencies, or any other person.

Craig Manson
Craig Manson
Assistant Secretary of the Interior
Fish, Wildlife and Parks

29 May 03

DATE

Joseph W. Whitaker
Joseph W. Whitaker
Deputy Assistant Secretary of the Army
(Installation and Housing)
OASA (I&E)

22 MAY 2003
DATE

Wildfire

Active Asset Information, Standard Layout

2/25/20

EXHIBIT "C" (1 of 2)

Barcode	Old ID	SPBS	Asset Type	Asset Description	Primary Hand	Activity	Building	Room
142134	142134	1	EXP	AXE	W4K575	DOE	215	CONX
129174	16261	M	NONEXP	BUSHHOG	W4K575	DOE	215	YD
128367	13001	M	NONEXP	CHAINSAW	W4K575	DOE	215	YD
128391	13026	M	NONEXP	CHAINSAW	W4K575	DOE	215	CONEX
128390	13025	M	NONEXP	CHAINSAW	W4K575	DOE	215	YD
128376	13011	M	NONEXP	CHAINSAW	W4K575	DOE	215	YD
82927	82927	M	NONEXP	CHARGER	W4K575	DOE	215	YD
128392	13027	M	NONEXP	CULTIPACKER	W4K575	DOE	215	26
128394	13029	M	NONEXP	DISC	W4K575	DOE	215	YD
128326	12910	M	NONEXP	PAGER	W4K575	DOE	215	YD
128324	12908	M	NONEXP	PAGER	W4K575	DOE	215	24
128321	12905	M	NONEXP	PAGER	W4K575	DOE	215	24
128327	12911	M	NONEXP	PAGER	W4K575	DOE	215	24
82884	82884	M	NONEXP	RADIO	W4K575	DOE	215	03
128402	13038	M	NONEXP	RADIO MOBILE	W4K575	DOE	215	26
128401	13037	M	NONEXP	RADIO MOBILE	W4K575	DOE	215	26
128364	12998	M	NONEXP	RADIO PORTABLE MOTOROLA	W4K575	DOE	215	YD
128363	12997	M	NONEXP	RADIO PORTABLE MOTOROLA	W4K575	DOE	215	22
128375	13009	M	NONEXP	RADIO PORTABLE MOTOROLA	W4K575	DOE	215	24
128325	12909	M	NONEXP	RADIO PORTABLE MOTOROLA	W4K575	DOE	215	20
83052	83052	M	NONEXP	RADIO TRUCK	W4K575	DOE	215	19
128377	13012	M	NONEXP	RADIO TRUCK	W4K575	DOE	215	YD
128440	13076	M	EXP	RAKE COUNCIL	W4K575	DOE	215	YD
128439	13075	M	EXP	RAKE COUNCIL	W4K575	DOE	215	CONEX
128438	13074	M	EXP	RAKE COUNCIL	W4K575	DOE	215	CONEX
128437	13073	M	EXP	RAKE COUNCIL	W4K575	DOE	215	CONEX
128446	13082	M	EXP	SHOVEL FOREST FIRE	W4K575	DOE	215	CONEX
128448	13084	M	EXP	SHOVEL FOREST FIRE	W4K575	DOE	215	CONEX
128447	13083	M	EXP	SHOVEL FOREST FIRE	W4K575	DOE	215	CONEX
128431	13067	M	EXP	SHOVEL FOREST FIRE	W4K575	DOE	215	CONEX
128432	13068	M	EXP	SHOVEL FOREST FIRE	W4K575	DOE	215	CONEX
128443	13079	M	EXP	SHOVEL FOREST FIRE	W4K575	DOE	215	CONEX
128444	13080	M	EXP	SHOVEL FOREST FIRE	W4K575	DOE	215	CONEX
128445	13081	M	EXP	SHOVEL FOREST FIRE	W4K575	DOE	215	CONEX
100849	100849	M	NONEXP	SPREADER	W4K575	DOE	215	YD

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21251

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Active Asset Information, Standard Layout
EXHIBIT "C" (5 of 8)

2/25/200

Barcode	Old ID	SPBS	Asset Type	Asset Description	Primary Hand	Activity	Building	Room
128453	13089	<input type="checkbox"/>	EXP	SWATTER FIRE	W4K575	DOE	215	CONEX
128454	13090	<input type="checkbox"/>	EXP	SWATTER FIRE	W4K575	DOE	215	CONEX
128452	13088	<input type="checkbox"/>	EXP	SWATTER FIRE	W4K575	DOE	215	CONEX
128451	13087	<input type="checkbox"/>	EXP	SWATTER FIRE	W4K575	DOE	215	CONEX
128450	13086	<input type="checkbox"/>	EXP	SWATTER FIRE	W4K575	DOE	215	CONEX
128449	13085	<input type="checkbox"/>	EXP	SWATTER FIRE	W4K575	DOE	215	CONEX
128472	13110	<input type="checkbox"/>	NONEXP	TORCH	W4K575	DOE	215	CONEX
128369	13003	<input type="checkbox"/>	NONEXP	TORCH	W4K575	DOE	215	YD
126898	126898	<input type="checkbox"/>	NONEXP	TORCH DRIP	W4K575	DOE	215	YARD
135116	135116	<input type="checkbox"/>	NONEXP	TORCH DRIP	W4K575	DOE	215	YARD
135117	135117	<input type="checkbox"/>	NONEXP	TORCH DRIP	W4K575	DOE	215	YARD
126897	126897	<input type="checkbox"/>	NONEXP	TORCH DRIP	W4K575	DOE	215	YARD
128468	13106	<input type="checkbox"/>	NONEXP	TRACTOR	W4K575	DOE	215	YARD
128406	13042	<input type="checkbox"/>	NONEXP	TRACTOR	W4K575	DOE	215	YD
128474	13112	<input type="checkbox"/>	NONEXP	TRACTOR	W4K575	DOE	215	YARD
134672	134672	<input type="checkbox"/>	NONEXP	TRACTOR WHL IND	W4K575	DOE	215	YD
128407	13043	<input type="checkbox"/>	NONEXP	TRAILER	W4K575	DOE	215	YARD
142069	142069	<input type="checkbox"/>	NONEXP	TRUCK	W4K575	DOE	215	YARD
128409	13045	<input type="checkbox"/>	NONEXP	TRUCK	W4K575	DOE	215	YARD
142070	142070	<input type="checkbox"/>	NONEXP	TRUCK	W4K575	DOE	215	YD
134597	134597	<input type="checkbox"/>	NONEXP	TRUCK FIRE FIGHTING	W4K575	DOE	215	YARD

2/25/2003

EXHIBIT "C" (6 of 8)

Manufacturer	Serial Number	Quantity	LineNumbr	Value	Stock Number	CC
		2		\$15.00	421000NSN	O-2
		1		\$15.00	421000NSN	O-2
		1		\$15.00	421000NSN	O-2
		1		\$15.00	421000NSN	O-2
		1		\$15.00	421000NSN	O-2
		1		\$15.00	421000NSN	O-2
		1		\$15.00	421000NSN	O-2
UNK		1		\$15.00	421000NSN	O-2
UNK		1	BD0018	\$129.50	421001T546983	O-2
UNK		1	LA7073	\$106.99	667501T546704	O-2
		1	BD0018	\$129.95	421001T546983	O-2
		1	BD0018	\$129.95	421001T546983	O-2
		1	BD0018	\$129.95	421001T546983	O-2
		1	BD0018	\$129.95	421001T546983	O-2
		1	BD0018	\$129.95	421001T546983	O-2
		1	W88786	\$98,954.00	2420001776865	O-2
C706589		1	W76816	\$190,189.00	2410001859792	O-2
7401166		1	W88786	\$98,954.00	2420001776865	O-2
C741833		1	W89604	\$18,000.00	2420001776862	O-2
C539055		1	AM0003	\$2,300.00	233001T546630	O-2
9B01802DV054075		1	AM0006	\$43,328.00	232001T570413	O-2
DODGE		1	X45176	\$44,508.00	2320010909560	O-2
DODGE	2HTAF1920BCA13801	1	AM006	\$22,164.00	232001T570413	O-2
DODGE		1	BD0023	\$19,222.00	421001T570338	O-2
DODGE	1GBJK34J9GJ171843	1				

EXHIBIT "C" (7 of 8)

2/25/2003

Sub Hand Receipt	PDC	GBL	Archive?
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No
HORSLEY, GORDON	FSY		No

Active Asset Information, Standard Layout
EXHIBIT "C" (8 of 8)

2/25/2003

Remarks	Last Updated
	2/25/2003
	1/15/2003
	1/15/2003
	1/15/2003
	1/15/2003
	1/15/2003
Dip Torch	1/14/2003
Located in Ford pickup truck (#3001).	1/14/2003
	1/15/2003
	1/14/2003
	1/14/2003
	1/15/2003
ONE FORD AGRICULTURAL WHEELED FARM TRACTO	1/14/2003
bulldozer tractor - Case 850	1/15/2003
ONE FORD AGRICULTURAL WHEELED FARM TRACTO	1/14/2003
	1/15/2003
Located in the yard of building 8506 on Pelham.	1/14/2003
	1/15/2003
Equipment transport truck with hydraulic tilt platform	1/14/2003
	1/15/2003
MDL KFT-3 250 GAL	1/15/2003