

GARRITY AND KNISELY OVERVIEW OF MILITARY BASE CONVERSION PRACTICE

Garrity and Knisely is a law firm established in 1990 by David S. Knisely and Robert P. Garrity. Its offices are located in downtown Boston at 21 Merchants Row. The law firm of **Garrity and Knisely** has developed extensive expertise in negotiating the transfer of military bases scheduled to be closed or realigned, and in the implementation of base reuse plans. **Garrity and Knisely** has provided legal services to public agencies, local redevelopment authorities and, in some cases, developers at the following installations:

- **Lone Star Army Ammunition Plant, Bowie County, Texas**

The Lone Star Army Ammunition Plant was selected for closure in the 2005 round of base closures. Garrity and Knisely was retained by the Red River Redevelopment Authority (the "RRRA"), the designated local redevelopment authority for Lone Star, to provide ongoing legal support to the RRRA on all base closure-related issues. Garrity and Knisely assisted in structuring a "below fair market value" economic development conveyance ("EDC") for an 8700 acre portion of Lone Star, including all infrastructure and utility systems, combined with public sale by the Army of surplus parcels on the Red River Army Depot. Mr. Knisely assisted in the negotiation and preparation of the EDC Memorandum of Agreement ("MOA"), Deed and other conveyance documentation in support of this transaction, which was concluded in September 2010.

Additional services to be provided by Garrity and Knisely will include legal support in the negotiation of an environmental services cooperative agreement with the Army and a companion Cleanup Agreement and Compliance Plan with the Texas Commission on Environmental Quality.

- **Newport Chemical Depot, Vermillion County, Indiana**

The Newport Chemical Depot was selected for closure in the 2005 round of base closures. Garrity and Knisely was selected by the Newport Chemical Depot Reuse Authority ("LRA"), the designated local redevelopment authority for the Depot, to assist in the preparation of the Homeless Assistance Submission for submission to the Department of Housing and Urban Development ("HUD").

Services provided by Garrity and Knisely have included review and oversight of the outreach process for homeless providers and public agencies, preparation, as needed, of legally binding agreements ("LBAs") with homeless providers selected by the LRA, coordination of the approval process with HUD staff and assistance in negotiation with the Army of property disposition methods.

Garrity and Knisely is currently assisting the LRA in the negotiation of a "below fair market value" economic development conveyance ("EDC") for the entire facility, on a

"shared proceeds" basis, including the preparation of an EDC Memorandum of Agreement ("MOA") and all related conveyance documents. It is currently anticipated that the first phase of this transfer will occur in early 2011.

- **Fort Monmouth, Eatontown, Tinton Falls and Oceanport, New Jersey**

Fort Monmouth was selected for closure in the 2005 round of base closures. Garrity and Knisely, in partnership with McManimon and Scotland, was retained by the Fort Monmouth Economic Revitalization Planning Authority ("FMERPA") and the New Jersey Attorney General to provide a broad range of base closure or BRAC-related legal services.

Garrity and Knisely assisted FMERPA in undertaking required outreach in support of the preparation of the FMERPA Application for submission to the Department of Housing and Urban Development ("HUD"), and in the drafting of the Homeless Assistance Submission. Garrity and Knisely also prepared and negotiated legally binding agreements with selected homeless providers. The FMERPA Application, including the Redevelopment Plan and Homeless Assistance Submission, has been submitted to HUD.

Garrity and Knisely is currently assisting the staff of the Fort Monmouth Economic Revitalization Authority ("FMERA"), the implementation LRA and successor to FMERPA, in the development of a property disposition plan to be negotiated with the Army. This plan will include an economic development conveyance ("EDC") for all or portions of the installation.

- **Fort McPherson, Atlanta, Georgia**

Fort McPherson was selected for closure in the 2005 round of base closures. Garrity and Knisely has been retained by the Fort McPherson Planning Local Redevelopment Authority ("MPLRA"), the designated local redevelopment authority for Fort McPherson, to provide a wide range of BRAC-related legal services.

Initial services provided by Garrity and Knisely included assistance in the preparation of the MPLRA Application, including the Redevelopment Plan and Homeless Assistance Submission, for submission to the Department of Housing and Urban Development ("HUD"), preparation and negotiation of legally binding agreements ("LBAs") with homeless providers and the development of a property disposition strategy for negotiation with the Army. Garrity and Knisely is currently concluding negotiations with HUD staff as required to secure approval of the MPLRA Homeless Assistance Submission, and will coordinate LBA requirements with elements of the property disposition methods being negotiated with the Army.

The next phase of legal services to be provided by Garrity and Knisely will include assistance in the completion of an economic development conveyance ("EDC") application and negotiation of final EDC terms with the Army. It is currently anticipated that final conveyance terms will include a "below fair market value" EDC for a major portion of the installation, combined with public sale by the Army of certain agreed upon

parcels.

- **Kansas Army Ammunition Plant, Parsons, Kansas**

The Kansas Army Ammunition Plant was selected for closure in the 2005 round of base closures. Garrity and Knisely has been retained by the Great Plains Development Authority (the "GPDA"), the designated local redevelopment authority for the Kansas Army Ammunition Plant, to provide ongoing legal support to the GPDA in structuring the early transfer of a major portion of the 13,000 acre facility to the GPDA via an economic development conveyance ("EDC"). The EDC includes necessary equipment, utility systems and rail infrastructure to support the development of the Great Plains Industrial Park, and the EDC Memorandum of Agreement ("MOA") includes a "shared proceeds" provision providing for below fair market value payments over a ten year period as development progresses. The first phase of the transfer was concluded in late 2009.

Services provided by Garrity and Knisely have included legal support in the negotiation of the EDC and the EDC MOA in coordination with the conveyance of other portions of the facility to an ammunition production contractor and the State of Kansas, and in the negotiation of the transfer of environmental permits required for the completion of the environmental cleanup of the entire facility.

- **Fort Monroe, Hampton, Virginia**

Fort Monroe was selected for closure in the 2005 round of base closures. Garrity and Knisely has been retained by the Fort Monroe Federal Area Development Authority ("FMFADA"), the designated local redevelopment authority for Fort Monroe, to provide a wide range of BRAC-related legal services.

Services provided by Garrity and Knisely have included assistance in the integration of the state, local and homeless provider screening process into the base reuse planning process and the development of required documentation in support thereof, including the drafting of relevant portions of the FMFADA Application for submission to the Department of Housing and Urban Development ("HUD") and legally binding agreements with homeless providers. Garrity and Knisely has also provided assistance in structuring early transfer and cleanup privatization of the entire facility, including coordination with the Commonwealth of Virginia on the exercise of its reversionary interest in a portion of the property and the structuring of an economic development conveyance ("EDC") for the balance of the installation.

- **Brunswick Naval Air Station, Brunswick, Maine**

Brunswick Naval Air Station ("BNAS") was selected for closure in the 2005 round of base closures. Garrity and Knisely has been retained by the Brunswick Local Redevelopment Authority ("BLRA") to provide a wide range of BRAC-related legal services.

Services provided by Garrity and Knisely have included close consultation on the

structuring of the state, local and homeless provider outreach and screening process and integration of screening requirements and the mechanics of the various property disposition methods into the reuse planning process. Assistance was also provided in the preparation of the BLRA Application, including the Redevelopment Plan and Homeless Assistance Submission, for submission to the Department of Housing and Urban Development ("HUD"), the negotiation of legally binding agreements with homeless providers and the selection of property disposition methods in support of the implementation of the Redevelopment Plan. HUD approval of the BNAS Redevelopment Plan and Homeless Assistance Submission was received in 2009, with the concurrence of the Navy.

Garrity and Knisely assisted the Midcoast Regional Redevelopment Authority, successor to the BLRA, in the final selection of property disposition methods and participated in the preparation of the Economic Development Conveyance Application ("EDC") currently under review by the Navy. The initial transfer of property at BNAS is scheduled to take place in November of 2010.

- **Concord Naval Weapons Station, Concord, California**

The Concord Naval Weapons Station was selected for closure in the 2005 round of base closures. Garrity and Knisely has been retained by the City of Concord, the designated local redevelopment authority for the former weapons station, to provide ongoing legal support to the City regarding all aspects of the base closure process. To date, this support has included assistance in negotiations with the Navy in the coordination and resolution of federal screening requests, assistance in structuring the state, local and homeless provider screening process and drafting of legally binding agreements with homeless providers, the development of a property disposition strategy to be negotiated with the Navy, which will include an economic development conveyance and various public benefit conveyances ("PBCs"), and guidance regarding the establishment and focus of the BRAC Cleanup Team, in support of expediting the environmental documentation required for property disposition.

- **Buckley Annex, Denver, Colorado**

Buckley Annex at the former Lowry Air Force Base was selected for closure in the 2005 round of base closures. Garrity and Knisely has been retained by the Lowry Redevelopment Authority ("LRA"), the designated local redevelopment authority for the Buckley Annex, to provide a broad range of BRAC-related legal services.

Initial services provided by Garrity and Knisely included oversight of the outreach process to homeless providers and public agencies in support of the development of the Redevelopment Plan and Housing Assistance Submission for submission to the Department of Housing and Urban Development ("HUD"), drafting and the negotiation of the legally binding agreement ("LBA") with the homeless provider selected by the LRA, coordination of the HUD approval process with HUD staff, and negotiation with the Air Force of final property disposition methods, which will include an economic development conveyance.

- **Muller Army Reserve Center, Bronx, New York**

The Muller Army Reserve Center, a one (1) acre Army reserve center, was selected for closure in the 2005 round of base closures. Garrity and Knisely was retained by the New York City Economic Development Corporation, as a member of the Matrix Design Group Team, to prepare the Redevelopment Plan and Homeless Assistance Submission for submission to the Department of Housing and Urban Development. Additional services to be provided by Garrity and Knisely include the preparation of legally binding agreements (“LBAs”) to be negotiated with homeless providers, and the negotiation of property disposition methods with the Army.

- **Brittin Army Reserve Center, Pennsauken Township, New Jersey**

The Brittin Army Reserve Center, a six (6) acre Army reserve center, was selected for closure in the 2005 round of base closures. Garrity and Knisely was retained by Pennsauken Township, the designated local redevelopment authority for the Brittin Army Reserve Center, to design and complete the final stages of the outreach process to homeless providers and public agencies required in the preparation of the Redevelopment Plan and Homeless Assistance Submission, for submission to the Department of Housing and Urban Development (“HUD”). Additional services provided by Garrity and Knisely included the negotiation of a legally binding agreement (“LBA”) with the homeless provider selected by the Township, preparation of the revised homeless assistance submission, assistance in the preparation of the application for a public benefit conveyance to the Federal Emergency Management Agency for use of the existing buildings on-site as the headquarters and training facility for the Township Office of Emergency Management and Fire Department, coordination of the approval process with HUD staff and negotiation of final property disposition methods with the Army. HUD approval of the Redevelopment Plan and Housing Assistance Submission was received by the Township in June of 2009, with the concurrence of the Army.

- **Army Garrison – Selfridge, Seville Manor Housing Area, Chesterfield Township, Michigan**

The Seville Manor Housing Area was selected for closure in the 2005 round of base closures. Garrity and Knisely has been retained by Chesterfield Township Local Redevelopment Authority to provide a wide range of BRAC-related legal services.

Services provided by Garrity and Knisely have included assistance in structuring the outreach process for homeless providers and potential recipients of public benefit conveyances, initial negotiations with the Department of Housing and Urban Development (“HUD”) regarding homeless submission issues and the integration of Army requirements and notices of interest received during the state, local and homeless provider screening process into the reuse and property disposition planning process.

Additional services have included oversight of the preparation of the Chesterfield Township Application, including the Redevelopment Plan and Homeless Assistance Submission, for submission to HUD, including the negotiation of legally binding agreements with homeless providers and the negotiation with the Army of final property disposition methods. HUD approval of the Township Redevelopment Plan and Homeless Assistance submission was received in 2009, with the concurrence of the Army.

- **Lowry Air Force Base, Denver and Aurora, Colorado**

Garrity and Knisely represented the Lowry Economic Redevelopment Authority (the "LRA") in negotiations with the Air Force regarding the restructuring of the EDC agreements that were originally negotiated in 1995. Garrity and Knisely also represented the LRA in negotiating the transfer documents for the first Air Force early transfer combined with the privatization of the environmental clean-up at Lowry. The amount negotiated to complete the clean-up was over thirty-nine million dollars. The required early transfer and privatization documents included an Environmental Services Cooperative Agreement between the Air Force and the LRA and a Consent Agreement with the Colorado Department of Public Health and Environment. Garrity and Knisely also represented the LRA in negotiating the second phase of the privatized clean-up.

- **K.I. Sawyer Air Force Base, Gwinn, Michigan**

Garrity and Knisely represented Marquette County, Michigan (the "County") in the transfer from the Air Force of over 5,000 acres of land, including all buildings and utility systems, at the former K.I. Sawyer Air Force Base in the Upper Peninsula of Michigan. The transfer plan included a public benefit conveyance of the existing airport facility, and a "no-cost" EDC for the remaining land, buildings and utility systems. The County also plans to privatize the telephone, water, wastewater and electric systems.

Services provided by Garrity and Knisely included negotiation of EDC and Airport PBC transfer timetables; review of the environmental clean-up process to ensure transfer timetables were met and transfer parcels are marketable; preparation and negotiation of transfer documents, including the Airport PBC application, the purchase Memorandum of Agreement, lease termination documents, deeds, a Lease in Furtherance of Conveyance, bills of sale and an extended caretaker agreement; and structuring of the privatization plan for the utility systems.

- **Fort Devens, Ayer, Harvard and Shirley, Massachusetts**

Garrity and Knisely represented the Massachusetts Development Finance Agency (the "MDFA") in connection with the acquisition and redevelopment of Fort Devens, an Army installation which was transferred to the MDFA in May of 1996. The transfer of Fort Devens, which was accomplished as an economic development conveyance ("EDC"), is one of the largest transfers under the authority of the Base Realignment and Closure Act ("BRAC") completed by the Department of the Army to date.

Services provided by Garrity and Knisely included negotiation of the final EDC transfer terms; active participation with the BRAC Clean-up Team in targeting the environmental clean-up in order to accelerate deed transfers and to ensure the marketability of transferred parcels; securing findings of suitability to transfer and lease; structuring MDFA input into the NEPA process; oversight of the property screening process and assisting in the negotiation of legally binding agreements with homeless providers and HUD approval of the Redevelopment Plan; preparation of transfer documents including interim leases, the purchase Memorandum of Agreement, deeds and leases in furtherance of conveyance; assisting in the privatization of the utility systems; preparation of transfer documents and legal opinions required for the sale of parcels by the MDFA to private end-users; and drafting of legislation that established a local governance structure for Fort Devens.

More recently, Garrity and Knisely provided legal support to MDFA in the exchange of a parcel of land owned by the Army for construction services provided by the MDFA.

- **Red River Army Depot, Bowie County, Texas**

Garrity and Knisely represented the Red River Redevelopment Authority (the "RRRA") in the transfer from the Army of over 700 acres of land, including buildings and utility systems, at the Red River Army Depot. The transfer of over 500 acres of land, including an early "horizontal" conveyance of a major industrial facility, has been completed. The conveyance and privatization of all utility systems (gas, electric, steam, water, wastewater, industrial wastewater) has also been finalized.

Services provided by Garrity and Knisely included assistance in the final preparation of the Redevelopment Plan; negotiation of the final EDC transfer terms for land, buildings and utility systems; review of the environmental clean-up process and documentation required for transfer to ensure transfer timetables were met and the transferred parcels are marketable; review of the Environmental Assessment; assistance in the preparation of the legal components of the application for an EDC; preparation and final negotiation of transfer documents, including interim leases, the purchase Memorandum of Agreement, sale-leaseback agreements, deeds and service and utility agreements; and structuring of the privatization of the utility systems.

Garrity and Knisely also completed negotiations with the Army under the "no-cost" EDC statute reducing the RRRA's purchase price to zero dollars.

- **Morgan's Point, Bermuda**

Garrity and Knisely served as special counsel to the Bermuda Land Development Company with regard to the environmental clean-up and redevelopment of the former United States Naval Base at Morgan's Point, Bermuda. In this capacity, Garrity and Knisely assisted the Bermuda Land Development Company and the Government of Bermuda in the development of transfer documents and an environmental clean-up and covenant not to sue program for Morgan's Point and three other closed United States and Canadian naval bases in Bermuda.

- **Detroit Arsenal Tank Plant, Warren, Michigan**

Garrity and Knisely represented the City of Warren in the fast-track conveyance of the 153 acre former tank production facility to the City. In this capacity, Garrity and Knisely assisted in the preparation of the City's Redevelopment Plan and EDC application which was submitted to the Army in July of 1997, and concluded EDC negotiations and transfer documentation in November of 1997, allowing the City to meet its conveyance deadline of December 31, 1997. Meeting this deadline enabled the City to maintain the installation's Renaissance Zone status under Michigan Law, ensuring critical development incentives for the site.

Services provided by Garrity and Knisely included negotiation of the accelerated EDC transfer timetable and price, and the preparation of transfer documentation including deeds, the purchase Memorandum of Agreement and a Lease in Furtherance of Conveyance.

- **Seneca Army Depot, Seneca County, New York**

Garrity and Knisely represented the Seneca County Industrial Development Authority (the "IDA") in the transfer of over 10,000 acres of land, including buildings and utility systems, to the IDA and selected state agencies. The transfer plan at Seneca includes the interim lease of the 160 acre North Depot for institutional use, the phased transfer to the IDA, by deed, of housing, industrial facilities and all utility systems, and public benefit conveyances to state agencies for conservation and prison uses.

Services provided by Garrity and Knisely included negotiation of the final "no-cost" rural EDC transfer terms; review of the environmental clean-up process and documentation required for transfer to ensure transfer timetables were met and the transferred parcels are marketable; review of the Environmental Impact Statement; assistance in the preparation of the legal components of the application for a rural EDC; preparation and final negotiation of transfer documents, including interim leases, the purchase Memorandum of Agreement, deeds and service and utility agreements; and structuring of the transfer and privatization of the utility systems.

- **Savanna Army Depot, Savanna, Illinois**

Garrity and Knisely represented the Jo-Carroll Depot Local Redevelopment Authority in the transfer from the Army of over 3,000 acres of land, including buildings, utility systems, and rail infrastructure, at the Savanna Army Depot. The transfer plan at Savanna currently includes the early interim lease of selected industrial and rail-related facilities, and the phased transfer by deed of the entire 3,000-acre parcel.

Services being provided by Garrity and Knisely included assistance in the preparation of the final Redevelopment Plan; the review of the environmental clean-up process and documentation required for transfer to ensure transfer timetables are met and the transferred parcels are marketable; review of the Environmental Impact Statement; preparation of transfer documents, including interim leases, the purchase

Memorandum of Agreement, easement agreements, deeds and service and utility agreements; and structuring of the transfer and privatization of the utility systems.

- **Fleet Industrial Supply Center Oakland, Oakland, California**

Garrity and Knisely represented the Port of Oakland (the "Port") in successfully structuring and implementing the early transfer and privatization of the environmental clean-up of the 531 acre Fleet Industrial Supply Center Oakland ("FISCO"). This early transfer was accomplished in seven months.

Garrity and Knisely negotiated and prepared key transaction documents including the Finding of Suitability for Early Transfer ("FOSET") and the Environmental Services Cooperative Agreement between the Navy and the Port. In addition, Garrity and Knisely prepared and assisted in the negotiation of the Consent Agreement between the Port and the California Department of Toxic Substances Control, which agreement governs the completion by the Port of the environmental clean-up of FISCO.

- **Fort McClellan, Anniston, Alabama**

Garrity and Knisely represented the Anniston-Calhoun County Fort McClellan Development Joint Powers Authority ("JPA") in the transfer from the Army of over 9,000 acres of land, including buildings and improvements. Garrity and Knisely assisted in the preparation of the "no-cost" EDC application and negotiated the purchase Memorandum of Agreement with the Army. Garrity and Knisely negotiated and drafted a Master Lease covering over 2,000 acres of land and 800 buildings.

Garrity and Knisely also represented the JPA in the early transfer and clean-up privatization of 4,800 acres. The funding amount to be provided by the Army for the first phase of the clean-up privatization is forty-eight and one-half million dollars. In addition, this precedent setting clean-up privatization includes significant amounts of unexploded ordnance. The documents required to complete this transaction included an Environmental Services Cooperative Agreement between the Army and the JPA and a Clean-up Agreement between the State of Alabama and the JPA. Garrity and Knisely also played an instrumental role in negotiating environmental insurance policies on behalf of the JPA. Garrity and Knisely will continue to represent the JPA through future phases of the clean-up.

- **Fitzsimons Army Medical Center, Aurora, Colorado**

Garrity and Knisely represented the City of Aurora (the "City") in the structuring and implementing an early transfer and clean-up privatization of a 22 acre parcel at the former Fitzsimons Army Medical Center. This parcel contains three landfills and will be the site of a major access road serving the medical center redevelopment being undertaken by the Fitzsimons Redevelopment Authority. Garrity and Knisely negotiated key transaction documents, including the Environmental Services Cooperative Agreement between the Army and the City and the Consent Agreement between the Colorado Department of Public Health and Environment and the City.

- **Rough and Ready Island, Stockton, California**

Garrity and Knisely represented the Port of Stockton (the "Port") in the successful negotiation of the early transfer, including the privatization of the environmental clean-up, of 500 acres of land critical to the Port's redevelopment plans. The funding amount for the environmental clean-up was over twenty-three million dollars. The disposition authority utilized to accomplish this early transfer was a "Port Facility" public benefit conveyance. Documents required to complete the transaction included an Environmental Services Cooperative Agreement between the Port and the Navy, a Consent Agreement among the Port, the California Department of Toxic Substances Control and the Regional Water Quality Control Board, and a Deed approved by the Navy and the Maritime Administration.

- **Naval Ordnance Station Louisville, Louisville, Kentucky**

Garrity and Knisely represents Titan Research and Development, LLC ("Titan"), the Master Developer selected by the Louisville/Jefferson County Redevelopment Authority ("LJCRA"), to oversee the transfer and redevelopment of the Naval Ordnance Station Louisville. In this capacity, Garrity and Knisely worked closely with the LJCRA in successfully completing the early transfer of the entire 141 acre facility to the LJCRA through "no-cost" EDC authority. Transaction documents included the transfer Memorandum of Agreement, Deed and leaseback to the Port Hueneme Detachment in support of Navy contractors on site.

- **Roosevelt Roads, Commonwealth of Puerto Rico**

Garrity and Knisely currently represents the Commonwealth of Puerto Rico in negotiations with the Navy regarding the environmental clean-up, early transfer and disposition of the entire 8,600 acre facility. The closure of Roosevelt Roads was authorized by special legislation in 2003, and the Navy has touted the closure of Roosevelt Roads as its model for future base closures.

Garrity and Knisely assisted the Commonwealth in the negotiation of a disposition strategy with the Navy that includes a unique combination of public sales, public benefit conveyances, conservation conveyances and the focused use of Economic Development Conveyance authority. Garrity and Knisely worked closely with the Commonwealth, the Navy and EPA in the design of a streamlined RCRA process to govern the remainder of the required environmental clean-up and the implementation of a privatized "early" transfer of the airport and port facilities.

- **Fort Sam Houston, San Antonio, Texas**

Garrity and Knisely represented Orion Partners in the long-term lease and redevelopment of three underutilized buildings on the installation, containing over 450,000 square feet. Garrity and Knisely prepared and negotiated the required long-term master leases under the Army's Enhanced Use Leasing Program, which leases were executed in June of 2001. Garrity and Knisely also prepared and assisted in the negotiation of subleases between Orion and various Army Commands.

In contrast with the above-described projects, Fort Sam Houston is an active Army installation. This long-term leasing action was taken by the Army under the authority of 10 U.S.C. Sec. 2667, and represents the new Enhanced Use Leasing initiative on the part of the Department of Defense to facilitate the private redevelopment of underutilized facilities at active installations.

Services provided by Garrity and Knisely regarding military base closure and redevelopment include:

(1) preparation of homeless assistance submission documentation and legally binding agreements with homeless providers;

(2) negotiation and drafting of redevelopment plans and transfer documents, including interim leases, leases in furtherance of conveyance, purchase agreements, easement agreements, caretaker agreements, sale-leaseback agreements, findings of suitability to lease and transfer, and deeds;

(3) preparation and negotiation of documents required for "early" transfers and privatization of environmental clean-ups, including findings of suitability for early transfer ("FOSET"), environmental response obligation addendums, consent agreements, and environmental services cooperative agreements;

(4) negotiation of Economic Development Conveyances ("EDCs"), with and without consideration, and negotiation of transfers through other disposition mechanisms, including public and negotiated sales, and public benefit conveyances;

(5) representation of developers in the acquisition of development rights from local redevelopment authorities, and the subsequent redevelopment of the subject facilities;

(6) oversight and strategic advice regarding the various elements of the federal real property screening process;

(7) negotiation of HUD approval of redevelopment plans;

(8) negotiation with the military departments and federal and state regulators on the timing and focus of hazardous waste and unexploded ordnance clean-up to ensure compatibility with community reuse plans, with special expertise in cases where installations are federal superfund sites;

(9) negotiation of the transfer and privatization of utility systems;

(10) strategic advice and analysis of options regarding governing structures for local redevelopment authorities;

(11) oversight and strategic advice regarding the completion of environmental impact statements and environmental assessments under the National Environmental Policy Act (“NEPA”), and integration of state counterparts of NEPA into the NEPA process, in order to ensure timely completion that allows for the implementation of locally-approved reuse plans;

(12) preparation and negotiation of basewide covenants not to sue under federal and state superfund statutes;

(13) negotiation of the transfer of land and buildings at closing and realigned installations to industrial and commercial end-users;

(14) negotiation of leases and subleases under the “Enhanced Use Leasing” program;

(15) negotiation of exchange agreements under military construction and reserve authorities; and

(16) negotiation and implementation of programmatic agreements under Section 106 of the National Historic Preservation Act.

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DAVID S. KNISELY

Background Information

David S. Knisely is a partner in the law firm of Garrity and Knisely. He serves as lead counsel for the firm in the representation of municipalities, lenders, developers, utility providers and local redevelopment authorities at military installations scheduled to be closed or realigned.

Mr. Knisely is a nationally recognized expert regarding the completion of property transfers at closing and realigning military installations. He has expedited the negotiation of economic development conveyance, public sale and public benefit conveyance terms, and prepared transfer documents, at closing Army, Air Force and Navy installations. He has also negotiated ground-breaking enhanced use leases and exchange agreements with the Army at operating installations.

Mr. Knisely has a great deal of experience in matters related to managing the risks associated with the environmental clean-up at closing and realigning installations. He has been involved in coordinating clean-up and redevelopment priorities, and has successfully negotiated consent agreements, covenants not to sue, findings of suitability to transfer, environmental services cooperative agreements and related documents with federal and state environmental agencies and military departments. He has also completed the negotiation of clean-up privatization and early transfer agreements at closing Army, Air Force and Navy installations.

Mr. Knisely has made numerous presentations to groups and professional associations regarding the transfer, environmental clean-up and utility privatization at military installations scheduled to be closed or realigned.

Mr. Knisely is a member of the Massachusetts Bar Association, the Massachusetts Conveyancers Association and the Association of Defense Communities.

Mr. Knisely obtained his Bachelor of Arts degree, magna cum laude, from Case Western Reserve University in 1972 and a Masters degree in Public Administration from Harvard University in 1974. He obtained his Juris Doctor degree from Suffolk University and was admitted to the Massachusetts Bar in 1981.

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Dongell Lawrence Finney is a mid-sized firm with twenty-nine (29) attorneys and sixteen (16) additional support staff. The Firm's strong litigation, government regulatory and transactional law practices service small, emerging growth and large public entities and businesses. The Firm has offices in Los Angeles, Sacramento, Las Vegas and Washington DC.

The Firm has substantial experience in representing various clients in matters involving state and federal Superfund (HSAA and CERCLA). These matters typically involve both defending against such claims, as well as pursuing cost allocation against those responsible for the contamination at issue. Below are several cost recovery actions the Firm is currently negotiating or has recently handled:

- The Firm currently represents a Northern California County in connection with a multi-party CERCLA suit brought by the United States concerning a former municipal landfill site which operated from the early 1950's to the early 1970's. Experts retained by the Firm have conducted extensive investigation at the site in order to develop a cost effective remedial plan. This case is currently being mediated.
- The Firm currently represents an international aerospace and defense systems company and a stainless steel tubing manufacturer in connection with claims brought by a Southern California Water District for response costs and damages pursuant to the California Superfund Act for alleged releases of volatile organic compounds from its facilities to groundwater. This District is in the early stages of implementing an approximate \$100 million remediation and containment plan to address groundwater contamination over an approximate 11 square mile area in the cities of Fullerton and Anaheim.
- The Firm, on behalf of a large manufacturer of high-temperature alloys and titanium metals, is currently pursuing a cost recovery action against several PRPs for their alleged involvement in the contamination of certain property located in Los Angeles, California. Specifically, the Firm's client is seeking reimbursement of its response costs from several historical PRPs, including prior owners and operators, such as Burlington Northern Railroad and United Pacific Railroad in connection with their spur track operations where releases of contamination took place.

- The Firm, on behalf of a large broker and processor of ferrous and nonferrous scrap metals, stainless steel, and high-temperature alloys, recently prosecuted a cost recovery action against several PRPs responsible for historical PCB contamination of property. Locating the former employee and developing his testimony proved vital to proving our client's case, which led to the recovery of \$2.8 million from these PRPs – an amount sufficient to cover this client's total cleanup costs. Significantly, this was one of only two environmental cases featured in *Settlement & Verdicts*, Year-in-Review edition, a publication of the *Los Angeles Daily Journal*. Notably, we were recognized for our creativity and persistence in investigating and developing evidence of contamination activities that occurred over 50 years ago.
- The Firm recently represented historical operators of a bulk loading facility at the Port of Los Angeles against environmental cleanup claims brought by an environmental non-profit group and the Port of Los Angeles. The Port claimed that its cleanup costs for dredging the contamination allegedly caused, in part, by our client were in excess of \$50 million. By successfully challenging the remedial approach and aggressively prosecuting historical PRPs, the Firm was able to reach a settlement that only required our client's insurers to make a \$1 million contribution despite that our client was the Port's main target for cost recovery.
- The Firm recently represented a former San Diego Unified Port District ("Port") tenant in connection with a cost recovery action brought by the Port relating to the remediation of copper contamination. This matter was successfully mediated for a small percentage of the Port's claimed remediation costs.

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Environmental Law Practice

As an Attorney with Dongell Lawrence Finney LLP, Mr. Swickard serves clients in all aspects of his nationwide practice of real estate and environmental law, including an extensive record of the Brownfields redevelopment of former DOD bases, defense contractor facilities and large and small contaminated properties through successfully negotiating agreements, orders and cleanup criteria with Cal/EPA DTSC and USEPA, USDOJ and other governmental and private entities, and environmental regulatory compliance/enforcement defense in the areas of chemicals, pesticides, toxics and hazardous waste, air quality and greenhouse gas emissions, water rights/quality and legislative and regulatory advocacy. Mr. Swickard's clients include FedEx Ground, AIG/Chartis, AMB Properties, Tremont Fertilizer Group, United Alloys, Agri-Chem, and Whittaker Bermite.

Office of Chief Counsel/Director Cal/EPA DTSC

Appointed by Governor Schwarzenegger in 2004 as Chief Counsel of the Department of Toxic Substances Control, and in 2006 as Department Director, Mr. Swickard oversaw the Department's Office of Legal Counsel of 24 attorneys and numerous support staff, the Criminal Investigation Branch of 10 Peace Officers, a Forensic Investigation unit, and the Department's CEQA and Regulations unit. As Chief Counsel, in addition providing ongoing legal advice to the Director and Department programs, Mr. Swickard negotiated Voluntary Cleanup Agreements and Redevelopment Agreements associated with the Cleanup of Fort Ord Army Base, Tustin Naval Air Station, Mare Island Naval Base, BKK Hazardous Waste Landfill etc. He also implemented the Governor's AB 389 Brownfields Remediation Program jointly with the SWRCB to facilitate remediation and reuse of brownfields sites. Mr. Swickard negotiated the final model Joint Consent Decree language between the State of California and the USEPA and USDOJ for joint federal/state superfund sites.

Judicial Externships

Before commencing his legal practice, Mr. Swickard served as a Judicial Extern for the Honorable Edward C. Reed Jr., Senior Judge, United States District Court, District Of Nevada, and for the Honorable Gregory G. Hollows, Chief Magistrate Judge, United States District Court, E.D. Cal.

Education

Mr. Swickard received his Juris Doctor *Cum Laude* from the University of the Pacific, McGeorge School of Law, where he received the Traynor Honor Society Award for Academic Excellence. Mr. Swickard double majored in Agricultural Business Management and Biochemistry in receiving his Bachelor of Science Degree from the University of California, Davis, where he also received the Regents Scholarship Award for Academic Excellence.

Client Work Undertaken (Partial Listing)

Real Estate/Brownfield Redevelopment

- Brownfield redevelopment of former DOD bases including Fort Ord Army Base, Tustin Naval Air Station and Mare Island Naval Base, defense contractor facilities including Whittaker Berrite Santa Clarita and large and small contaminated properties including BKK Hazardous Waste Landfill, through successfully negotiating agreements, orders and cleanup criteria with Cal/EPA DTSC and USEPA, USDOJ and other governmental and private entities;
- Negotiated multiple Dept. of Defense Materials Base Cleanup cost allocation settlements with US DOD;
- Negotiated Cal/EPA AB 389 Immunity Agreements, Voluntary Cleanup Agreements and Land Use Covenants for redevelopers with USEPA, USDOJ, DTSC and Regional Water Quality Control Boards on Redevelopment projects throughout California;
- Provided Legal Due Diligence Analysis for sale of potentially contaminated properties.

Environmental Regulatory Compliance and Litigation

- Provide defense to local, state DTSC, RWQCB, CARB and federal USEPA, USDOT government enforcement actions and Notices of Violation of environmental laws for FedEx Ground, Pool Corp., SCP Distributors LLC, Sierra Chemical and CPT Transport Inc., etc.;
- Provided legal counsel oversight to the cleanup of USEPA Superfund sites, DTSC and RWQCB California sites as well as contaminated sites in Hawaii, Montana, Oklahoma, Nevada, Oregon, Washington and the Nation of Bermuda etc.;
- Provided government regulatory compliance counsel for businesses producing chemicals, fertilizers, pesticides, toxics and hazardous wastes;
- Provided government regulatory counsel for CWA, EPA and Federal and State mining, timber harvesting and livestock grazing compliance;
- Provided legal oversight for challenge of EPA Superfund RI/FS on Sulpher Bank Mercury Mine;
- Negotiated Settlement with USEPA over CWA violation in Kanehoe, Hawaii and provided legal oversight of site remediation and restoration;
- Provided legal assistance for removal and cleanup of multiple UST's and obtained reimbursement from California's UST Fund for cleanup costs;
- Provided defense trial counsel for complex environmental, business and regulatory cases.

Energy Resource Development and Regulatory Compliance

- Provided counsel for geothermal, hydropower and natural gas generating facility project siting;
- Drafted FERC Licensing Application for PacifiCorp Klamath Project;
- Lead Counsel for Power Contract Dispute litigation;
- Provided Counsel for Renewable energy source permitting and licensing.

Mining Regulation and Remediation

- Served as Arbitration Panelist Judge for large Northern California mining contract dispute between Landowner and Mining company;
- Negotiated contracts for split-estate mineral rights access and development between landowners and mining companies.

Litigation

- Federal Administrative Bench Trial on NEPA, FLPMA, NFMA claims;
- Lead Counsel for two CCP 806 State Court Contract Validation Bench Trials;
- Extensive Motion Practice including Drafting and Hearings for Motion for Summary Judgments;
- Extensive Deposition Practice
- Multiple Administrative Hearings before various Federal and State ALJ's and the SWRCB;

Water Quality and Quantity

- CWA 401 Water Quality Certifications;
- Administrative Appeals of WDR's, CAO's and ACL's before the SWRCB;
- Stormwater Discharge Permitting; NPDES Permitting;
- Water rights determinations for Surface streams, Riparian River rights, Groundwater rights,
- Drafted Complaint to SWRCB for Waste and Unreasonable Use of Water,
- Determine Groundwater Banking and Groundwater Recharge Rights and negotiate agreements.

Endangered Species/Wetlands

- Negotiated US Army Corps of Engineers section 404 Dredge and Fill Permits;
- Negotiated mitigation for Endangered Species etc. for developers under NEPA and CEQA;
- Authored Draft comments on Listing and assist client with Habitat Conservation Plan and comments for Federal Listing process; Applications for Streambed Alteration Permits.

Transactional Contract Drafting/Negotiation

- MID Root Creek, Multi-Public Agency Agreement;
- Lewis Homes Drainage Improvement Agreement with Bureau of Reclamation;
- Multiple Real Estate Purchase and Sale Agreements;
- Multiple Commercial Retail and Office Lease Agreements;
- Multiple Litigation Settlement/Release Agreements;
- Multiple Environmental Cleanup Cost Allocation Agreements

Presentations (Partial Listing)

1. Moderator and speaker at Cal/EPA Public Stakeholder meetings implementing the 2004 California Land Reuse and Revitalization Act (AB 389). 2004-2006.
2. Speaker, California Unified Program Agencies Annual Convention regarding Regulatory Policy in CUPA Enforcement and Brownfields Cleanup Oversight. February 2005.
3. Speaker, California Bar Association, Hazardous Waste Roundtable, on Public Policy and Regulatory Issues in California. April 2005, April 2006.
4. Speaker, Parker Milliken Hazardous Waste Seminar, on DTSC Enforcement and Brownfields Redevelopment policies. May 2005 and May 2006.
5. Speaker, Arcadis Brownfields Redevelopment Seminar, on New Regulatory Developments in Contaminated Property Prospective Purchaser Liability Immunity. September 2005.
6. Speaker, California County Counsels Assn. Annual Convention, on Implementation of DTSC Corrective Action Regulations by Local Government. October 2005.
7. Speaker, California Bar CEB Environmental Law Seminar, on California Land Reuse and Revitalization Act (AB 389), Is It Useful? January 2006
8. Speaker, Groundwater Rights, Regulation and Use Seminar on Protection of Groundwater in DTSC Lead Brownfield Cleanups. September 2006.
9. Speaker, 22nd Annual International Conference on Soils, Sediments and Water, on Regulatory Incentives to Promote Private Sector Brownfield Remediation and Reuse. October 2006.
10. Seminar Organizer and Speaker, West Virginia Department of Environmental Protection Regulatory Incentives to Promote Private Sector Brownfield Remediation and Reuse, November 2006.
11. Speaker, Sacramento County Bar Association, Real Estate Section, Buying Contaminated Property. What You Need to Know. June 2007
12. Speaker, National Brownfields Conference, How to Build and Maintain Confidence for Brownfield Projects. November 2007.
13. Speaker, AIG Nationwide Environmental Forum, California's Complex Environmental Regulatory Scheme, January 2008.
14. Peer reviewed Article Regulatory Incentives to Promote Private Sector Brownfield Remediation and Reuse, published in the *International Journal of Soil and Sediment Contamination*, March/April 2008 issue, vol 17, no. 3.
15. Seminar Organizer and Speaker, Nation of Bermuda, Department of Environment and Public Works regarding Regulatory Incentives to Promote Private Sector Brownfield Remediation and Reuse, May 2008.
16. Speaker, 2008 State Bar of California Annual Conference, How to Navigate California's Complex Environmental Regulatory Scheme, September 2008.
17. Keynote Speaker, National Association of Chemical Distributors Annual Meeting regarding Legislative and Regulatory issues facing the Chemical Industry, April 2009.
18. Keynote Speaker, California Trucking Association Annual Conference, Recent Cal/EPA and CUPA Enforcement against the Motor Carrier Industry, Nov. 2010.

Statement of Qualifications
Prepared for ERS Corporation



REPRESENTATIVE PROJECT EXPERIENCE

During ERRG's time in the MEC industry we have compiled an exceptional record of accomplishments. ERRG has completed assessment and investigation projects for both public and private entities under varying terrain, vegetation, and weather conditions. We fully understand that every site is unique and planned MEC operations will be dependent on its historical use, physical features, intended end use, state of available technologies and budgetary limitations. Through our extensive planning and execution of "end-use" driven remediation projects, we have developed innovative, unique and cost effective techniques that benefit all parties involved in the current and future usage of the site. We believe that the integration of different disciplines often times provide opportunities for gains in efficiency helping to reduce the overall time and cost required of a project.

A portion of the work ERRG has performed to date has been located within the state of California, such as our MEC Support to MARRS Services for the Remedial Investigation Study of Mojave Gunnery Range, the MEC Construction Support and Munitions Disposal project supporting MWH Constructors, Inc. at the Former Hamilton Army Airfield, our Time Critical Removal

Action at the former Camp San Luis Obispo performed for the U.S. Army Corps of Engineers, and MEC construction support services provided for Taber Construction, Battelle, Vanguard Construction, and Romero Construction at the former Concord Naval Weapons Station. These projects have familiarized us with the unique set of additional regulations that the MEC industry is subject to, and that must followed from the planning phase up through completion on any projects awarded within the State of California.

Projects we have performed outside of California such as the Camp Navajo MEC Clearance have demonstrated the growing level of environmental awareness by the State of Arizona. Other projects such as the Range Clearance and Target Removal/Replacement project at Yodaville Training Range and Range Clearance and Target Placement Activities at Range 10 North have given us an understanding of the many changing needs of a federal client and has allowed us to be responsive and fluid to those needs while still ensuring that the proper protocols and procedures are followed. We present a brief sampling of ongoing and completed ERRG MEC projects as follows for your review. Additional information can be provided should you wish to explore a more in depth review of any of these projects.

REPRESENTATIVE ERRG MEC PROJECTS

Statement of Qualifications
Prepared for ERS Corporation



Contract: MEC Construction Support and Munitions Disposal
Contracting Organization: MWH Constructors, Inc.
Location: North Antenna Field, Former Hamilton Army Airfield

Project 1

Award Date: January 2010	Completion Date: On Going	Contract Value: \$76K	Total Awarded Value: \$76K
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ERRG was awarded a contract with MWH Constructors, Inc., for MEC Support Services at former Hamilton Army Airfield. Under this tasking, ERRG performed a surface clearance of the project site in advance of vegetation grubbing subcontractors. Additionally ERRG was tasked with performing UXO clearance of excavated soils and demolition of materials documented as explosively hazardous and materials potentially possessing an explosive hazard. ERRG's support to MWH under this contract has been performed during multiple mobilizations according the scheduling requirements of the prime contractor or as dictated by availability of laboratory results for soils potentially contaminated by lead due to the past usage of this former military site.



Contract: N62473-07-G-8201-0001, Navy QA Contract
Contracting Organization: U.S Navy – BRAC PMO West
Location: Concord Naval Weapons Station, Mare Island, MCAS El Toro

Project 2

Award Date: December 2006	Completion Date: June 2011	Contract Value: \$476K	Total Awarded Value: \$476K
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ERRG has been awarded a quality assurance contract with the Base Realignment and Closure Program Management West Office. Under this contract ERRG performs quality assurance services on Navy projects to document the activities and performance of companies tasked with performing MEC support services and to ensure that these contractors comply with the requirements of project documents such as work plans, explosive safety submissions, accident prevention plans, etc..



Initially awarded as a one year contract, to date ERRG has performed these services for Navy BRAC PMO West at Concord Naval Weapons Station, Mare Island Naval Station, Marine Corps Air Station El Toro, and Hunter's Point Shipyard, under the base contract scope and 14 separate modifications to the contract for time and site locations.

Additional taskings on the contract involve providing MEC Support Services, such as construction support and MEC escort of various Navy environmental support contractors.

Statement of Qualifications
Prepared for ERS Corporation



Contract: Range Sustainment and Remediation Environmental Multiple Award Contract (EMAC)

Project 3

Contracting Organization: U.S Navy - NAVFAC Southwest

Location: MCAS Yuma, Chocolate Mountains and Barry M. Goldwater Bombing Ranges

Award Date:	Completion Date:	Contract Value:	Total Awarded Value:
March 2009	March 2014	\$100M	\$8.8M

ERRG has been awarded contract tasks at Marine Corps Air Station Yuma under the RSREMAC contract with NAVFAC SW. Under these awards ERRG has performed range clearance and target renovation/replacement efforts at five range sites within the MCAS Yuma bombing ranges, and is set to begin another site in early November 2010. Contract objectives involve the implementation of surface and subsurface range sweeps on active firing ranges during scheduled range closure windows. ERRG performs road maintenance and

renovation on these range sites to allow for military and civilian contractor vehicle and equipment transport to and from each range to the range entrances and frequently used routes in-between. One component of the tasks under these contracts involve the removal and replacement of existing range targets with replacement targets prepared by ERRG to simulate realistic targets in active military theaters.



Additionally, ERRG has been tasked with the UXO clearance and renovation of simulated airfields to appear realistic for military aviators for training and firing practice operations.

Statement of Qualifications
Prepared for ERS Corporation



Contract: RI/FS Borrego Springs, Borrego, CA			Project 4
Contracting Organization: U.S Army Corps of Engineers, Los Angeles District			
Location: Winona Target			
Award Date: February 2007	Completion Date: On Going	Contract Value: \$1.4M	Total Awarded Value: \$1.4M

Borrego Springs is a Formerly Used Defense Site (FUDS) located in San Diego and Imperial Counties, California. Its primary use was an aircraft bombing range and troop maneuver area during the post WWII era. This site will eventually be released to the public for parks and recreation use.

ERRG was awarded a sole source \$1.4M Task Order from the USACE Los Angeles District to conduct a remedial investigation/feasibility study (RI/FS) of approximately 3,211 acres of an identified munitions response area (MRA). Initial tasks included site visit, development of RI/FS work plan, finalization of the conceptual site model, and setup of a project website. RI/FS field activities will include geophysical survey of



the area, data/target interpretation and selection and intrusive investigation of selected anomalies. ERRG will mobilize three-four person UXO/Geophysical teams that will be conducting all of the aforementioned activities.



Additionally, ERRG is responsible for the collection, classification, certification, demolition, and disposal of all MEC/MPPEH/MD and scrap recovered during the intrusive field investigation activities. ERRG will also have a scientific team on site during the field activities to provide support on cultural and biological resources management and mitigation. ERRG's subcontractors for this project include InDepth Corporation and CH2M Hill. Other tasks under this task order include the preparation and submission of the RI/FS report, decision documents, and the proposed plan for remediation.

Statement of Qualifications
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Project 5

Contract: RI/FS Mojave Gunnery Range, Mojave CA
Contracting Organization: U.S Army Corps of Engineers, Los Angeles District
Location: Former Mojave Gunnery Range, California City, California

Award Date: February 2008	Completion Date: July 2008	Contract Value: \$195K	Total Awarded Value: \$195K
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Mojave Gunnery Range "C" is a Formerly Used Defense Site located in Kern County, California. It was primarily used as an aircraft bombing range and will be released to the public as a parks and recreation area. Below is a summary of the work that ERRG conducted on this project:

MARRS GeoServices was contracted by the USACE Los Angeles District to conduct an RI/FS of the Munitions Response Area (MRA). MARRS, strictly a geophysical company, does not possess a Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) license; therefore cannot conduct explosive/demolition operations.



MARRS subcontracted ERRG to assist in the remedial investigation phase of the RI/FS. Tasks under this contract included assistance in developing the Explosive Siting Plan and Demolition SOP. Field tasks included providing a UXO team to conduct anomaly investigation of selected targets. ERRG was also responsible for the collection, classification, certification, demolition, and disposal of all MEC/MPPEH/MD and scrap recovered during the intrusive field investigation activities. Field activities for this project were completed in July 2008.

Statement of Qualifications

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Contract: **Surface Clearance and Mechanical Soil Sieving Camp Navajo Army Depot**

Project 6

Contracting Organization: **CH2M HILL Corporation**

Location: **Camp Navajo Army National Guard Depot, OB/OD Area**

Award Date:
December 2008

Completion Date:
June 2010

Contract Value:
\$2.6M

Total Awarded Value:
\$2.6M

ERRG was tasked by CH2M HILL Corporation to perform three contracts at Camp Navajo Army Depot. Under the first contract, ERRG was responsible for conducting a 100 percent surface clearance of MRS A2, MRS B and NAAD 09; which total approximately 361 acres. The tasks included transportation of MEC items to an explosive storage magazine, identification of munitions debris and performing blow in place (BIP) procedures on ordnance items that were deemed unsafe to move.

The second and third contracts issued to ERRG were for the performance of a mechanical soil sieving contract of soils from Navajo Army Depot (NAAD) 02 and NAAD 09C soils. This project involved the mechanical sieving of 15,000 cubic yards of soil, and the separation, segregation, inspection and certification of 450 cubic yards of metals extracted from the NAAD 02 and NAAD 09C soils with an additional portion of existing metals from previous MEC investigation performed at the project site by other UXO contractors.





Introduction to Key Personnel

ERRG has assembled a team of personnel available to support this contract.

The personnel herein were chosen for their respective experience in the roles assigned to this contract.

ERRG’s program management approach enables Brad Hall, our Program Manager, and key personnel under his

management to access and assign the resources necessary to perform all work safely, complete the work on schedule, and with the highest quality. Our management strategy also establishes accountability with each position. With that accountability comes authority to make decisions or to take actions as necessary to ensure ultimate success of the contract.

Bradley S. Hall, PG	Proposed Job Title: Program Manager
Mr. Hall's Qualifications:	<ul style="list-style-type: none"> ▪ 14 years as Program Manager for environmental restoration and remedial action contracts; 18 years as a Senior Manager working with environmental restoration studies and remedial action projects, and more than 20 years total requisite experience ▪ (they want exp executing MMR actions for DoD)
Education	<ul style="list-style-type: none"> ▪ M.S., Geological Sciences, University of California Riverside, 1989 ▪ B.S., Geology, Beloit College, 1987
Special Qualifications	<ul style="list-style-type: none"> ▪ Register Professional Geologist, California, No. 6207
Experience	<ul style="list-style-type: none"> ▪ ERRG, Inc. (5/04 - Present) ▪ Ziggurat LLC (2/02 – 5/04) ▪ Tetra Tech, Inc. (6/93 - 2/02) ▪ Roux Associates (1/91 – 5/93)

Mr. Hall is a Sr. Program Manager with more than 20 years of expert Environmental Remediation Services and Site Assessment experience. He is an excellent communicator and works closely with his Clients/Customers as their Primary POC with ERRG; has developed excellent negotiating skills and relationships with the regulators; and has successfully negotiated closure for multiple CERCLA sites. He has been the Program Manager for more than 15 ID/IQ environmental investigation and restoration contracts in the past 15 years. Contracts values have ranged from \$3M up to \$100M with as many as 20 task orders being conducted concurrently. In addition to his program management experience, he has managed numerous Remedial Investigation/ Feasibility Study Programs, Litigation Support Programs, Phase I and II Site Investigations and Remediation Design Projects. His background includes projects conducted for government and private clients as well as work on behalf of attorneys and extensive experience coordinating and conducting legal investigations in preparation of expert witness testimonies. His background in IRP and CERCLA/SARA investigations

includes the preparation and implementation of RI/FS Work Plans, Field Sampling Plans, H & S Plans, QA/QC Plans, Remedial Action Plans, Remedial Designs, and Site Closures.

Yodaville Target Clearance and Reconstruction, US Navy, MCAS Yuma Training Range, Arizona (Project 3)
 Project Manager for range clearance and target replacement for the Yodaville Urban Training Facility located within the Barry Goldwater Range complex. Project includes assessment of structural integrity of existing targets, removal of structurally unsafe targets, and construction of new targets utilizing 20- and 40-foot used conex containers stacked up to 3 high and painted to look like buildings. UXO clearance includes a surface sweep of the target area and subsurface clearance of the access roads. All target removals and replacements are being conducted using armored equipment to eliminate the need to conduct subsurface sweeps around all of the targets.

Program Manager for **As-Needed Environmental Response Services Contract, US Forest Service,**

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Region 5 Projects conducted under this five year contract have included phase I site assessments, Engineering Evaluation/Cost Analyses (EE/CAs), treatability studies, pilot tests, time critical removal actions, non time-critical removal actions, and treatment system construction. Projects have been conducted for both the US Forest Service (Regions 3 and 5) and the Bureau of Land Management in California and New Mexico. Most of the projects have been conducted in relation to abandoned mine lands or former waste disposal areas. A total of 35 Task orders have been issued to date on this contract totaling more than \$10 million.

As-Needed ID/IQ Environmental Services Contract, Oakland, California, US Coast Guard CEU Oakland

Coordinated more than 150 projects in four states with up to 20 projects running concurrently at any given time. Program Manager for four US Coast Guard as-needed ID/IQ environmental services contracts from 1993 to date. Contract values ranged from \$990,000 up to \$4.5 million. Projects conducted under these contracts includes UST/AST investigations, remedial designs, construction management, asbestos abatement, NEPA compliance documentation, biological surveys, dredging studies, LBP investigations, and UST removals.

As-Needed HTRW Services, US Army Corps of Engineers

Coordinated more than 40 staff concurrently working at more than six installations/project sites in four states. Deputy Program Manager for five year \$60 million as-needed environmental ID/IQ environmental services contract for US Army Corps of Engineers, Sacramento District. Projects conducted under this contract included remedial investigations, feasibility studies, pilot studies, and interim remedial actions at more than 30 sites in five states.

Environmental Multi-award Contract (EMAC) for Environmental Restoration Services, Naval Facilities Engineering Command (NAVFAC) Southwest

Program Manager for \$50M US Navy as-needed environmental restoration services contract from 2008 to date. Includes coordination of environmental investigation and remediation projects in Arizona, California, Nevada, and New Mexico. To date, individual task order values have ranged from \$161,000 up to \$667,000. Projects conducted under this contract to date include a removal action for VOC-contaminated soil, a RI/FS for TPH and PCB contamination at a former firefighter training facility, and investigation of VOC contamination in proximity to former UST sites. Task orders issued to date total more than \$1 million.

Range Sustainment and Remediation Environmental Multi-Award Contract (RSREMAC), Naval Facilities Engineering Command (NAVFAC) Southwest

Program Manager for \$100M US Navy as-needed contract to provide performance-based range cleanup, restoration and sustainment services for US Navy and Marine Corps facilities in Arizona, California, Colorado, Nevada, and New Mexico, Utah, Oregon, and other DoD installations nationwide. Included under this contract is the renovation of the Yodaville target complex at the Marine Corps Air Station in Yuma, AZ. Task orders have been issued to date on this contract totaling more than \$2.3 million.

Camp Navajo, Bellemont, Arizona (Project 6)

Program Manager for a MEC Surface Removal Action and a MEC Soil Screening project in the former Open Burn/Open Detonation (OB/OD Site) area at Camp Navajo. The work was conducted for the Army National Guard under a subcontract to CH2M Hill. The MEC Surface Removal Action utilized a team of 22 UXO Technicians to sweep 361 acres (485 whole or partial 200 x 200' grids). The MEC Soil Screening project utilized and armored excavator and an armored power screening plant to process approximately 12,000 cubic yards of mixed soil, metal debris, and munition debris. All processed soil larger than ¾-inch was spread and scanned by the field team and all metal debris was processed and certified as safe for recycling/disposal.

Cape Disappointment, Ilwaco, Washington. Program Manager for emergency MEC evaluation and abatement project for the US Coast Guard at Station Cape Disappointment.

Rock Scaling activities being conducted to stabilize a cliff adjacent to the station buildings uncovered blasting holes containing detonation wires. Upon discovery, all activities were halted and the USCG evacuated the facility. Under ERRG's existing as-needed ID/IQ contract, ERRG was tasked to conduct an emergency evaluation of the site and abate any suspect explosives remaining at the site. ERRG mobilized a crew and, utilizing cranes and man-lifts, evaluated and cleared more than 30 drill holes in the 250-foot cliff face.

Statement of Qualifications
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David Williams Proposed Job Title: **Project Manager**

Mr. Williams's Qualifications:	<ul style="list-style-type: none"> ▪ 14 years as Program Manager for environmental restoration and remedial action contracts; 18 years as a Senior Manager working with environmental restoration studies and remedial action projects, and more than 20 years total requisite experience ▪ (they want Site Assessment)
Education	<ul style="list-style-type: none"> ▪ Naval School Explosive Ordnance Disposal (NAVSCOLEOD) Graduate ▪ B.S. Management University of Phoenix, 2008
Special Qualifications	<ul style="list-style-type: none"> ▪ OSHA 30 Hour Construction Safety Course
Experience	<ul style="list-style-type: none"> ▪ ERRG, Inc. (5/10-Present) ▪ Bering Sea Eccotech (9/07 – 4/10) ▪ Rest Corp (12/04 - 9/07) ▪ U.S.M.C (1/85 – 12/02)

Mr. Williams has over 23 years of field and operational experience in all areas of explosive ordnance disposal (EOD), unexploded ordnance (UXO) clearance, demolition range operations, demilitarization operations, and range sustainability and closure. Mr. Williams' military EOD experience covered all aspects of EOD operations in the United States Marine Corps, including deployments to active military theaters of war.

Mr. William's civilian UXO experience has focused on advanced quality management principles, range clearances, and demilitarization operations. During the last 5 years, he has worked on numerous MEC projects, amassing a vast amount of knowledge and experience during range clearances and demilitarization operations of active military ranges in the Southwestern United States.

In addition, Mr. Williams has over 15 years' experience the areas of personnel management, project planning, and implementation as an EOD Officer and Senior UXO Supervisor.

Yuma MCAS, Yodaville Target Removal/Replacement Renovation Project 2010, Modification 0002, California (Project 3). Mr. Williams was the Operations Manager tasked with overseeing the target demilitarization and renovation activities at Area 10 North of the Chocolate Mountains Ranges East located in Niland, California. As the MEC Operations Manager, Mr. Williams oversaw all

project operations and managed the onsite project personnel and subcontractor activities and ensured implementation of the project plans. Mr. Williams was integral in planning and implementing multiple operations within a 200-acre site which required completion within a condensed window of availability scheduled to occur during the planned closure of the ranges of Camp Billy Machen. All facets of operations required a high level of interaction with range scheduling and multiple Navy and Marine Corps points of contact.

Navy Range Clearances and Demilitarization Operation Projects. As Senior UXO Supervisor (SUXOS) for numerous range clearance and demilitarization (demil) projects located throughout California, Nevada, and Arizona, Mr. Williams was responsible for planning and managing range clearance and demolition of recovered MEC items to include processing, inspection and certification, and shipment of MDAS materials to authorized facilities for disposal. He was responsible for the supervision of a fleet of heavy equipment and personnel transportation vehicles, and managing up to 150 personnel while conducting range sweeps and target construction in numerous target areas simultaneously. He also served as liaison between BSE and the Navy, and planned and conducted weekly and monthly status meetings attended by owner, client, and other stakeholders.



Frank Cota Proposed Job Title: **QC Manager**

Mr. Cota's Qualifications:	<ul style="list-style-type: none"> ▪ 15 years in personnel management, quality services, and customer service/satisfaction roles. ▪ 17 years MEC/EOD operations, including site assessment projects.
Education	<ul style="list-style-type: none"> ▪ Naval School Explosive Ordnance Disposal (NAVSCOLEOD) Indian Head, MD, 1985
Special Qualifications	<ul style="list-style-type: none"> ▪ ASQ Qualified Quality Auditor, 2004 ▪ OSHA 30 Hour Construction Safety Course
Experience	<ul style="list-style-type: none"> ▪ ERRG, Inc. (11/09-Present) ▪ Parsons Infrastructure (12/06 – 11/09) ▪ Northgate Environmental (5/03 – 2/06) ▪ Other UXO positions (3/96 - 5/039)

Mr. Cota has over 17 years of field and operational experience in all areas of explosive ordnance disposal (EOD), unexploded ordnance (UXO) clearance, demolition range operations, and range sustainability and closure. Mr. Cota's civilian UXO experience has focused on advanced quality management principles and implementation strategies. During the last 13 years, Mr. Cota has worked on numerous MEC projects, ranging from site investigation and range maintenance, to MEC cleanup projects at active and former Navy and Army facilities in California.

Project Manager for **Former Camp San Luis Obispo, California Time Critical Removal Action (TCRA)** project. As PM, Mr. Cota managed a 23-person TCRA Surface Clearance project located at the former Camp San Luis Obispo MRS-05 project site in San Luis Obispo, California. The project was located in close proximity to two elementary schools and was actively used as part of the Cal Poly agricultural department student training program. This project involved performing a surface clearance 170 acres, demolition operations of MEC items discovered, and installation of UXO warning signs at various locations in the vicinity of the project site. Data collected during the investigation are being used for assessment of the potential level of contamination of adjacent properties within close vicinity to this FUDS site.

3rd Party Quality Assurance Projects, California. Project Manager/UXO Corporate Quality Control Officer for multiple

ERRG projects located throughout California. Currently manages quality assurance prime contract for NAVFAC PMO West at multiple locations in California (Concord Naval Weapons Station (**Project 2**), Mare Island, Hunter's Point, El Toro) providing 3rd party Q/A of diverse MEC projects. Project requirements vary depending on location but are oriented around the assessment of UXO contamination present at each Navy project site.

Yuma MCAS, Target Removal/Replacement Renovation Project & Range Clearance Project 2010, California (Project 3). Mr. Cota was the QA Manager tasked with overseeing the target demilitarization and renovation activities during the course of this project. As the QA Manager, Mr. Cota oversaw all project operations and managed the onsite project QA Specialist and all QA activities. Ensured compliance of project personnel with the project plans. Served as liaison concerning contract compliance with NAVFAC Contracting Officer.

Camp Navajo, Bellemont, Arizona (**Project 6**), Mr. Cota recently participated in the full scale MEC Surface Removal Action located at the former Open Burn/Open Detonation (OB/OD Site). This 361 acre site, comprised of wooded and steep terrain, required a surface removal and was divided into 485 whole or partial 200 x 200' grids with contamination ranging from mild to heavily concentrated.