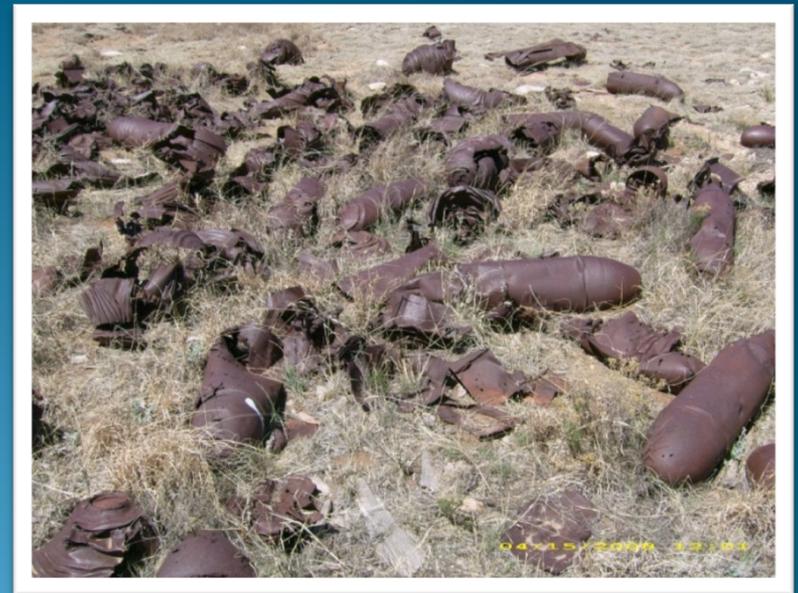


USDA's Formerly Used Defense Sites (FUDS) Program

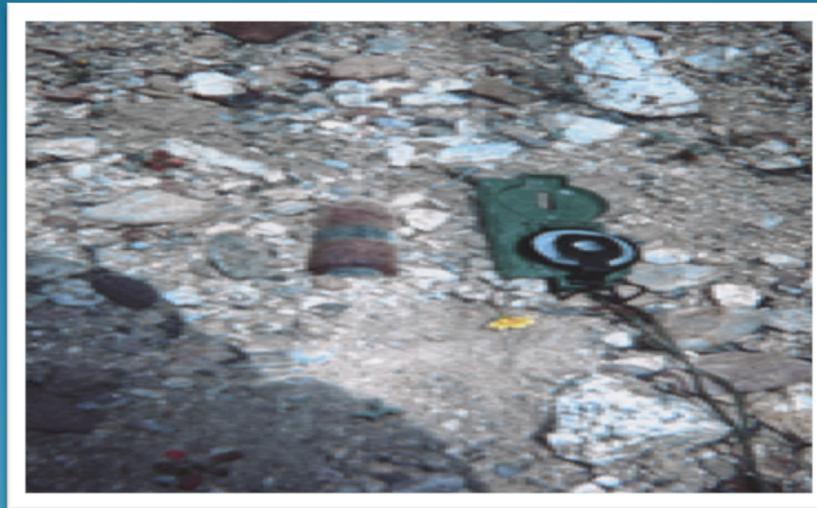
- Overview of FUDS/MMRP on USDA Managed Lands
- USDA's Land Management Responsibilities
- Successes and Challenges
- Moving Forward



Bremont Precision Bombing Range in TX

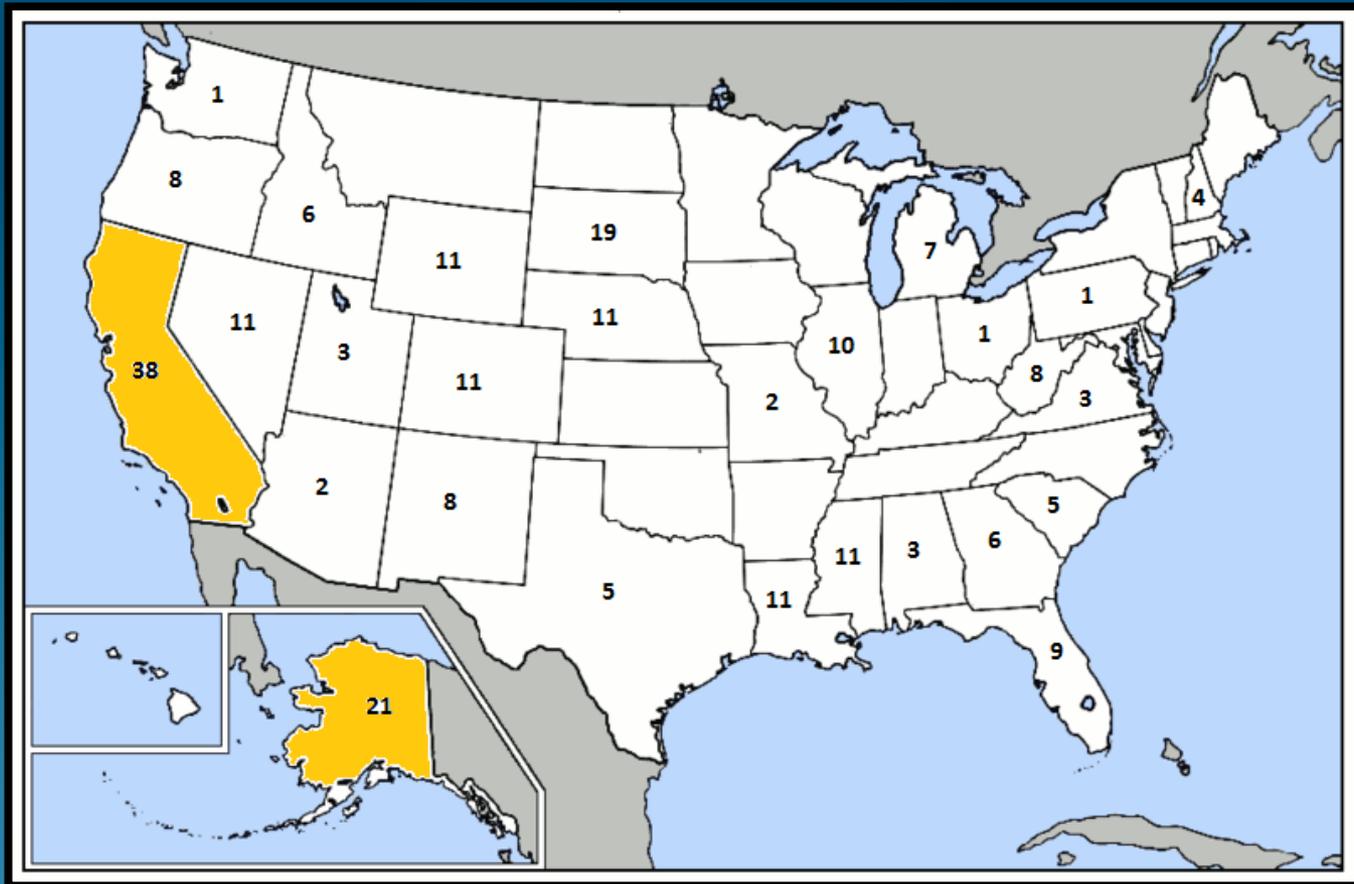
USDA Agencies Impacted By FUDS

- Forest Service and Agricultural Research Service are the only USDA Agencies managing FUDS impacted lands
- Majority of FUDS are located on national forests and grasslands



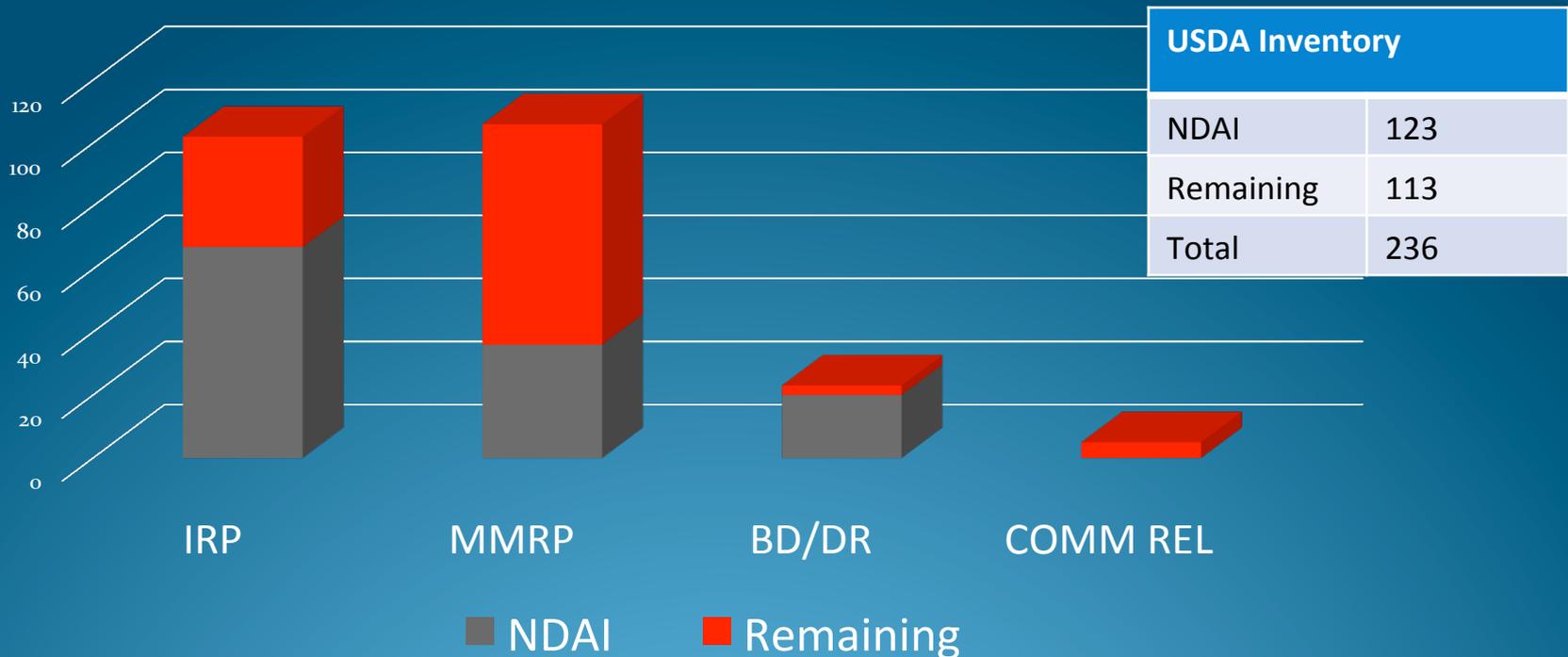
Dry Canyon Artillery
Range in CA

FUDS on USDA Managed Lands (Number of FUDS per State)



Formerly Used Defense Sites by USACE Program Categories

Total FUDS= 236



IRP = Installation Restoration Program, MMRP = Military Munitions Response Program
 BD/DR = Building Demolition and Debris Removal Program
 COM REL = Community Relations
 NDAI = no DOD action indicated

USDA's Land Management Responsibility

- **Forest Service Organic Administration Act** - Establishes the Forest Service as the responsible agency for protection and management of public lands designated as forest reserves.
- **Multiple-Use Sustained Yield Act** - Declares that the purposes of the national forests include outdoor recreation, range, timber, watershed, and fish and wildlife.

USDA's Land Management Responsibility Cont'd

- 36 CFR Part 261, Subpart B
 - Details procedures, processes, and requirements related to use and occupancy of National Forest System (NFS) lands
 - Activities that cause more than a nominal effect on NFS land require a special use authorization that set forth terms and conditions
 - ❖ Designed to protect NFS lands and resources
 - ❖ Avoid conflict with NFS programs or operations
 - Non-Intrusive Activities = Nominal Effects
 - Intrusive Activities = More Than Nominal Effects

USDA's Land Management Responsibility Cont'd

- USDA CERCLA Lead Federal Agency Authority
 - Delegated via Executive Order 12580 under Section 104 of CERCLA to Secretary of Agriculture
 - Applies to cleanup of non-NPL hazardous waste sites
 - Delegated from Secretary of Agriculture to Chief of Forest Service via 7 CFR 2.20(a)(7) and 7 CFR 2.60(a)(39)
 - Further delegation to Regional Foresters via FSM 2164.04c

USDA's Land Management Responsibility Cont'd

The Secretary of Agriculture and the Chief of Forest Service are responsible for ensuring:

- ✓ NFS resources are protected
- ✓ Damaged NFS lands are restored
- ✓ Forest Management Plans are developed and updated

Successes & Challenges

Challenge – Interpretation of CERCLA Authority

- Executive Order 12580 delegated lead Federal agency authority to the Secretary of Agriculture for non-NPL sites
- DOD was granted authority to cleanup FUDs under the Defense Environmental Restoration Program (DERP) (SARA Section 211) for all sites “under the jurisdiction” of the Secretary of Defense

Successes & Challenges Cont'd

Success - Establishment of “Statement of Principles” for Collaborative Decision Making for Cleanup of FUDS on Federal Lands

- DoD and FLMs shall seek mutual agreement on significant cleanup decisions, including, but not limited to, cleanup levels, the selected remedy, and any future land use controls
- DoD and FLMs agree to conduct periodic reviews of effectiveness of the remedy post-remediation and establish roles and responsibilities in a written agreement

Successes & Challenges Cont'd

Challenge – Establishing Agreements for Intrusive Field Work

- Memorandum of Understanding (MOU) Concerning CERCLA Investigations and Response Actions at FUDS on Federal Lands, Indian Trust Lands, and U.S. Territories
- Access Agreement for Intrusive Actions

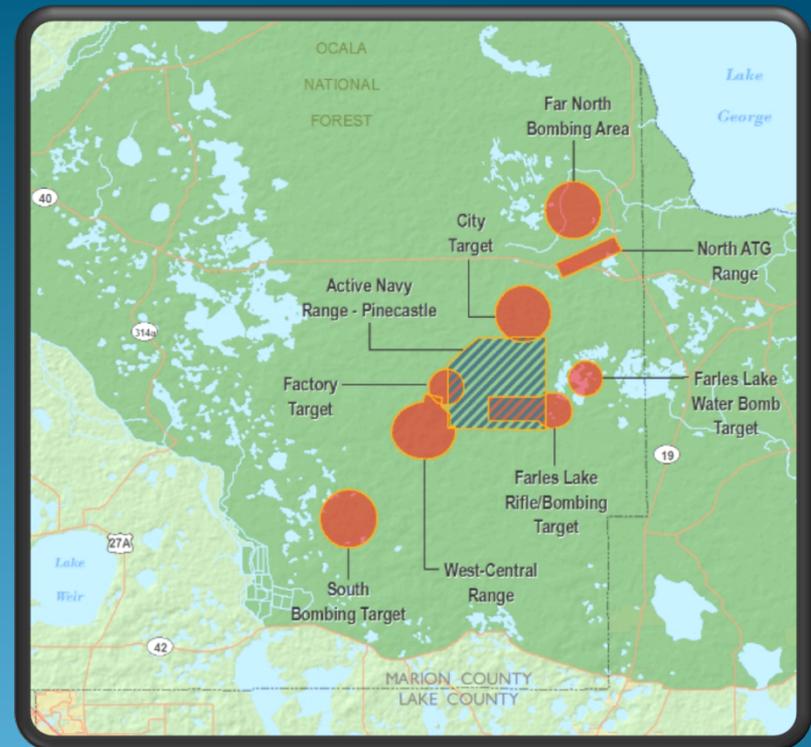
Successes & Challenges Cont'd

Additional Challenges

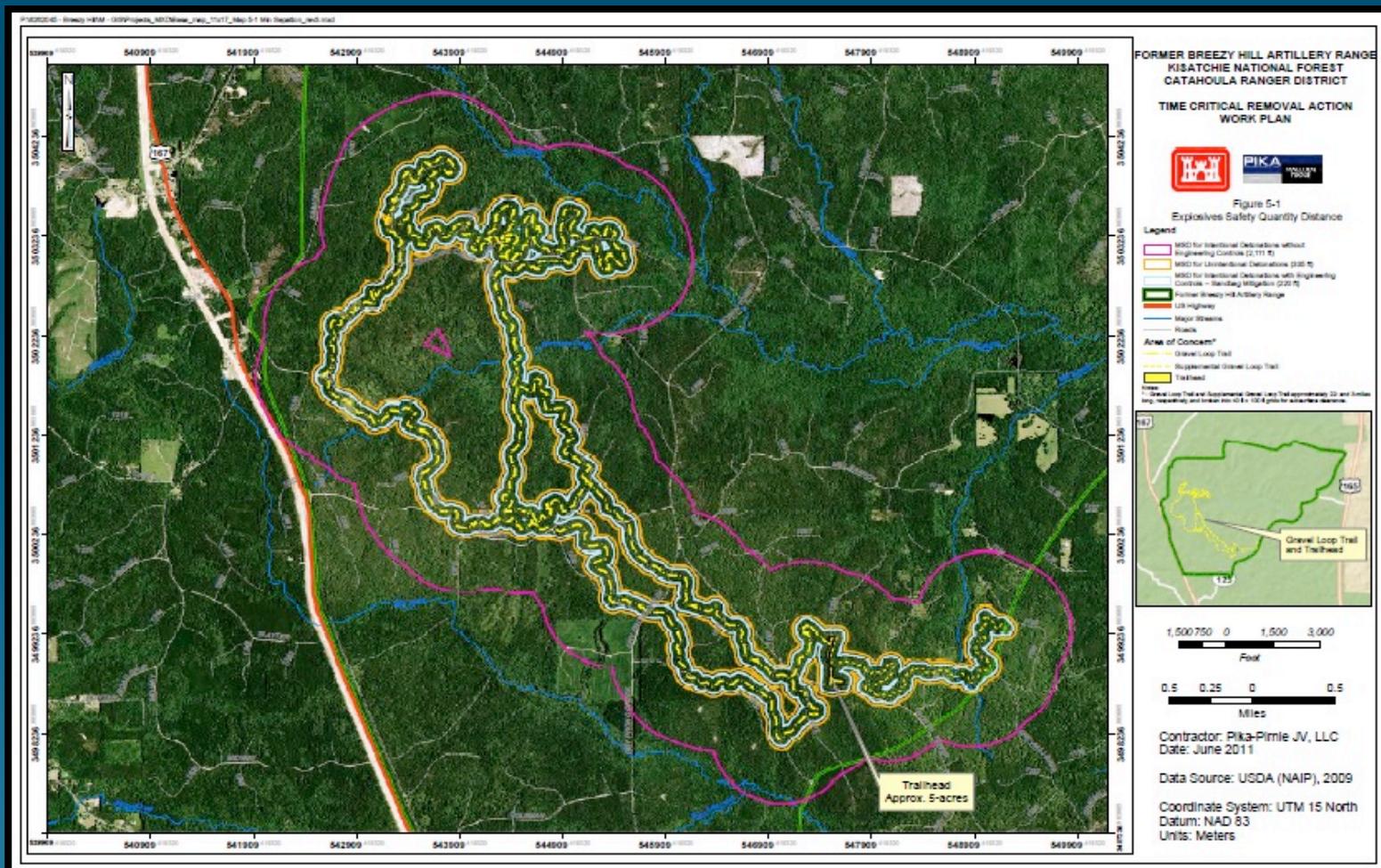
- Land Use Controls that hinder land management activities and wildland firefighting
- Construction support during interim risk management and post-remediation
- Inventory reconciliation and data sharing

Lake Bryant Bombing & Gunnery Range (Success)

- Productive coordination and collaboration between USACE and USDA
- Revised RI/FS to include new info
- Included construction support for land-use restrictions



Breezy Hill Artillery Range (Success)



Black Hills Army Depot (Challenge)

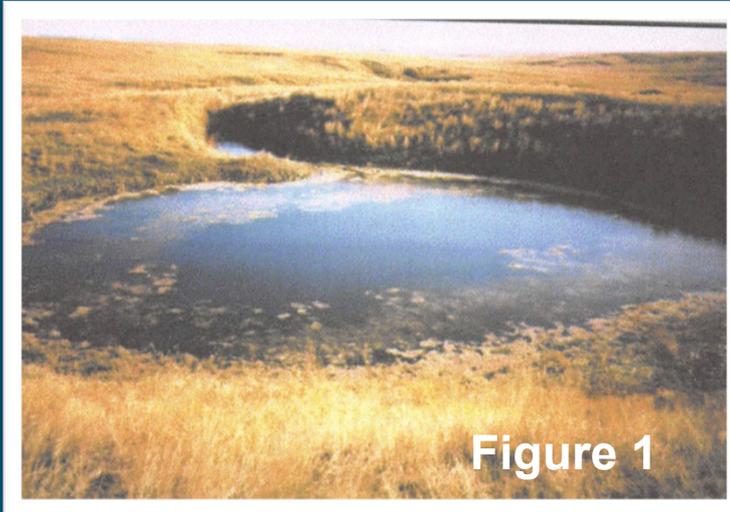


Figure 1

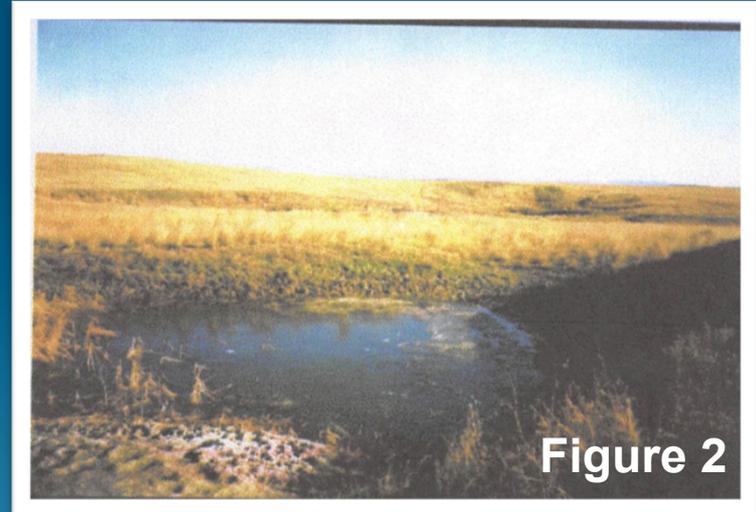


Figure 2

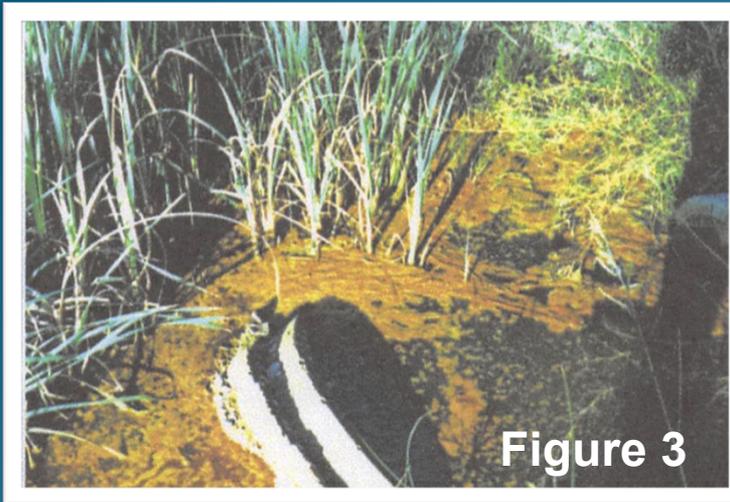


Figure 3



Figure 4

Black Hills Army Depot (Challenge)Cont'd



Moving Forward - USDA

- Develop policy and guidance documents
- Reconcile inventory
- Provide training

Moving Forward – USDA & USACE

- Improve Communication & Coordination
- Clarify USDA and DOD roles and responsibilities
- Recognize USDA's authorities and substantive land management responsibilities
- Develop and implement a clear dispute resolution process

Moving Forward – USDA & USACE Cont'd

- Reconcile inventory and data sharing
- Develop an interagency MOU for communication, coordination and cooperation for response work on USDA's lands
- Develop a detailed access authorization for intrusive activities

Summary

Collaborating and coordinating with federal land managers throughout the response process is the key for a successful response action of the MMRP sites on USDA managed lands

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