

# 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

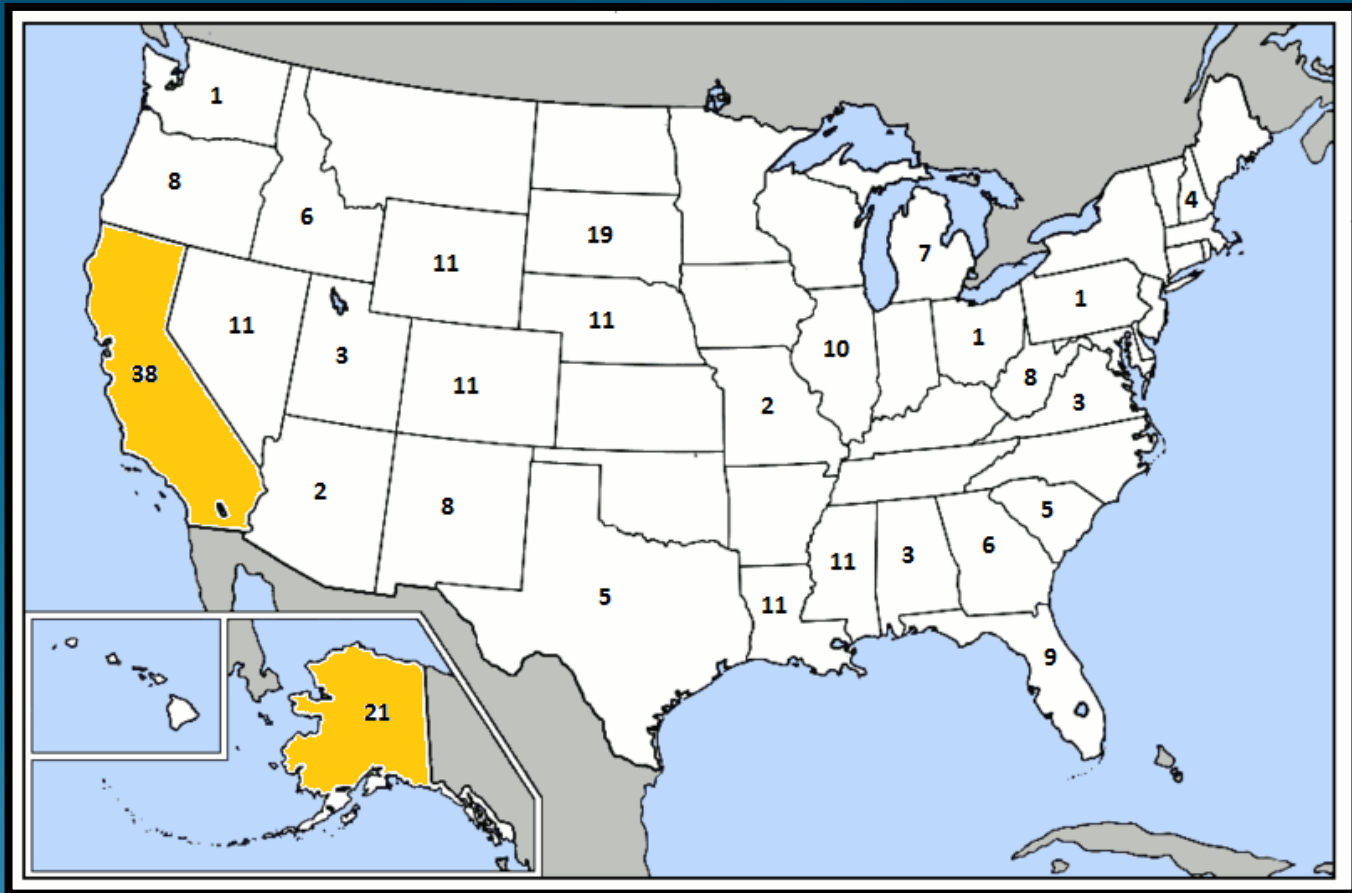
# USDA Agencies Impacted By FUDS

- 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



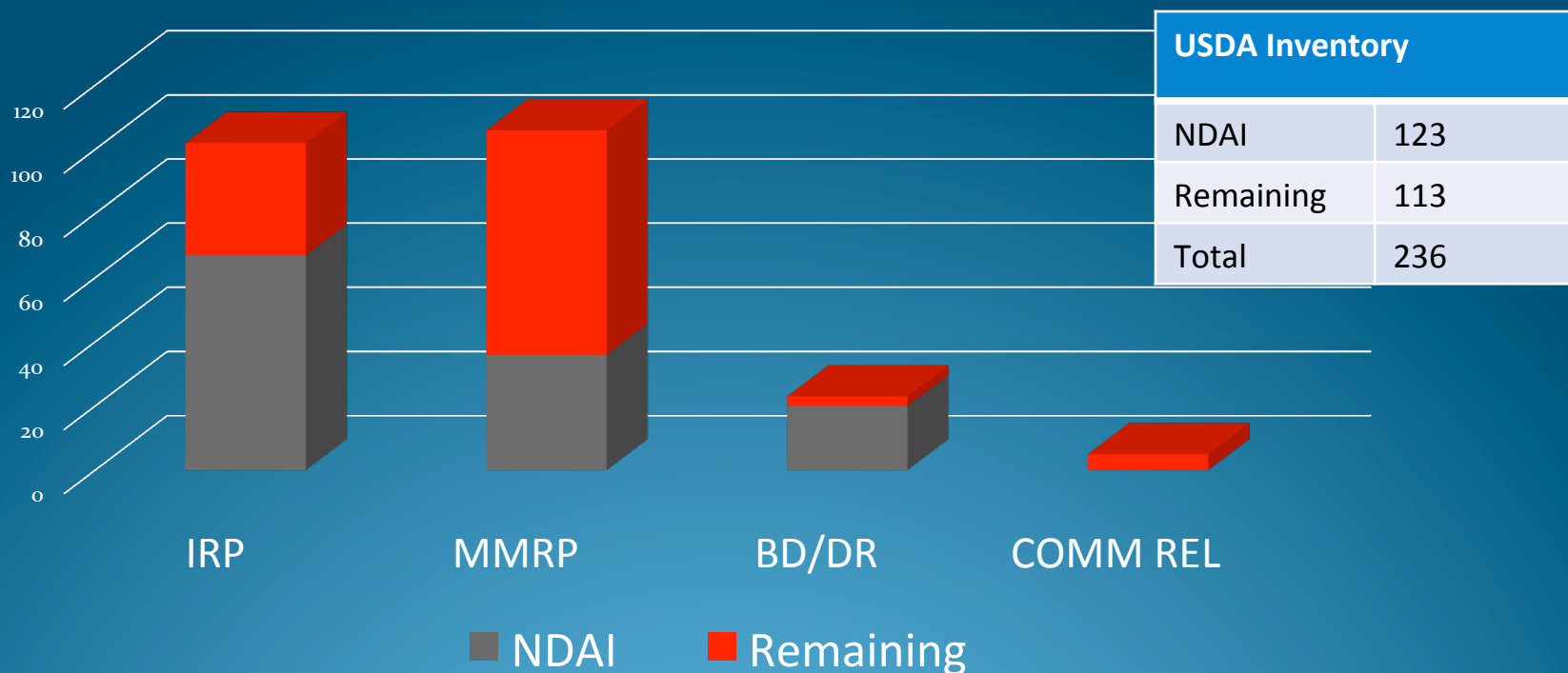
Dry Canyon Artillery  
Range in CA

# 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

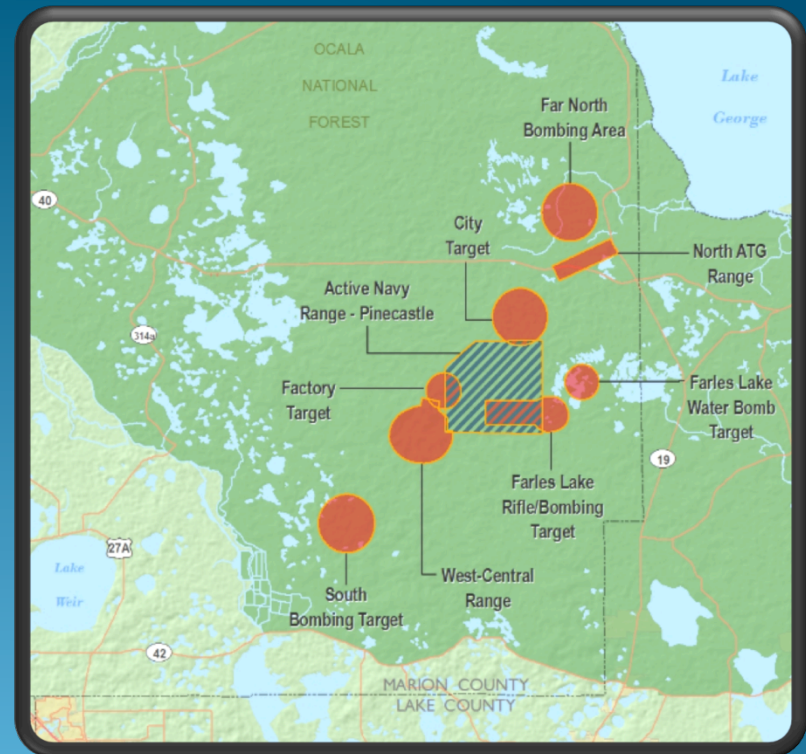
## Additional Challenges

- 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

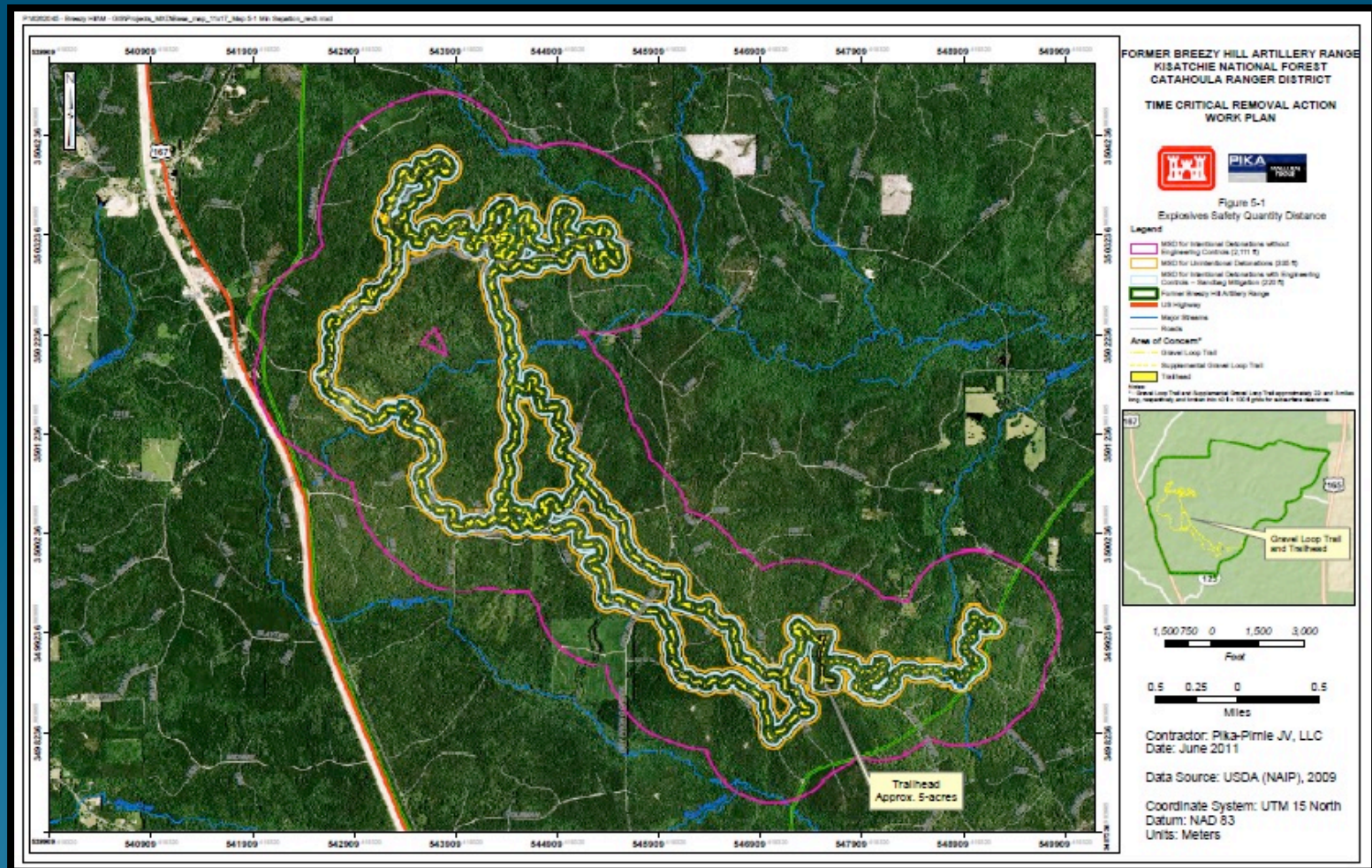


# Lake Bryant Bombing & Gunnery Range (Success)

- 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)

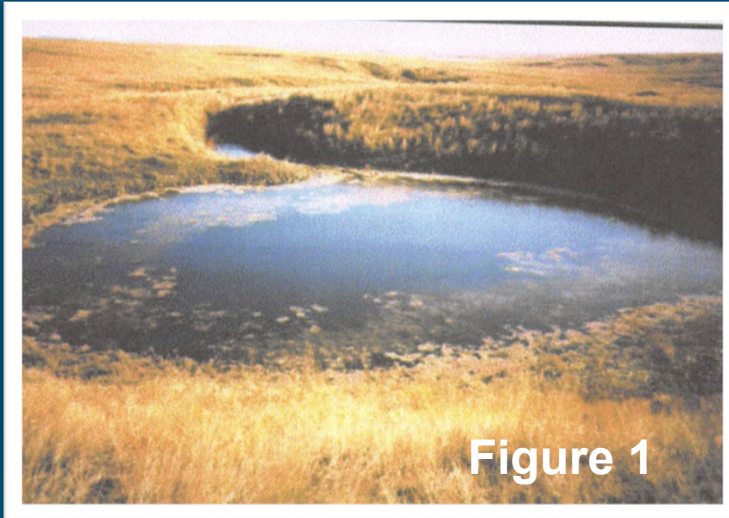


Figure 1



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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