



IN ADDITION TO:

FWS/ARW-IRE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4956

APR 19 1995

Mr. Paul W. Johnson
Deputy Assistant Secretary of the Army
Installations and Housing
Department of the Army
110 Army, Pentagon
Washington, D.C. 20310-0110

Dear Mr. Johnson:

This letter is a follow up to the presentation by the U. S. Fish and Wildlife Service (Service) on March 7, 1995, for the U. S. Army's Jefferson Proving Ground (JPG) in Indiana.

The Service has spent the last month examining the situation at JPG, talking with solicitors, getting comments on the Draft Concept Plan from the Environmental Protection Agency (EPA), tracking base closure trends nationwide, and contacting others involved in base closures. We have concluded that we cannot proceed with an interagency agreement on the terms and conditions of the transfer.

Based on advice from the Department of the Interior Field Solicitor's Office, we do not believe that an interagency agreement would be an adequate document to define a long-term relationship involving significant financial and liability commitments. Not only is there insufficient information on which the agreement would be based, but the instrument itself lacks the legal protection that we desire.

The underlying problem relates to several major issues affecting both the Army and the Service that are yet to be resolved. These issues center around unexploded ordnance (UXO) and associated cleanup, liability, and safety matters as follows:

- 1) Since the Army has determined that most UXO cleanup north of the firing line is not financially or technically feasible, we believe that all UXO liability and full responsibility for public safety related to UXO should remain with the Army. The Service is unwilling to assume responsibility for the unknown and potentially large cost risk.
- 2) The UXO safety and cleanup policies and standards are vague and inconsistent. The Service cannot proceed without clear policy and standards from the Army as they apply to the situation at JPG. The Service has submitted to the Army our proposals for public use. Before proceeding, we think it is appropriate for the Army to prepare

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and submit to the Service: a) consolidated comments on the Draft Concept Plan (specifically, are the future uses proposed in the Draft Concept Plan compatible with the continued existence of UXO?); b) the Army's UXO cleanup plan (explosive safety submission); c) Army's safety plan based on the proposals; and d) risk assessment. These plans should clearly explain the UXO hazards and liability assumptions inherent in your decisions.

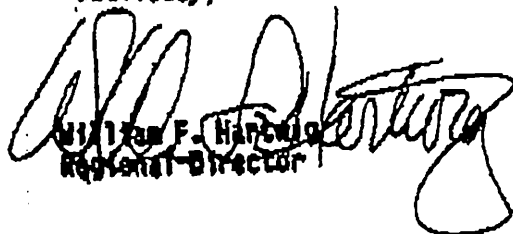
3) Comprehensive baseline data on contaminants and UXO does not exist at JPC at this time. Insufficient information combined with many unknown factors associated with the munitions rule being developed by EPA prevent the Service from making any long-term commitments. Additional data and the final munitions rule (July 1996) should help clarify many of the ambiguities surrounding UXO. We recommend that the Army conduct comprehensive baseline studies of contaminants and UXO north of the firing line.

4) The Service lacks the information needed to place estimates on short and long-term staff and funding. Many of the elements tie directly to safety and cleanup plans which are yet to be developed. Regardless, the Service does not have the ability to staff the refuge and pay for capital improvements at this time. The only way that the Service can proceed toward transfer of the land is if the Army agrees to provide support during the transition period and the Army agrees to long-term support of staff and costs associated with public safety related to UXO. The Service is prepared to provide refuge management input into this process but we do not have expertise related to UXO and safety.

In summary, the Service continues to be interested in protecting the outstanding natural resource values of the area by establishing a national wildlife refuge, however, we cannot proceed until solutions to the above issues are found. Some of the issues are nationwide in scope and upcoming rules, legislation, amendments, and funding may provide solutions to assist in future transfer of JPC. A prompt initial response in writing will help us prepare our official comments for the Draft Environmental Impact Statement.

For comments concerning this project, please contact Mr. Jim Litzinger, Refuges and Wildlife, at (612) 725-3507.

Sincerely,


William F. Hamilton
Regional Director

cc: Congressman Lee Hamilton
Senator Richard Lugar
Senator Dan Coats
Colonel Terry H. Weakly, Jefferson Proving Ground
Lt. Colonel Bill Adams, HQDA-BRACO
Ms. Carol Witt-Smith, EPA, Region 5