

## Corps Contact

The *Badlands Bombing Range Report* is researched, written, compiled, and distributed by members of the Corps of Engineers, Omaha District BBR project team. Articles relating to the environmental restoration of the Former BBR may be submitted for publication by members of the RAB; the Oglala Sioux Tribe; federal, state, or local agencies; and the general public. Mr. Thomas O'Hara has been designated as the official point of contact for all public inquiries concerning the Corps of Engineers' efforts at the Former BBR. All calls and letters directed to other Corps representatives will be re-routed through the Public Affairs Office. To avoid delays, please contact Mr. O'Hara directly at the following address.

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### RAB NOTES

The next meeting of the Former BBR RAB will be held on 4 December 1997, in the Piya Wiconi Auditorium at the Oglala Lakota College. As usual, a pre-RAB training session will be held at 10:00 a.m. December's training will pertain to the DOD Range Rule and its impact on the Former BBR. The RAB meeting will begin at 1:00 p.m.

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## Inside this Issue. . .

This issue of the *BBR Report* includes updates on the progress of activities currently underway to expedite the restoration of the Former Badlands Bombing Range (BBR) and its transfer to the Oglala Sioux Tribe (OST). The most exciting accomplishment of the quarter is the finalization of the much anticipated Cooperative Agreement between the Corps of Engineers, Omaha District and the OST. It is expected to set a standard for inter-governmental agreements in the future.

In August, the Corps completed a survey of the corridor slated for construction of the Oglala Sioux Rural Water Supply System's new waterline. When complete, the pipeline will bring clean water to the Pine Ridge Reservation.

In addition, members of the Real Estate Working Group have identified what appears to be the relevant law under which final transfer of the last parcel of Former BBR land may occur.

Also included, are regular columns with updates on the Corps' Hazardous and Toxic Waste (HTW) and Ordnance and Explosives (OE) investigations; acronym definitions; Restoration Advisory Board (RAB) information; and information on how to contact the project's contact person.

## Cooperative Agreement Finalized

The Corps of Engineers and the OST are making history. The Corps has entered into a Cooperative Agreement with the OST which will:

- *allow the Department of Defense (DOD) to meet its responsibilities of restoring the Former BBR to an environmentally safe condition;*
- *provide the tribe with the training, tools, and opportunity to manage its own restoration programs; and*
- *eventually allow the tribe to share that training with tribes across the nation.*

The agreement is the first of its kind between the U.S. Government and a Native American government.

Restoration of the Former BBR must take place before the land may be returned to tribal members. The Corps of Engineers, Omaha District has been working closely with the OST BBR Project Office since 1995 to make this happen. While a variety of cleanup efforts began as far back as 1974, this is the first significant effort conducted under modern environmental guidelines. A Memorandum of Understanding (MOU) was developed designating the Corps of Engineers as the executive agent for DOD. The MOU set the framework for the allocation of funds through cooperative agreements between the Corps and the BBR Project Office.

*continued inside. . .*

## Real Estate Working Group Update

The RAB's Real Estate Working Group, made up of representatives from the OST, Corps of Engineers and Ellsworth Air Force Base, was established to identify the appropriate legal avenue for transfer of Former BBR property back to the OST. The property, known as the "High Impact Area," has been retained by the U. S. Air Force due to the presence of OE.

The Working Group met on October 24, 1997 to discuss the progress made since its last meeting. The group believes that the appropriate law under which property transfer may take place has been identified. Public Law 93-599, under the Federal Property and Administrative Services Act of 1949, states that procedures may be prescribed to

transfer without compensation any excess federal property within a reservation. The 1949 Act was designed to provide for disposal of excess and surplus federal property for the benefit of any group, band, or tribe of Indians. The Corps of Engineers has previously initiated property transfers to tribes under this law.

The Real Estate Working Group will now confirm that the authority of Public Law 93-599 is the appropriate mechanism for property transfer, identify tasks necessary to complete transfer, and determine the level of signatures and offices required to implement the transfer. The group will meet again in January 1998.

**- Partners in Progress -**

## Cooperative Agreement Finalized *continued*

Once the MOU was in place, the Corps of Engineers and the BBR Project Office began developing the first Cooperative Agreement. Under the agreement, DOD agrees to work cooperatively with the OST to provide assistance in seeking and developing training for tribal members; and enable the OST to manage, evaluate, and achieve a technical expertise in all aspects of executing the cleanup of ordnance and related contaminants at the Former BBR. The final agreement was signed September 29, 1997.

*"The fact that we stand now with this agreement in place is a compliment to all the hard work which occurred during the last few years,"* said Kirk Engelbart, Corps of Engineers Project Manager. *"We now*

*have a vehicle which will help, both the OST and DOD, reach the goals set for restoring the Former BBR."*

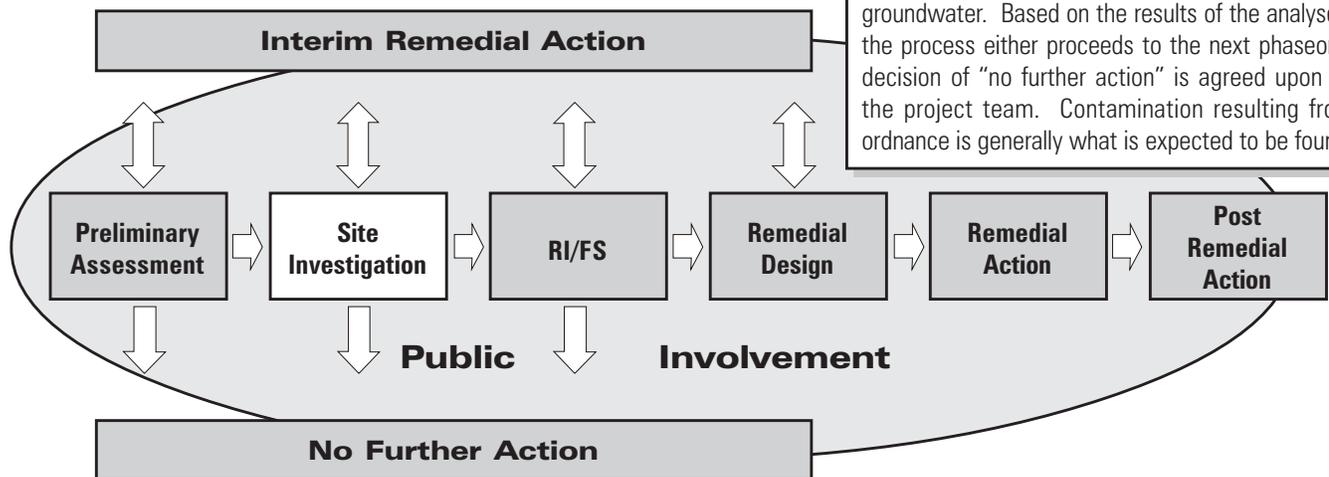
Ms. Emma Featherman-Sam, Director of the OST BBR Project Office, said, *"We feel with this agreement that DOD respects and recognizes our desire to retain tribal authority over our own lands. This agreement will help the tribe develop its own capabilities to confront the environmental challenges on our lands. It will also help prepare us to develop environmental codes to address the growing expansion and development back onto our land."*

The first quarter funds have been sent to the tribe and work is already underway. It is expected that this Cooperative Agreement will be a prototype for other tribes and agencies to follow and improve upon in the future.

## 40-Mile Waterline Route Readied

The geophysical survey has been completed for a 40-mile stretch of land designated for construction of pipeline for the Oglala Sioux Rural Water Supply System. The survey was conducted to detect any ordnance present to ensure safety for workers constructing the pipeline. The pipeline will extend from Rocky Ford to Redshirt. Thanks to the efforts of the OST Land Office, acquisition of property rights-of-entry was expedited and the Corps of Engineers was able to complete the survey in only a week. Preliminary survey results will be presented at the December RAB meeting.

## HTW Update: Where We Are in the Process



The final-draft Preliminary Assessment/Site Investigation (PA/SI) Report for Four Debris Burial Pits at the Former BBR has been reviewed by members of the RAB's Technical Review Committee (TRC). The document will be finalized in April 1998.

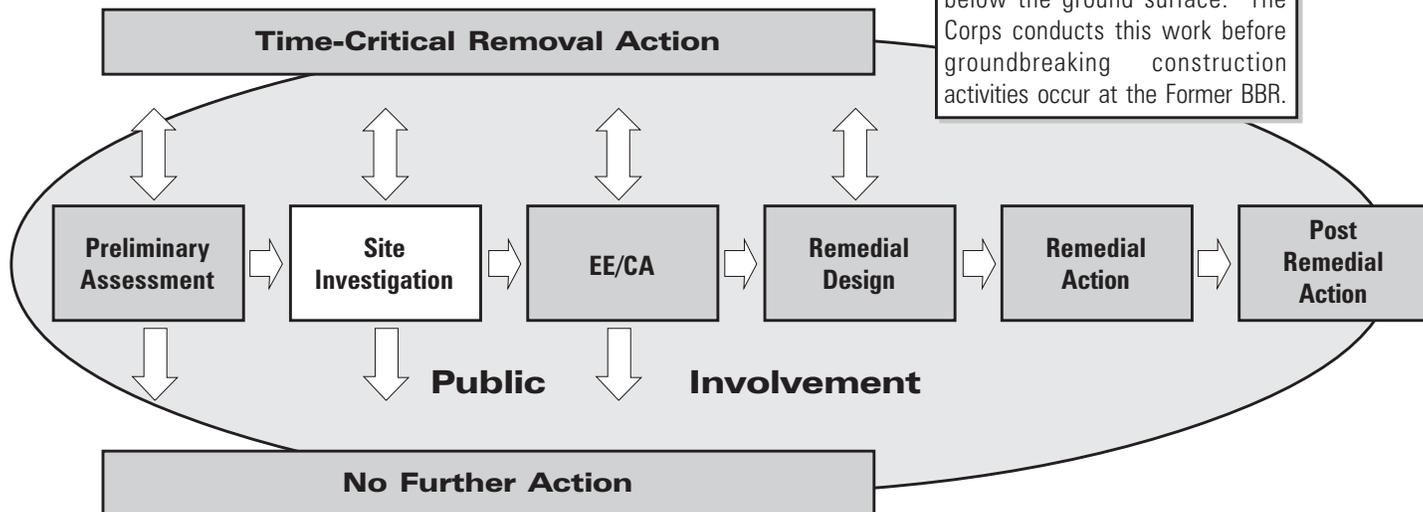
Based on the results of the PA/SI, a work plan has been prepared and released for TRC review. The plan calls for resampling and analyzing for metals in soils at each pit and

comparing the findings to levels of metals which occur naturally in the soils nearby.

An Archives Search Report (ASR) is being produced to document historical use of OE at locations throughout the Former BBR. While conducting research for the ASR, the OST BBR Project Office team found that there may be additional debris burial pits. If it is found that other pits do exist, the Corps will follow the same restoration process as conducted previously.

## OE Update: Where We Are in the Process

The Site Investigation phase of the OE restoration process involves using geophysical equipment to detect OE on and below the ground surface. The Corps conducts this work before groundbreaking construction activities occur at the Former BBR.



In September, OE specialist, Greg Bayuga from the Corps of Engineers, Huntsville Office, visited sites of known and possible aerial target areas. Kirk Engelbart, BBR Project Manager from the Corps' Omaha District; Randy Battelyoun from the OST Environmental

Office; and BBR Project Office representatives Perry Mesteth and Dorothea Tobacco accompanied him on this visit. Findings will be presented at the December RAB meeting.

## What is a Restoration Advisory Board ?

The Former BBR Restoration Advisory Board, called the "RAB," serves as a forum for the exchange of information about the environmental cleanup underway at the Former BBR. It is designed to provide a means for partnership among tribal members, citizens, DOD, the United States Environmental Protection Agency, and the State of South Dakota. The RAB brings together people who reflect the variety of interests within the local community and enables early and continued flow of information between the participating entities. RABs help ensure that all stakeholders have a voice and can actively participate in a timely and thorough manner in the review of documents which pertain to cleanup activities at the Former BBR. RAB meetings provide a forum for the expression and careful consideration of diverse points of view. The RAB has been created to complement other community involvement efforts and does not replace them.

If you would like to submit an application for membership to the BBR RAB, please phone or write to Tom O'Hara at the address listed on the back of this newsletter.

### ACRONYMS

|       |   |  |
|-------|---|--|
| ASR   | - | Archives Search Report                 |
| BBR   | - | Badlands Bombing Range                 |
| DOD   | - | Department of Defense                  |
| EE/CA | - | Engineering Evaluation & Cost Analysis |
| FS    | - | Feasibility Study                      |
| HTW   | - | Hazardous and Toxic Waste              |
| MOU   | - | Memorandum of Understanding            |
| OE    | - | Ordnance and Explosives                |
| OST   | - | Oglala Sioux Tribe                     |
| PA    | - | Preliminary Assessment                 |
| RAB   | - | Restoration Advisory Board             |
| RI    | - | Remedial Investigation                 |
| SI    | - | Site Investigation                     |
| TRC   | - | Technical Review Committee             |