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**NATURAL RESOURCE TRUSTEE TELECONFERENCE MINUTES**

03/09/95

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MINUTES

U. S. DEPARTMENT OF ENERGY  
 FERNALD ENVIRONMENTAL MANAGEMENT PROJECT  
 FERNALD, OHIO

FERMCO CONTRACT  
 DE-AC05-92OR21972  
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### MEETING SUMMARY

**SUBJECT:** NATURAL RESOURCE TRUSTEE TELECONFERENCE

**MEETING DATE:** March 9, 1995

**LOCATION:** FERMCO Fernald Office

**ISSUE DATE:** March 23, 1995 File Record Storage Copy 104.5

**DISTRIBUTION:** + Attendees \* Author of Notes

DOE

+Pete Yerace, FN  
 +Stephanie Bogart, OH

OEPA

Jeff Hurdley  
 +Tim Hull  
 +Tom Schneider  
 Larry Sirnek  
 Vanessa Steigerwald

OAG

+Terry Finn

FERMCO

+Becky Bixby  
 +Renee Holmes  
 +John Homer  
 +Jennifer Mailander  
 Steve Oberjohn  
 +Sarah Snyder  
 +Mike Strimbu  
 \*+Alicia Taylor  
 Angie Weisgerber  
 +Keith Wilkerson  
 +Eric Woods

MTC

Steve Gibson

USFWS

+Bill Kurey

DOI

+Don Henne

USEPA

+Barbara Mazur

BROWN & ROOT

Kathy Trapp

#### 1.0 Old business

- 1.1 December 8, 1994 Meeting Summary was conditionally approved pending Terry Finn's review.

Action: FERMCO to fax copy of Summary to Terry Finn. FERMCO to deliver Summary to Public Environmental Information Center (PEIC) following Terry's approval.

- 1.2 Reviewed action items from December 8, 1994 Teleconference.

1.2.1 October 26, 1994 Meeting Summary was delivered to the PEIC.

1.2.1 FERMCO asked if Trustee representatives had any comments on the Eglin Air Force Base (AFB) Natural Resource Management Plan (NRMP). Trustee representatives commented on the excellent example that the Eglin NRMP AFB illustrated. Alicia Taylor suggested removing discussion regarding the Eglin AFB NRMP from the next agenda; Trustee representatives agreed.

Action: FERMCO to eliminate the Eglin AFB NRMP as an action item. Trustees representatives to review the Eglin NRMP, as desired.

MEETING SUMMARY - Continued

1.2.3 FERMCO asked Trustee representatives for any comments they had on the Hanford Strategy Paper or example Memorandum of Understanding (MOU) and MOU-type documents. No comments were made. Bill Kurey already submitted comments on the Paper to Jenny Mailander. Tom Schneider suggested removing this as an action item from the agenda; Trustee representatives agreed.

Action: Trustee representatives will continue review of the documents for future reference. FERMCO to delete document(s) discussion as an action item.

1.2.4 FERMCO asked OEPA if they had any comments regarding Ohio Department of Natural Resources' (ODNR) involvement. Tom Schneider stated that OEPA would discuss ODNR's involvement in Trustee meetings internally.

Action: OEPA to discuss internally potential ODNR participation in FEMP Trustee meetings. DOE will continue its involvement with ODNR on other natural resource issues.

1.2.5 Becky Bixby reported that copies of the Threatened and Endangered Species Reports had been sent to ODNR (Division of Wildlife and the Natural Heritage Program), U.S. Fish and Wildlife Service, OEPA and USEPA to gain concurrence on the surveys and initiate discussion for potential mitigation.

Action: Becky Bixby will forward copies of the reports and letters to Trustee representatives by March 23, 1995.

1.2.6 FERMCO asked DOE if they had any comments regarding any potential mineral resources at the FEMP site.

Action: Stephanie Bogart will continue to research the issue.

1.2.7 Don Henne verified that he had received a copy of the complaint filed by the State and the Consent Decree regarding the natural resource claim.

Action: Don Henne will present the documents to DOI legal counsel for review.

MEETING SUMMARY - Continued

1.2.8 Trustee representatives verified that they had received a copy of the MOU draft outline; Fernald Citizen's Task Force (FCTF) Interim Report, November Meeting Minutes, and draft work plan; and various Bureau of National Affairs articles.

Action: No action.

2.0 FEMP Budget

2.1 Jenny Mailander noted that the following Trustee representative activities were included in the FEMP Environmental Compliance Division budget: draft and complete MOU, develop contractor Scope of Work, review and hire a contractor, and complete the contractor's work. She also stated that budget cuts should not affect these short-term management activities. FERMCO feels Trustee activities should continue.

Pete Yerace discussed the prioritization of activities at the FEMP site. Pete also commented that he felt it was very important for Trustee representatives to continue their path forward (activities discussed by Jenny Mailander) because it would be a return on investment and would provide justification for any future funding. Don Henne remarked that the goal should be to prevent additional damages and also compensate for prior damages. Don Henne supports the idea of taking advantage of future remedial actions to be taken at the FEMP site. Tom Schneider concurred that the Trustee representatives should proceed to prevent additional damages. Bill Kurey stated that we should keep the Trustee representative activities moving along.

Pete Yerace noted that due to the on-going budget drills, tracking resources/Trustee representative activities is important. He suggested that each Trustee representative keep track of his/her time on Trustee activities. Don Henne suggested the use of an Interagency Agreement (IAG) to fund DOI and U.S. Fish and Wildlife Service Trustee activities. Jenny Mailander explained that up to a certain point, each Trustee representative had a responsibility to fund their own activity. At some other point DOE, as the potentially responsible party (PRP) would be responsible for costs incurred relating to trustee activities. She agreed to research this issue from DOE's action at other sites. Tom Schneider stated that OEPA could be funded through existing agreements; Pete Yerace concurred.

MEETING SUMMARY - Continued

Action: Trustee representatives to continue with the proposed path forward.

Jenny Mailander will research DOE's action at other sites regarding funding Trustee activities.

3.0 Trustee representatives objectives/goals for a MOU

3.1 FERMCO asked Trustee representatives if they had any comments on the draft outline. Don Henne suggested more substance; he gave specific examples (Attachment 1). Terry Finn asked for clarification on the purpose of the MOU. Jenny Mailander stated that the MOU was an agreement to agree. The idea behind pursuing an MOU is to agree to an alternative to performing a full NRDA and the inevitable litigation that typically accompanies it.

Trustee representatives again agreed that proceeding with a MOU was an acceptable path forward. Trustee representatives accepted FERMCO's offer to draft the MOU.

Action: Don Henne will continue presenting more specifics to DOI legal counsel.

FERMCO to draft MOU for Trustee representatives' review.  
FERMCO to fax a draft MOU to Trustee representatives sometime between March 23 and March 31, 1995.

Don Henne to fax copy of his comments to Jenny Mailander for FERMCO to distribute comments to other Trustee representatives (see attached).

Trustee representatives to fax comments on draft MOU outline to Jenny Mailander.

4.0 Hiring of a Trustee Contractor

Trustee representatives were curious as to how a contractor would be selected. Tom Schneider explained that OEPA was interested in how the contractor was to be selected, the role of Trustee representatives in the selection process, and to what extent would there be a preliminary assessment. Jenny Mailander explained that Trustee representatives would act as Advisors during the procurement process. In addition, Pete Yerace added that Trustee representatives would help FERMCO to develop the contractor's Scope of Work.

MEETING SUMMARY - Continued

Don Henne explained that examining whether existing data was sufficient should be part of contractor's scope. Pete Yerace added that a justification for any further data collection would be necessary. Pete expressed interest in identifying Trustee representative expectations for this process. Trustee representatives agreed the avenue to complete this was to have the contractor review existing data and report back to the Trustee representatives on his/her findings. Jenny Mailander agreed as she noted the ample data collections that have been completed at the FEMP site.

Bill Kurey discussed the use of a Fish and Wildlife Service contractor for Trustee use. Vanessa Steigerwald had suggested previously that this worked at another site. Mike Strimbu noted that the Fish and Wildlife contractor's technical evaluation was probably limited because of the contract's funding limits.

5.0 Administrivia/Updates

- 5.1 Jenny Mailander discussed that the NRDA Steering Committee had lost its funding.

Action: FERMCO will continue to keep in contact with various sites across the DOE complex.

- 5.2 Jenny Mailander discussed the Pristine Site NRDA meeting held on March 8, 1995. The Pristine site is a National Priorities List site located in Reading, Ohio. Jenny asked how the site would be dealing with newly identified natural resource impacts, since damages have already been established. Tom Schneider and Tim Hull confirmed that this was one of the problems with the Pristine site.

Action: No action.

- 5.3 John Homer, Pete Yerace, and Mike Strimbu gave updates on the FCTF.

John Homer explained that in February the FCTF passed a motion to recommend construction of an on-site disposal facility. The recommendation stated that the facility should accept low-level material from the FEMP site only. Don Henne asked whether the FCTF had examined future land use options. Mike Strimbu explained that no formal decision had been reached by the FCTF; however, the FCTF has discussed that there should not be any residential nor agricultural use of the site and that federal ownership should continue with the area remaining as green space. Pete Yerace explained that the FCTF will be making only a recommendation to DOE. DOE will make a decision regarding future land use based upon this recommendation and other considerations.

MEETING SUMMARY - Continued

*Trustee representatives should note that members of the Natural Resource Management Department have provided the FCTF information regarding FEMP site natural resources.<sup>1</sup>*

Action: FEMP site representatives to continue attendance at FCTF meetings.

*FERMCO to send most current version of FCTF 1994 Toolbox to Trustee Representatives, who are encouraged to read the following sections to become familiar with the FCTF thoughts: (a) Section II., Future Use Criteria - for discussion of their future use consensus values; and (b) Section V., Land Use - for discussion of FCTF-identified potential future uses for consideration in their deliberations.*

*FERMCO to also send Trustee Representatives most current version of FCTF 1995 Toolbox; FERMCO to provide same on a monthly basis as it is revised.*

*FERMCO to send December through February FCTF Minutes to Trustee Representatives. All future meeting minutes will be provided on a monthly basis.*

*FERMCO to send Community Relations Plan (January 1995) to Trustee Representatives, who are encouraged to read the following sections to become familiar with community thoughts on similar and related issues; Appendix A, Summary of 1994 Community Assessment Result, especially Table A.7: Top 3 Community Concerns (p. A-18) and accompanying discussion, and Table A.8: Fernald Site Future Use Options Receiving the Most Comments (p. A-27) and accompanying discussion.*

- 5.4 Becky Bixby updated Trustee representatives on upcoming threatened and endangered species activities. Becky reported that a Scope of Work was being drafted to complete a survey this summer for a federal category one species, the cobblestone tigerbeetle. Becky noted that the species is found on gravel bars in large rivers and was recorded during the 1988 Indiana bat survey along the Great Miami River. She also reported that there are plans to continue to monitor habitat and species on FEMP property, especially the state threatened Sloan's crayfish, the only species that has actually been found on the FEMP property.

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<sup>1</sup> Text in italics represents newly presented information that was not a part of the trustee teleconference.

MEETING SUMMARY - Continued

Action: Becky to continue copying Trustee representatives on species work.

- 5.5 Eric Woods discussed Natural Resource Management activities occurring at the FEMP site including the development of a Wetlands Mitigation Approach, Programmatic Agreements for cultural resources, and a Cultural Resource Management Plan. Bill Kurey mentioned that the Ohio Division of Wildlife, as well as U.S. Fish and Wildlife Services, should review the Wetlands Mitigation Approach.

Action: FERMCO to include the Ohio Division of Wildlife and U.S. Department of Fish and Wildlife Service on review of Wetlands Mitigation Approach.

- 5.6 Alicia Taylor reviewed the list of action items generated from the above discussions.

Action: FERMCO to include action items on the April agenda.

- 5.7 A Trustee representative teleconference was scheduled for April 20, 1995 from 9:00 — 11:00 a.m. The focus of the meeting will be to discuss the MOU including the hiring of a contractor.

Action: FERMCO to prepare for meeting and fax agenda to Trustee representatives and non-Trustee participants.