

**Finding of No Significant Impact
for the
Fernald Environmental Management Project
Proposed Final Land Use
Environmental Assessment**

1.0 Summary

The U.S. Department of Energy, Ohio Field Office (DOE-OH) has prepared an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) to obtain public input on and evaluate the environmental impacts associated with the proposed final land use at the Fernald Environmental Management Project (FEMP). The proposed final land use as described in the EA calls for DOE-OH to commit approximately 884 acres of the 1,050-acre FEMP site to natural resource restoration. The area where the On-Site Disposal Facility (OSDF) will be located is excluded from natural resource restoration and a 23-acre plot in the south central portion of the site will be set aside for potential future use as a community facility and/or economic development area. After careful evaluation of the proposed action, the range of alternatives, the environmental effects of all alternatives, and the public input received, DOE-OH has determined that the EA supports the finding that the proposed action will not have a significant effect on the human environment. As a result, no further NEPA documentation is required regarding the final land use decision at the FEMP, except for an additional NEPA evaluation to be performed prior to the decision to lease the 23 acres set aside for a community facility and/or economic development area. DOE-OH is issuing this Finding of No Significant Impact (FONSI) to document the decision.

2.0 EA Availability

Copies of the EA for the Proposed Final Land Use at the FEMP are available at the Public Environmental Information Center (PEIC), 10995 Hamilton-Cleves Highway, Harrison, Ohio 45030, (513) 648-7480.

3.0 Background

While specific commitments regarding environmental remediation under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, have been made, DOE has not identified a proposed final land use for the FEMP until now. The Operable Unit (OU) 5 Record of Decision (ROD) did use an undeveloped park scenario for the development of cleanup levels, but also committed to obtain stakeholder input on final land use decisions. Several other ROD commitments have a bearing on final land use. The OU2, OU3, and OU5 RODs require the following: use restrictions and institutional controls based on chosen Final Remediation Levels (FRLs); continued federal ownership of the FEMP; the demolition of all buildings and below-grade structures; perpetual maintenance and monitoring of the On-Site

Disposal Facility (OSDF); long-term monitoring as necessary for other portions of the FEMP; protection of existing natural resources; and the conduct of on-site wetland mitigation. Any decisions regarding final land use must address all these commitments.

Public involvement has had an influence on the process of determining final land use. The EA was made available to the public for a period of 30 days. A public hearing was held to explain the issues outlined in the EA and obtain input from all interested members of the public. Discussions have also occurred with various organizations and individuals, including the Fernald Citizens Advisory Board (FCAB), the Fernald Residents for Environmental Safety and Health (FRESH), the Fernald Community Reuse Organization (CRO) and several Native American Tribes and organizations. The FCAB has made formal recommendations for final land use that call for the restriction of agricultural and residential use and the protection and enhancement of existing natural resources. The FCAB did not make a specific final land use recommendation, but rather stated that specific decisions should be made with input from local communities. The CRO has investigated the feasibility of commercial development on a 23-acre portion of the FEMP. While the results of the CRO's investigation did not identify significant market demand for commercial development at the FEMP, the CRO has made the recommendation to set aside the 23-acre plot for potential commercial development in the future, when local market conditions may change. The 23 acres would remain under federal ownership and control.

Another factor in the final land use determination involves the ongoing Natural Resource Trustee (NRT) negotiations. The Fernald NRTs include the State of Ohio (represented by the Ohio Environmental Protection Agency and the Attorney General's office), the Department of Interior (including the U.S. Fish and Wildlife Service), and DOE-FN, which has a dual role as an NRT and as the responsible party for remediation of the FEMP. In 1986, the State of Ohio filed a \$206 million claim against DOE for injury to natural resources at the FEMP. Ongoing negotiations with the NRTs have centered around settling this claim and any additional natural resource liability DOE may face.

The NRTs drafted several documents that establish requirements for settlement of the existing natural resource damage claim. The Natural Resource Impact Assessment (NRIA) and Natural Resource Restoration Plan (NRRP) laid out the extent of natural resource impacts and used a process called Habitat Equivalency Analysis to establish the amount of restoration required. The NRRP also sets forth a conceptual restoration plan for the FEMP. Through this process, the NRTs negotiated an approach to resolve existing and potential damage claims wherein DOE agrees to ecologically restore the majority of the FEMP, except the OSDF and the 23-acre set aside area. The agreement also allows for reburial of Native American remains, if determined feasible. These documents are available for review at the PEIC.

4.0 Proposed Action

The proposed action calls for the restoration of approximately 884 acres of the FEMP site through a series of ecological restoration projects. The OSDF and the 23-acre set aside area are excluded from the restoration acreage. The individual restoration projects would be implemented in a phased approach for each area of the site, essentially following the sequence of soil remediation. By implementing the proposed action, DOE would avoid purchasing additional property since on-property restoration would settle the existing natural resource claim with the State of Ohio.

The NRRP outlines a conceptual restoration approach for each area of the site. Restored habitats would include upland forest, riparian forest, tallgrass prairie, wetlands, and open water. Following restoration of an area, positive drainage would be established and exposed soils would be revegetated with native tree, shrub, and grass species. The NRRP calls for deep excavations in the Former Production Area to be converted to open water systems surrounded by tallgrass prairie. Other remediated areas would be revegetated with trees in order to expand the wooded corridor along Paddys Run. Restoration will also occur in undisturbed portions of the site to enhance existing natural resources.

Public access and recreation are anticipated for at least some portion of the restored site. Access could provide recreational uses such as hiking trails, bike paths, interactive/educational displays, and/or wildlife viewing areas. Also, the reburial of Native American remains could be integrated with restoration, if mutually agreed upon by the appropriate Native American Tribes, DOE, and other stakeholders. An Institutional Control Plan will be developed by DOE-FN in 1999 to outline access restrictions and permissible uses of the FEMP once remediation and restoration work is complete.

5.0 Environmental Effects

The proposed action would have positive long-term impacts to human health and the environment. After ecological restoration activities have been completed, on-property habitats would be more diverse and higher quality than pre-restoration conditions.

During grading activities, fugitive dust and stormwater runoff would be minimized by appropriate administrative controls (i.e. work restrictions during inclement weather) and engineering controls (i.e. silt fences, sedimentation basins). The use of these controls and the limited scope of grading activities would result in minimal impact to the affected media.

The proposed action would not impact floodplains and wetlands above and beyond anticipated remediation impacts. Restoration would increase existing on-property wetlands by at least 15 acres. The 100-year floodplain of Paddys Run would also be expanded in several locations, thereby providing a further positive impact on the stream by reducing downstream flow and thus slowing bank erosion.

Threatened and endangered species would be impacted positively as well. Suitable habitat exists at the FEMP for the federally endangered Indiana bat (*Myotis sodalis*). The state-listed Sloan's

crayfish (*Orconectes sloanii*) is present on-site in the upper portion of Paddys Run. These species and their habitats would be protected and restored under the proposed action. Grading activities in the vicinity of Paddys Run may have short term impacts to the Sloan's crayfish population, but these impacts would be minimized with the administrative and engineering controls mentioned above.

Through implementation of existing Programmatic Agreements with the Advisory Council on Historic Preservation and the Ohio Historic Preservation Office, impacts to cultural resources would be minimized. No other socioeconomic impacts are anticipated.

All other impacts, such as those associated with the OSDF, have been addressed in previous NEPA documentation. Also, there are no anticipated negative cumulative impacts that would result from the proposed action. Impacts associated with commercial development of the 23-acre tract were not evaluated in this EA. As stated in the proposed action, separate NEPA documentation would be used to evaluate any future development proposals.

6.0 Alternatives Considered

Two alternatives to the proposed action were considered in the Environmental Assessment: the No Action alternative and the Enhanced Grading alternative. Under the No Action alternative, excavated and other disturbed areas following remediation would be regraded to stabilize slopes and ensure proper drainage. Following stabilization, areas would be seeded to establish vegetation and control erosion. Access controls (i.e. fencing) would be kept in place following remediation. Undisturbed areas of the site, such as the northern woodlot, would be protected and maintained in their current condition. Remaining wetlands would also be protected and maintained. No recreational or commercial use of the site would be permitted.

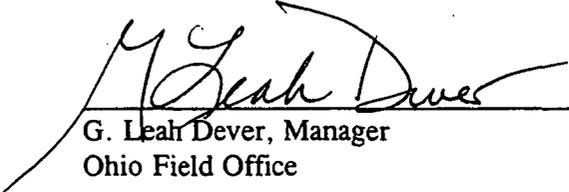
Most public participants did not support the no action alternative. While the No Action alternative would result in no adverse human health or environmental impacts, it would not resolve the existing natural resource damage claim against DOE. This would require additional compensatory actions by DOE, such as off-property land acquisition and/or cash settlement. As stated in the EA, contribution to the existing Ohio natural resource claim was one of the criteria used to evaluate alternatives.

Under the Enhanced Grading alternative, excavated areas would be backfilled to approximately pre-excitation elevations and graded to ensure proper drainage. All disturbed areas would be seeded to establish vegetation. Access controls would be maintained on portions of the site not made available for industrial or commercial development. Backfilled areas would be available for industrial or commercial reuse, depending on level of interest and technical feasibility. Undisturbed portions of the site, as well as remaining and mitigated wetlands, would be protected and maintained in their current conditions. Priority natural resource areas, such as endangered species habitat along the Paddys Run corridor, would be enhanced, as feasible, to help resolve the existing natural resource damage claim by the State of Ohio. This alternative would not result in significant human health or environmental impacts. However, like the no action alternative, it may not fully compensate for natural resource impacts, thus requiring DOE to compensate by

other means. Also, the large majority of public commentators did not support additional commercial or industrial use of the FEMP after remediation has been completed.

7.0 Determination

In summary, environmental impacts associated with the proposed action are expected to be positive. Public comments were largely in favor of the proposed action as well. Also, the proposed action would most fully compensate for the existing natural resource claim by the State of Ohio. Based on these findings, DOE-OH has determined that the proposed action would have no significant impact on human health and the environment. Therefore, no further NEPA documentation is required, except as may be subsequently required for the 23-acre tract.


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Date