



Department of Energy

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JUL 15 1999

Mr. James Bierer
Citizens Advisory Board
407 Marsha Avenue
Hamilton, Ohio 45013

DOE-0940-99

Dear Mr. Bierer:

DEPARTMENT OF ENERGY RESPONSE TO FERNALD CITIZENS ADVISORY BOARD RECOMMENDATION NUMBER 99-4 DATED JUNE 22, 1999

DOE-FEMP appreciates the recommendations made by the Fernald Citizens Advisory Board (FCAB) regarding grazing issues at Fernald Environmental Management Project (FEMP). DOE-FEMP has prepared a path forward, which we believe takes into account all stakeholder comments received to date. We are addressing all the recommendations and incorporating the majority of them into this path forward. Enclosure A provides individual responses to the FCAB recommendations. Enclosure B provides a list of stipulations that must be in the lease agreement for grazing to continue in a more limited capacity on the Fernald site.

As previously presented to the FCAB, grazing in the northern portion of FEMP (i.e., Area 1, Phase III and Area 8, Phase II) will be terminated in October of 1999. DOE has evaluated the recommendations made by the FCAB and had discussions with the potential leaseholder and other stakeholders since receiving the FCAB recommendations. After careful consideration, DOE is proposing to allow grazing to continue in Area 8, Phase III in a more limited capacity, but assures the FCAB that grazing will not negatively impact remediation, restoration and/or cultural resource schedules at the Fernald site. Grazing will continue in Area 8, Phase III through the establishment of yearly leases with the understanding that remediation, restoration and/or cultural resource schedules will be the driver for eliminating grazing on the Fernald site. The leases can be terminated with 45 days of notification.

In addition, the potential leaseholder will be encouraged to continue to evaluate and seek other available pasture land to lease.

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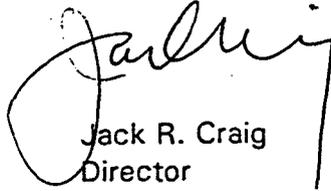
Mr. James Bierer

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JUL 15 1999

If you have any questions related to this correspondence, please contact me at (513) 648-3101.

Sincerely,



Jack R. Craig
Director

FEMP:Reising

Enclosures

cc w/enclosures:

J. Reising, OH/FEMP

J. Saric, USEPA-V, SRF-5J

T. Schneider, OEPA-Dayton

M. Clawson, CAB

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ENCLOSURE A
RESPONSES TO FCAB RECOMMENDATION #99-4

Recommendation #1: All schedules for remediation, restoration, and future use planning must be unaffected by the cattle grazing. Opportunities for early action on all site activities must be taken advantage of as they arise without consideration of how these actions might impact the grazing operations. Leases must be short-term and allow DOE extreme flexibility for cancellation on short notice (e.g., 30 to 45 days).

Response: DOE agrees with the FCAB recommendation. DOE will not permit grazing to negatively impact any schedule for remediation, restoration or cultural resource activities. DOE will establish one year leases with the understanding that any conflict with remediation, restoration or cultural resource activities will require termination of the lease agreements. These leases can be terminated with 45 days advance notification.

Recommendation #2: Cattle must be moved a sufficient distance away from Paddy's Run (a minimum of 100 to 150 feet) to facilitate the natural succession of a riparian zone in that area. Fences must be maintained to keep cattle from entering the riparian zone once. This action should be taken immediately.

Response: In accordance with a recommendation from the OEPA, cattle fences will be moved away from the riparian zone of Paddys Run an additional 50 feet, with the exception of one area in the northern portion of Area 8, Phase III where the fence will be moved an additional 100 feet. This will be accomplished prior to the finalization of any lease agreements. DOE feels that this will be adequate to ensure protection of the riparian corridor along Paddys Run and promote natural succession. This will take place as soon as possible.

Recommendation #3: Cultural resources must be protected to the maximum practicable extent. Cultural surveys to identify areas where cattle could damage important cultural resources must be conducted prior to lease renewal in order to provide adequate time to protect any sensitive areas.

Response: An evaluation of cultural resource sites will be carried out by the Fluor Daniel Fernald Cultural Resource Management Group to determine whether any sites are present within Area 8, Phase III that require protection. Evaluation of cultural resource sites will include field walk downs as appropriate. Any measures required to protect cultural resources will be implemented by the Fluor Daniel Fernald Cultural Resource Management Group.

Recommendation #4: A strict limit should be placed on the number of cattle to ensure that the property will not be over grazed and/or create excessive damage to the property.

Response: The maximum number of cattle permitted to graze in the northern portion of Area 8, Phase III will be 30. The maximum number of cattle permitted to graze in the southern portion of Area 8, Phase III will be 20. From October 1 to April 1, the maximum

number of cattle in the leased areas will be reduced by 50%. Based on standard agricultural practices, DOE feels that this will prevent overgrazing of Area 8, Phase III.

Recommendation #5: Leases should be for a maximum of one year with annual reviews and no promise of continued leases beyond July 2000.

Response: Lease agreements will be established for one year increments and any renewal of leases will be evaluated on an annual basis. Leases will be terminated if any remediation, restoration or cultural resource activity requires use of the leased land.

Recommendation #6: Grazing should be eliminated or drastically reduced during wet winter months (October to April/May) to limit damage to the property.

Response: DOE agrees that grazing should be reduced during the winter months. The number of cattle in the leased areas will be reduced by 50% from October 1 to April 1. See response to Recommendation #4.

Recommendation #7: A clear program to monitor contamination of the grazing land and the cattle should be implemented including a contingency plan that outlines required actions should results exceed acceptable limits. The costs of such a program that are in addition to those required to protect the health and safety of workers and the surrounding community and cultural and ecological resources are not legitimate costs of remediation and should not be borne by DOE, but by the leaseholder. These costs and the potential risks of grazing on this property should be clearly explained to the leaseholder and included in the lease.

Response: Monitoring will be conducted adjacent the waste pits during remediation and currently is being conducted for the silos. DOE and Fluor Daniel Fernald carefully evaluate the requirements for radiological controls when planning each project at FEMP based on the potential risk to human health and potential releases to the environment. The appropriate radiological controls are established and in place before the implementation of any project at FEMP. It is not anticipated that any radiological controls will be required west of Paddys Run during the implementation of remediation projects at FEMP; therefore, there should be no need for additional radiological monitoring or controls for cattle grazing in those areas. DOE will not allow cattle to graze in any area that requires any level of radiological controls.

Recommendation #8: All costs associated with the grazing of cattle including, but not limited to fencing, mowing, and repair of damaged property must be borne by the leaseholder and clearly stipulated in the lease.

Response: DOE agrees that all costs associated with fencing, mowing and repair of damaged property will be the responsibility of the lease holder. Requirements for the leaseholder to cover the costs of the above listed activities will be incorporated into the lease agreement.

ENCLOSURE B
GRAZING STIPULATIONS

The following stipulations will be incorporated into any lease agreement for cattle grazing on FEMP property:

1. DOE will not permit cattle grazing to negatively impact any schedule for remediation, restoration or cultural resource activities. DOE will establish one year leases with the understanding that any conflict with remediation, restoration or cultural resource activities will require termination of the lease agreements.
2. Notice of termination of the lease agreement will be made in writing to the leaseholder and will occur at least 45 days ahead of a required termination date.
3. Lease agreements will be established in one year increments starting on October 1 and ending on September 30. Renewal of leases will be evaluated on an annual basis. Lease payments must be made in full within 30 days October 1.
4. Cattle fence along the riparian zone of Paddys Run must be moved into the pasture an additional 50 feet, with the exception of one area in the northern portion of Area 8, Phase III where the fence will be moved into the pasture an additional 100 feet. Movement of the fences must be accomplished prior to the finalization of any lease agreements. Leaseholder must ensure that fences are maintained to prevent cattle from entering riparian zone and degrading Paddys Run and other natural resources.
5. Leaseholder must ensure that cattle do not degrade any area designated for protection of cultural resources. Measures to ensure protection will be outlined by the Fluor Daniel Fernald Cultural Resource Management Group.
6. The maximum number of cattle permitted to graze in the northern portion of Area 8, Phase III will be 30. The maximum number of cattle permitted to graze in the southern portion of Area 8, Phase III will be 20. From October 1 to March, the maximum number of cattle will be reduced by 50% in all leased areas.
7. All costs associated with moving and maintaining fences, mowing and repair of damaged property caused by cattle or the transport of cattle in and out of the leased area will be the responsibility of the leaseholder.