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NATURAL RESOURCE TRUSTEE ROUNDTABLE
THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT
ALPHA BUILDING
10967 HAMILTON-CLEVES HIGHWAY
HARRISON, OHIO
6:40 P.M.
SEPTEMBER 23, 1998

Spangler Reporting Services, Inc.

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1 MR. STEGNER: Good evening,
2 everybody. Welcome. Thank you all for coming.
3 I'm Gary Stegner, I work in Public Affairs at the
4 Department of Energy at Fernald.

5 The purposes of the meeting tonight
6 and the subsequent meeting on the 13th, we're here
7 to inform stakeholders and get feedback and input
8 on separate but closely related topics, that being
9 natural resource restoration and future use of the
10 Fernald site.

11 Primary topic of discussion tonight
12 is natural resource restoration, which is the basis
13 for our recommendations on the final landscape of
14 Fernald after the site is remediated. The meeting
15 on the 13th will be a public hearing to solicit
16 your input on future use of the Fernald site.
17 Again, to reiterate, tonight's purpose is to talk
18 about natural resource restoration at Fernald.

19 We've spent the summer --
20 representatives of Fernald have spent the summer
21 talking to stakeholders, including elected
22 officials from Crosby, Ross, and Morgan Townships,
23 planning commissions in Butler and Hamilton
24 Counties, and, again, various stakeholder groups

1 about future use of the Fernald site. 1804

2 And at all of these meetings, we
3 talked about -- we presented a rather crude
4 rendering of what we envision the Fernald landscape
5 looking like following completion of remediation,
6 and it was all conditioned upon, the basis of that
7 schematic, again, was the natural resource
8 restoration plan which the Department of Energy has
9 endorsed for the site.

10 This basically is telling you what
11 we're going to be doing this evening, the purpose
12 of it. You see we have a court reporter here
13 taking this thing down tonight for a public
14 record. Format-wise, we'll probably have about 40
15 to 45 minutes of presentations. We ask that you
16 hold your questions until all the presentations are
17 completed just so we can keep this thing orderly,
18 make sure all the information we want to present is
19 presented.

20 Here is the format for tonight, what
21 we're going to be discussing, again, trying to lay
22 some back -- give you some background on some
23 ground work for the public hearing that we're going
24 to be having on the 13th. Presenters tonight are

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1 going to be Johnny Reising; Kathi Nickel, from the
2 Department of Energy; Eric Woods, from Fluor-Daniel
3 Fernald who served as the staff, I guess, if you
4 will, for the national resource trustees; and of
5 course we have the natural resource trustees here
6 tonight.

7 A quick review of the public input
8 process. Again, I think we made presentations to
9 10 or 12 different stakeholder -- elected
10 officials, stakeholder groups over the summer.
11 We've received comments now. We have received
12 comments prior to now from different individuals
13 and organizations. Obviously those are public
14 record.

15 The official public comment period
16 opened on Monday, and that is for both the natural
17 resource restoration plan and the environmental
18 assessment. You'll learn more about those -- both
19 those documents this evening. The comment period
20 will end on the 20th. A week prior to that, on the
21 13th, we will hold the public hearing to solicit
22 public input on future use of the site.

23 The natural resource restoration
24 plan, this is the second iteration of that plan.

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1 It was adopted and on file in the public
2 environmental information center last year at this
3 time also on natural resource restoration.

4 The environmental assessment, copies
5 of it are available out front. Copies of the
6 environmental assessment are also available at the
7 public environmental information center. Copies of
8 the restoration plan, which is a very thick
9 document, are also available out front.

10 And with that, you can see the next
11 slide will basically tell you what the documents
12 are, and with that I'll turn it over to Johnny
13 Reising.

14 MR. REISING: Thank you, Gary. I
15 see some new faces in the audience today. That's
16 great. So what I'd like to do is show you a quick
17 comparison, if we can, basically the way the site
18 kind of looks today. This is an aerial oblique
19 that was taken on July the 1st, and it shows you a
20 lot of the ongoing activity that we have at the
21 site.

22 Again, the Fernald site, federal
23 acreage, we've got about 1050 or so acres, and this
24 just gives you kind of a quick snapshot from the

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1 south here looking to the north of all the various
2 activities that we have ongoing. You see all the
3 site prep and the actual excavation that we have
4 going on down in the south field, the inactive fly
5 ash area, the haul road that was constructed,
6 activities currently going on up in the waste pit
7 areas, as it may be.

8 You can see all the new trackage, the
9 train yard, the 11 lines of trackage that we put up
10 and the rail yard in the northern portion of the
11 site. And then up to the very far north and east,
12 you can see Cell 1 that's been developed. We have
13 actively been placing material in Cell 1. The
14 lighter area that's just south of that is Cell 2;
15 we have recently completed placing the clay liner
16 in Cell 2 and started putting the geo fabric down,
17 as it may be. And then we've also initiated the
18 excavation of Cell 3.

19 So you can also see a lot of the
20 aquifer restoration that has taken place in the
21 southern portion here. We have a -- the
22 reinjection wells, the five reinjection wells that
23 we have here along the south side of the property.
24 We have a number of the ten south field extraction

1 wells that recently come in place, and also
2 off-site over through here we have the south plume
3 authorization wells.

4 So this is kind of a nice quick
5 overview oblique giving you an idea of all the
6 activity we're currently into. Those of you that
7 attend the public meetings, the monthly public
8 meetings, you realize that we've gone from the
9 remedial investigation feasibility study and we're
10 well, well, well into the remedial design and now
11 the remedial actions. Extremely important. We're
12 making a lot of progress, and very, very proud of
13 it.

14 At the same time, Gary mentioned an
15 artist rendition, as it may be, of potentially what
16 this area's going to look like after the actual
17 remediation takes place. This is primarily a
18 computer-enhanced photograph taken off of this
19 photograph. And hopefully you can see the roads,
20 Willey Road, Paddy's Run, et cetera, and some of
21 the other significant landmarks to help you orient
22 as to the way that it currently is and how we
23 anticipate or at least propose the restoration plan
24 and potentially the postremediation land use as

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1 being. And the various speakers this evening will
2 be discussing that in much more detail than I'm
3 going to.

4 Again, you can see trying to take
5 advantage -- and I'll talk about this a little
6 bit -- of some of the excavations, the deep
7 excavations that we're going to have to do in the
8 waste pit areas and also in the production area,
9 some of the existing water bodies that we currently
10 have as far as the storm water retention areas are
11 concerned, the borrow area that you currently see a
12 lot of activity going on we've gotten clay from to
13 put into Cell 2, and then some other borrowers that
14 we'll have.

15 So, again, a computerized-enhanced
16 photo giving you an idea of what we think the area
17 may look like as far as after the remediation is
18 concerned.

19 The main thrust of my brief remarks
20 primarily is looking at the regulatory drivers for
21 the natural resource trustee settlement that we
22 have, with the understanding that we do, in fact,
23 have a liability that we have incurred as a result
24 of what's referred to as Section 107 of CERCLA.

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1 That's the Comprehensive Environmental Response
2 Compensation and Liability Act.

3 In addition to that, in 1986, as the
4 slide indicates, we were sued by the State of Ohio
5 under a number of statutes, primarily under CERCLA,
6 in their capacity as far as being a natural
7 resources trustee. And then taking a quick look at
8 the actual complaint itself, they also threw in
9 RCRA and the Clean Water Act and a number of other
10 shotgun approach.

11 But basically CERCLA was the one that
12 more or less stuck and that we're addressing at
13 this point in time, with the understanding that we
14 do have a liability. We have done damages to the
15 natural resources, and we're in the process of
16 trying to address that under CERCLA, which is the
17 regulatory driver. So that's basically what we're
18 discussing this evening.

19 CERCLA does require cleanup of
20 hazardous substances, which we've addressed at the
21 site. That's what this remediation is ongoing
22 intending to do at this point in time. In addition
23 to that, we have a radiological constituent that
24 we're also dealing with.

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1 Again, Section 107 requires
2 additional compensation for any damages that were
3 done to the natural resources or natural resource
4 injuries. Basically it also requires us to take a
5 look at the impact, do an impact assessment of
6 those damages, and then also to develop some form
7 of restoration plan, some form of additional
8 compensation in relationship to that.

9 In reference to that, the Department
10 of Energy and the natural resources trustees have
11 been having ongoing negotiations for a number of
12 years in this case, for more than four years, and I
13 must say that we have the three agencies we've
14 talked about briefly that are directly involved
15 have been meeting periodically trying to develop,
16 take a look at, evaluating the assessment of those
17 damages, and then developing the draft plans, as
18 Gary said, for well over a year now. We've been
19 looking at various drafts in relationship to that.

20 As far as the natural resources
21 trustees themselves, they're defined by the
22 national contingency plan, and they primarily in
23 this case as far as Fernald is concerned is
24 represented by the Ohio EPA. Representing the

1 Governor of the State of Ohio and the designee as
 2 far as the natural resources trustee for the last X
 3 numbers of years has been Tom Schneider, whose name
 4 tag's sitting on the front table.

5 As far as the other trustees, the
 6 Department of Interior, the Secretary of Interior,
 7 they have been working very, very closely with the
 8 US Fish & Wildlife Service. As far as the
 9 Department of Interior's concerned, prior to the
 10 last four years or so, the trustee's Don Henney.
 11 Recently Don has moved on, taken another position,
 12 and a gentleman by the name of Mike Chezik has
 13 taken his place. Unfortunately, Don and Mike were
 14 unable to be with us this evening, but we do have
 15 with us Bill Kurey, and Bill has been working with
 16 this project in the Fish & Wildlife Service for the
 17 last number of years. Appreciate his ability to be
 18 here. And then last but not least we have the
 19 Secretary of the Department of Energy being a
 20 trustee, being represented by Pete Yerace. Pete
 21 has done a great job -- Well, Lisa, got to settle
 22 for second best.

23 Pete's -- Pete's been at this for
 24 quite a while, as well as other staff members not

11

1 only from the Department of Energy but also from
2 Fluor-Daniel Fernald. We'll hear from some of
3 those people this evening.

4 Okay. As far as the overall plan is
5 concerned, just briefly, as the slide indicates,
6 the Department of Energy, we're proposing to commit
7 the majority of the acreage to natural resources
8 restoration protection and also as part of the
9 settlement in the implementation of a groundwater
10 education project.

11 This is still somewhat conceptual,
12 but it will deal primarily with educating students,
13 people in schools as far as groundwater,
14 groundwater protection's concerned, and that will
15 be developed and flushed out in the future.

16 The acreage, as I said, at Fernald is
17 approximate 1050 acres, and we're proposing to
18 commit approximately 880-plus some odd acres of
19 that to natural resources.

20 The advantage of this, basically, I
21 think, is an excellent win-win situation. It
22 allows the Department of Energy, as stated here, to
23 take advantage of some of the deep excavations in
24 not only the waste pit areas but also in the

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1 production area, to where we're going to be going
2 down as much as 30 and 40 feet due to the
3 contamination that we have from the old production
4 days.

5 It also will allow us to avoid some
6 of the expense of doing backfilling. We had to go
7 back to approximate original contour, we would have
8 to bring in a lot of material. It can be very,
9 very expensive. But I myself personally dealt with
10 the mining industry for about 15 years prior to
11 coming here. Realizing that with some of these
12 impoundments that are created, you can develop and,
13 with a good plan, develop some very, very good
14 quality habitat.

15 So I think this is an advantage in
16 working with the trustees in the development of a
17 plan to take advantage of some of the effects of
18 the restoration and the remediation that we're
19 going to do.

20 Also, this proposal, it's consistent
21 with the Fernald Systems Advisory Board
22 recommendations that they made in July of 1995.
23 Basically three of them listed here: There's no
24 residential or agricultural use of the property;

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1 that the natural resources activity should occur
2 on-site, not go off-site, not buy property, et
3 cetera, off-site but try to keep the commitment and
4 the restoration development physically on-site; and
5 then last but not least, part of what we're doing
6 this evening, public should participate in final
7 land use decisions.

8 So that has bearing on the natural
9 resources plan that we're going to be talking about
10 this evening and also the EA land use that we'll be
11 talking about on the 13th.

12 My last slide deals with primarily
13 the path forward. As far as the path forward's
14 concerned, I think it's extremely important that
15 you realize that the Department of Energy is
16 committed to resolving the natural resources
17 liability we have here at Fernald.

18 I think that we have made a very good
19 faith effort that's been a number of years in being
20 developed, but we have a firm commitment. And when
21 Tom asked me in the recent past, you know, how do
22 we -- how do we know that you've really made this
23 commitment? Well, those of you that have dealt
24 with me in the past in areas of baselines and

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1 budgets, et cetera, funding, you'll realize that
2 that's extremely important to me.

3 And I can tell you for a fact that in
4 the fiscal year '99 replant, rebaseline that we've
5 recently done, was approved through the Ohio field
6 office and has been sent to headquarters, that we
7 have identified between fiscal years '98 and fiscal
8 year 2008 approximately \$13 million that's being
9 designated and being dedicated specifically to
10 after remediation restoration and the restoration
11 plan itself.

12 The natural resources trustee, the
13 proposed action will be presented tonight. Eric
14 will be doing that in a few moments. And again,
15 the trustees are looking forward to soliciting
16 public input on this proposed action and with the
17 understanding that, again, we are talking about a
18 draft proposal. We welcome, we need your input, we
19 need your comments, and that decisions will be
20 made -- final decisions will only be made after
21 receiving those comments and evaluating them and
22 considering them.

23 So with that, I'll turn it over to
24 Kathi.

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1 MS. NICKEL: Hi. You know, we tend
2 to talk about the final land use decision and the
3 natural resource restoration plan at the same time,
4 sometimes even in the same breath. It makes it
5 difficult to keep straight sometimes in our own
6 minds and certainly to communicate to you, the
7 public, that these really are very separate issues
8 yet very much related.

9 By being separate issues, they really
10 require separate decisions. So what I'd like to do
11 is just take a few minutes to talk to you about the
12 final land use decision and DOE's proposal for
13 final land use decision, and then talk about how
14 the natural resource restoration plan, which really
15 is the primary focus of tonight's meeting, fits
16 into that broader final land use decision.

17 We have put together the
18 environmental assessment, which really is a
19 document that takes you through our thoughts and
20 our proposal for final land use. We ask that if
21 you do have time, please take a look at that
22 document and provide us input in the hearing -- at
23 the hearing on October 13th. If you don't have an
24 opportunity, have time to look at that document,

16

1 hopefully you can glean something from tonight's
2 discussion and give us input on that date.

3 When we sat down to talk about, to
4 make a decision about final land use, we had to
5 recollect that we had three general considerations
6 to keep in mind. Those three considerations were
7 that we have made some prior commitments on this
8 site that really have bearing on this question;
9 secondly, we have an obligation to seek public
10 input and to listen to public input on this issue;
11 and third, as Johnny just explained, we have a
12 natural resource claim that DOE needs to settle.

13 I want to take a few minutes to talk
14 a little more about the details of those three
15 considerations. First of all, our records of
16 decision. Most of you have been involved in the
17 Fernald process for a number of years know what the
18 records of decision are. They're essentially
19 decision documents that mostly govern how we're
20 going to do the cleanup.

21 But in terms of those documents, we
22 said a few other things, too, and made a few
23 additional commitments. It said we committed the
24 DOE -- or rather the federal government would own

1 the site forever. We committed to taking down all
2 the buildings and taking out all below grade
3 structures. The on-site disposal facility you know
4 is with us forever, and DOE is going to maintain
5 that.

6 But a couple of other commitments
7 that we made really have bearing on ecological
8 preservation and restoration, and these come out of
9 the OU-5 record of decision. The first is that, in
10 the OU-5 ROD, we committed to protecting two areas
11 of the site that are sensitive or valuable natural
12 resources. These are the Paddy's Run corridor and
13 the wooded wetlands in the northern portion of the
14 site.

15 These two areas don't require
16 excavation for cleanup, so as part of the OU-5 ROD
17 we said, hey, we don't need to get in there and
18 mess with them; not only will we not mess with them
19 but we'll provide them with a degree of
20 protection.

21 And finally, those of you who are
22 familiar with the Clean Water Act know that anyone
23 who destroys wetlands needs to replace them. And
24 more than replace them, you need to replace them

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1 with more acreage than what you destroyed. At
2 Fernald, we need to replace with one and a half
3 times the acreage of wetlands that we destroyed.
4 So in our case, that means we need to establish 15
5 acres of wetlands.

6 What these commitments mean is that
7 regardless of what decision DOE with the public
8 would like to make as far as final land use of the
9 remainder of the Fernald property, these
10 commitments need to be honored. So we will
11 establish 15 acres of wetland and we will protect
12 Paddy's Run corridor and we will protect wooded
13 wetland.

14 Finally, another of our commitments
15 was to involve the public in this final land use
16 process, and that time is now. We are seeking your
17 input. To date, we already have received some
18 public input on this issue. As Johnny touched on,
19 the FCAB did give recommendations. I believe that
20 that was around the time of the signing of the OU-5
21 Rod.

22 Since that time, we have heard from a
23 separate second voice, and that is the Community
24 Reuse Organization, the properties interested in

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1 investigating the market demand for Fernald land.
2 Specifically, they're looking at 23 acres along the
3 southern access road.

4 And finally, a third consideration --
5 I apologize, this should not have been under public
6 input. A third and totally separate consideration
7 is our need to settle the natural resource
8 restoration claim.

9 What this means is whatever final
10 land use you, the public, and we, DOE, choose for
11 the Fernald property, that natural resource trustee
12 claim is still out there. It still needs to be
13 settled. If we all decide we want to have whatever
14 land use, something separate from natural resource
15 restoration, for the Fernald property, it would
16 mean that DOE should retain the obligation to
17 settle that claim. That could require we purchase
18 additional properties off-site on which to do
19 natural resource restoration activities.

20 Given those considerations in mind,
21 we developed three very general alternatives for
22 final land use. The first we called the no action
23 alternative. And this is -- this would mean that
24 when the cleanup is finished, the bulldozers are

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1 gone, the excavation is over, we would essentially
2 do minimal regrading just to stabilize slopes.

3 There are some areas of the facility
4 that will have fairly deep excavations,
5 particularly the production area. Those deep
6 excavations would remain, the topography would be
7 rather uneven, and so we believe that that
8 topography would really not lend itself to
9 commercial development, any recreational-type
10 usage. Certainly that option would not go very far
11 in settling our natural resource claim.

12 The second general alternative is
13 really the complete other end of the spectrum from
14 the no action alternative. In this one we
15 envisioned extensive backfilling and regrading,
16 essentially bringing the site to some sort of level
17 topography, really with envisioning some sort of
18 potential commercial reuse of the facility.

19 The third general alternative really
20 kind of falls in between those two end matters, and
21 this is the one that we are proposing, and that
22 would be that the majority of the site go for
23 natural resource restoration. It would involve
24 some regrading to stabilize slopes, but the deep

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1 excavations would remain. They would be open
2 waterways, ponds, wetlands, that sort of thing.

3 We would retain the 23 acres that's
4 currently under evaluation by the CRO for potential
5 commercial development. And although there are no
6 specific plans for recreational usage, we don't
7 believe that this alternative would necessarily
8 prohibit any kind of recreational usage.

9 The table that you see, what we did
10 was list out the three general alternatives and
11 then the criteria upon which we were evaluating the
12 criteria -- or rather the alternatives, just to get
13 a qualitative sense of which alternative ranked the
14 best. And as you can see, without having to study
15 it very long, the plus would mean that there would
16 be a positive impact with respect to that criteria;
17 the line across is negative impact; the circles
18 would mean no impact.

19 If we look at the ROD requirements,
20 mitigating our wetlands requirement, commercial
21 development, two other criteria that I really
22 needed to touch on. One was the desire to provide
23 habitat for threatened and endangered species.
24 Historic preservation has -- is a recommendation

1 that perhaps the Fernald property could be used as
2 a final resting place for some Native American
3 remains that are currently, from what I understand,
4 stored in boxes in various museums, and it's been
5 recommended that perhaps the Fernald property could
6 provide a more respectful resting place for those
7 remains. And third -- or finally, rather, our
8 natural resource claim.

9 And you can just see that the
10 proposed action provided some positive benefit with
11 respect to all of those criteria.

12 So having decided that natural
13 resource restoration is our best option and that's
14 what is proposed in the EA, it still leaves a
15 fairly big question; what exactly is natural
16 resource restoration, what does that mean?

17 And what that means is the subject of
18 the natural resource restoration plan. That
19 provides the detail and the definition of what that
20 means to the natural resource trustees and to the
21 Department of Energy.

22 And Eric's going to go into more
23 detail what's contained in the document.

24 MR. WOODS: Thank you, Kathi. My

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1 name's Eric Woods and I work for Fluor-Daniel
2 Fernald, and the last roughly four or five years
3 I've worked closely with the natural resource
4 trustees, as have others in my group, and
5 essentially we've worked with them to get them the
6 information that they need and help them as far as
7 the negotiations they've been undertaking and also
8 in the development of the natural resource
9 restoration plan.

10 And what I'd like to do on their
11 behalf is just provide a little bit of background
12 on the negotiations that have taken place, a little
13 bit about what you will find in the natural
14 resource restoration plan, and, finally, show you
15 some photographs to hopefully help you visualize
16 what they're proposing in terms of restoration of
17 the Fernald site.

18 The first thing I want to touch on is
19 this term restoration. We use a lot of terminology
20 at Fernald, as everyone knows, and restoration is
21 kind of fairly new to some, I'm sure. And really
22 what we're talking about with restoration is
23 either -- we also refer to it as natural resource
24 restoration -- is a process of converting and

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1 excavating a remediated area or the site into some
2 type of functioning natural system.

3 And when we talk about natural
4 system, what we're really talking about is the
5 natural system that would historically have been in
6 this area. And I'll talk a little bit more about
7 that in a few minutes. It could also include the
8 process of expanding or improving upon an existing
9 natural resource.

10 So those two things are what we kind
11 of are using as our working definition of natural
12 resource restoration. Ecological restoration is
13 really a synonym, or almost the same thing. This
14 is a term that is used in a lot of the professional
15 journals that are out there; but really we're using
16 these terms interchangeably as far as what we're
17 proposing at Fernald.

18 And the only reason I bring that up,
19 or maybe the point I want to make with that is
20 restoration is a distinct step beyond remediation.
21 Remediation we're referring to cleanup; restoration
22 is a step beyond that, where we would take the
23 clean area and convert it to something for final
24 land use.

1 The trustees, through the process of
2 their negotiations, have really had the focus on
3 two things. The first is what impacts have
4 occurred at the Fernald site as far as natural
5 resource impacts. The second is what type of
6 compensation is appropriate to address those
7 impacts that have occurred.

8 And what you will find if you look at
9 the natural resource restoration plan is really two
10 documents. The first part of it is a natural
11 resource impact assessment, and this is a companion
12 document to the restoration plan, and this really
13 outlines what impacts have occurred to what natural
14 resources at the site.

15 And the trustees have spent a lot of
16 time talking about this over the past few years,
17 they've used a lot of the data that was available
18 to the RAFS process, and they have come through
19 their negotiations to a set of impacts that they
20 feel have occurred to natural resources at the
21 Fernald site. And this -- this will provide the
22 basis, or this is the basis for the restoration
23 that's being proposed at the site.

24 Now, after the impacts have been

1 identified, the trustees chose to use a tool called
2 habitat equivalency analysis, H E A or HEA for
3 short. And this is a model that is not mandated by
4 the CERCLA. This is something they chose to use.
5 And what it allows the trustees to do is to look at
6 the impacts that have occurred that are outlined in
7 the impact assessment and input this into a model
8 and from there determine how much restoration is
9 required to compensate for those impacts.

10 And through negotiations, they can
11 look at when impact started, how severe the impacts
12 were, when we expect the impact to end; and through
13 this model, and I'm not going to get into a lot of
14 detail on this, it will provide them a gauge how
15 much restoration should be proposed.

16 They did not use this as a
17 prescriptive tool to say this is exactly what we
18 need to do. They used this as an order of
19 magnitude tool to say are we in the ballpark or are
20 we not in terms of restoration. You'll find that
21 in Addendum B to the natural resource restoration
22 plan. And it's fairly complicated, and John Homer
23 is our resident expert, he's back there, he will be
24 glad to talk about it.

1 The other point that I need to make
2 about HEA is that this is a model that they use for
3 everything except groundwater, and the reason for
4 that is that HEA, as the name implies, is really
5 designed for habitat. It's designed for, you know,
6 streams, for woodlands, for that type of resource,
7 and it doesn't work well for the groundwater
8 natural resource. So what they did is they
9 basically negotiated a proposal to settle that
10 portion of the claim, the impact to groundwater
11 separately.

12 Now, with that said, with the impacts
13 identified and some idea of how much restoration
14 will be appropriate, I want to talk a little bit
15 about the natural resource restoration plan.

16 Essentially what this plan does, is
17 it proposes a series of restoration projects,
18 Johnny's touched on this a little bit, and these
19 projects basically follow the sequence of soil
20 remediation at the site.

21 In other words, they break the site
22 down into smaller geographic areas, and as areas
23 are remediated and certified clean, there would be
24 a project proposed to take that from that point to

1 whatever the final restoration will be.

2 And as Johnny mentioned, you know,
3 one of the main concepts of this restoration plan
4 is that it takes advantage of excavated areas. In
5 other words, we don't backfill; we leave those in
6 place and we work with those and use those to our
7 advantage in terms of natural resource
8 restoration.

9 Johnny also touched, I believe Kathi
10 did as well, on the fact that this plan -- a
11 fundamental component of this plan is to expand and
12 enhance our existing natural resources.

13 Now, I know this is very busy and
14 there's a lot of stuff up here, but I wanted to
15 throw it up -- I'm not going to go through
16 everything in detail -- simply to provide you with
17 the information as far as what are the specific
18 projects that are being proposed in the natural
19 resource restoration plan.

20 And this is a list of projects that
21 Johnny talked about. You know, these are -- each
22 of these projects are an individual step in the
23 process of restoring the site, and what is proposed
24 here on this slide is the year that we will do the

1 design for that project and the year we would
2 implement the project.

3 It also has the specific section of
4 the natural resource restoration plan where you can
5 find more information about the project, and it
6 also talks about the amount of acreage that will be
7 restored with -- as Johnny said, these are not
8 exact numbers. We didn't go out and survey and do
9 an exact number, but they're very close, plus or
10 minus a few.

11 The first couple projects that you
12 see listed, if you'll notice that one is scheduled
13 for implementation in 1998, one is scheduled for
14 implementation next year. The aesthetic barrier
15 project is actually beginning right now as we
16 speak.

17 This is a project that was originally
18 proposed by the FCAB, Fernald Citizens Advisory
19 Board, and it involves on the front of our site,
20 the southern part of our site, in this area,
21 providing what we're calling an aesthetic barrier.

22 Essentially what this is, is a buffer
23 of trees, and it's designed to screen a lot of the
24 activities that will be going on in the borrower

1 area and the disposal facility. There's going to
2 be a lot of open excavations, a lot of dirt that's
3 going to be piled up for a lot of years, and the
4 FCAB recommended that the DOE look into something
5 like this and DOE agreed and that project is going
6 as we speak.

7 The second project is the wetland
8 mitigation project. Again, Johnny touched on the
9 fact, and I think Kathi did as well, that we do
10 have a regulatory requirement to mitigate the
11 wetlands. And we essentially have two projects
12 that are proposed that deal with wetland
13 mitigation, and both of them are essentially in the
14 northern part of the site. One is in the northeast
15 corner of the site and the other involves the
16 expansion of an existing wetland area in the north
17 central portion of the site.

18 So this lays out the proposed
19 sequence of projects as they would occur, and
20 essentially if you can break this down into three
21 or four major components, what those will be is the
22 restoration of the production area, which is where
23 we're going to have a lot of excavation, and what
24 we're proposing in that area is a prairie-type

1 environment. And I'll talk a little bit more about
2 that in just a second.

3 It looks at the expansion of the
4 Paddy's Run corridor, which is along the western
5 portion of our site, expansion of the wooded
6 corridor, and in the EA you'll see the terms
7 riparian -- a riparian forest and you'll see the
8 term upland forest. These are both wooded areas.
9 The riparian deals with the stream corridor or
10 river corridor and it's a slightly different mix of
11 tree species. The upland is essentially areas, as
12 the name implies, higher elevations and it's also a
13 wooded area.

14 So we've got the production area,
15 we've got that corridor, the Paddy's Run corridor,
16 and we've also got the northern part of the site
17 which we want to try to use to deal with our
18 wetland mitigation requirements.

19 And then the last major component is
20 trying to establish some buffer around the disposal
21 facility. So that these projects that are listed
22 on this overhead are designed to kind of go in that
23 direction and try to deal with those four items.

24 Now, when we talk about a prairie,

1 this is -- this is the kind of thing we're talking
2 about. This is a native -- I'm sorry, this is a
3 prairie that has been restored from an area that
4 was used to excavate fill material. This is near
5 Dayton, and there was a large amount of borrowed
6 material that was taken out of this area for a
7 highway project, and essentially what was left
8 behind is a lot of sand and gravel.

9 This is in the same aquifer region
10 that we are in; in other words, it's the Great
11 Miami aquifer, and it's very similar to what we're
12 going to see when we excavate the production area.
13 And the idea is to, instead of trying to get the
14 topsoil back into this area, we have a large area
15 in the production area, the idea is to look at
16 trying to get native prairie grass, which they will
17 grow in those types of areas, that's one of the
18 nice things about them, and this is a type of
19 habitat that historically has been in this area in
20 pieces.

21 Now, further west from here you get
22 into obviously larger prairie areas, but there are
23 remnants of that in this area. Now, this -- one
24 thing I will point out is, this is not -- this

1 prairie has been growing for a while. You know,
2 prairie is not an overnight type of process, but
3 this is one that's been established I think roughly
4 ten years ago, Tom?

5 But this is the kind of -- this is
6 the concept for the center of the site, point to
7 it, in this area of the production area, remnants
8 of the pieces of the prairie in the borrowed area,
9 and also some areas along the western part of the
10 site.

11 And this is just another view.
12 Again, they have an area -- a low area where
13 they've got water that is ponds in that area, and
14 we would expect something similar to this in the
15 production area. Our open water areas would be
16 larger than that. These areas we estimate are
17 roughly 10 to 12 acres in size, the areas in the
18 center.

19 Now, with prairie grass, I just want
20 to point out that this is very different than -- as
21 many of you know, I'm sure, very different than a
22 lawn, you know, the typical grass you deal with.
23 Some of this stuff is -- you know, gets very tall,
24 and that's why -- part of the reason why it's such

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1 a unique type of habitat. And I just threw that in
2 for representation. That's in the same place where
3 we just saw the other photos.

4 The other thing is the wetland
5 areas. Just want to make a distinction about some
6 of the areas that we're looking at or proposing in
7 the center of the site and then the wetland
8 projects that are being proposed. This is a
9 concrete -- adjacent to a concrete facility where
10 there was some disturbance, some excavation that
11 occurred, and what they've done is changed the
12 hydrology in this area and created a wetland.

13 A wetland is typically, you know,
14 much shallower than a pond or a lake. It may not
15 even be wet year-round. It has a certain type of
16 hydrology and a certain type of soil, and it
17 provides a unique type of habitat. So this is the
18 type of habitat that we would look to try and
19 create in the northern part of our site, expand our
20 existing wetland.

21 Our wetland up there doesn't look
22 this good, I can just tell you, but this is the
23 idea or the concept for wetland restoration. In
24 the center of the site, these are more open water

1 bodies. Typical what you might see in gravel pits
2 when they get done mining gravel, you know, you
3 have water that fills those areas up.

4 Last thing I want to point out and
5 just raise before I open this up for the trustees
6 to make any comments that they'd like to make; one
7 of the things that we talked -- trustees have
8 talked about briefly is, okay, we've got this
9 concept of a restored site as you see. What would
10 the specific uses of the site be? In other words,
11 would we have access?

12 What we have done on this photograph,
13 or this graphically-enhanced photograph, is we have
14 left the south access road in place, we have left
15 the north construction access that's being used for
16 the waste pit project in place, so we show a small
17 parking area. We obviously are going to have to
18 have some access for OSDF for monitoring,
19 maintenance, so we have a small parking area in the
20 northern part, and we also are in the process of
21 creating another access as part of one of the
22 supplemental projects that was proposed to the
23 speedy resolution settlement.

24 So we do have some access points

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1 obviously existing at the site now and potentially
2 could exist in the future, and I think that's one
3 of the things the trustees would like to hear is,
4 you know, in terms of use of the site, if people
5 are supportive of this idea, you know, what would
6 the use -- what would its potential uses be, what
7 would some recommendations for use be.

8 Again, these are -- you know, this is
9 conceptual, and the details of, you know, what the
10 uses might be are something that, you know, has not
11 really been talked about very much at all at this
12 point.

13 So with that, I will sit down and
14 I'll invite Pete or Tom or Bill to come up and make
15 any comments that they'd like to make.

16 MR. SCHNEIDER: Just real quickly, I
17 just wanted to say that the state's been involved
18 from the start on this, obviously, we sort of
19 initiated it a few years -- a bunch of years back
20 now, I guess.

21 But the idea of using restoration
22 on-site was one that originated with us, and I
23 think, you know, when you look -- you don't see
24 very often what the site's going to look like when

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1 we're done. I have a couple slides that might help
2 everybody understand a little bit about how it's
3 going to look and how this really makes sense, when
4 you just look at what the site's going to be like
5 when we get done digging it up.

6 First of all, let me point out, I got
7 these out there late. There are fax sheets out
8 there by the Ohio EPA on the natural resource
9 restoration plan, so we attempted in two pages to
10 cover what is like 2 inches thick in the binder.

11 If you're into short reading version,
12 this might be the way to go. I think there are
13 some more still out there.

14 But what I want to take a minute to
15 talk about is what John and Kathi both talked about
16 as the -- is the excavation, what the site's going
17 to look like when we're done. And this is a
18 graphic we use to visualize what the site's going
19 to look like when we're done with it as far as
20 excavation goes.

21 This is preexcavation. This is I
22 think like 1993 topography. And so the colors just
23 show topography, they don't represent where water
24 is. But you obviously can see that the deepest

1 part of the site is down where Paddy's Run
2 excavates into the aquifer.

3 And so this just gives you an idea.
4 Keep in mind this brown area here and then how this
5 looks down in here. It will definitely change in
6 the postexcavation view. And this is after
7 excavation. This is based on, you know,
8 everybody's best guess of how much dirt we're going
9 to take out. Obviously odds are it will be deeper
10 than this in the end, probably not shallower.

11 But as you can see, a lot of this
12 brown goes away and the change from brown to green
13 is 15 feet. So you get a substantial dive up there
14 in the production area, and it goes from what was
15 previously brown down into the blue areas, so you
16 lose, you know, 30 to 40 feet. That's how deep
17 those excavations will go in the production area.

18 So trying to fill a hole back in like
19 that basically means you got to make a hole that
20 big someplace else. So if you fill a hole back in,
21 you don't make dirt, you have to be able to find it
22 someplace else. You're going to dig a hole
23 someplace else if we have to fill them back.

24 That's the, you know, the basic no

1 brains of this operation, is that by using the
2 resources that we have at the end of the
3 remediation, we're going to get the biggest bang
4 for our buck and get the best bang for the
5 environment as well.

6 You can also see that we get some
7 pretty big holes over where the waste pits come
8 out, and that will, you know, be really consistent
9 with expanding the floodplain of Paddy's Run up
10 there. We'll probably provide some downstream
11 benefits to people who are along Paddy's Run from a
12 flooding perspective.

13 So if you use this photograph, look
14 at the topography, you can see on the conceptual
15 plan exactly how those ponds show up and how we
16 expand up from Paddy's Run floodplain.

17 So those are a little bit of help to
18 visualize how the site's going to look and why this
19 really makes sense from a logical standpoint,
20 besides just settling DOE's claim and making the
21 state happy as far as getting the liability
22 resolved.

23 Another thing was talked about I just
24 wanted to -- that I think these are the kind of

1 things, like Eric mentioned, that we're really
2 looking for feedback on. That's this public
3 access, how we're going to use the site besides
4 doing natural resource restoration, what do folks
5 think are appropriate.

6 Kathi hit on a little bit the concept
7 of use by Native Americans for a memorial area, and
8 we've done a little bit of work with the Native
9 American Alliance of Ohio, looking at ways that
10 they might want to propose to do it, and these are
11 some slides we generated up.

12 This concept looks at burial areas in
13 a prairie savannah area, which is tall grass
14 prairie with trees intermixed in it. And so you'd
15 use the trees to define burial areas or hard, you
16 know, pathways and public access. And then there's
17 another scenario for use, is put them in forested
18 area, use forested areas for this kind of
19 activity.

20 So these types of scenarios, these
21 are the details that we're going to have to work
22 through as we go through each project. Each
23 project will have a restoration plan. The big long
24 list that Eric came up with is really where the

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1 details of how we implement this are going to come
2 out at.

3 And so there's lots of time for
4 implementing individual ideas on how we can reuse
5 the site, anywhere from, you know, bird watching
6 accesses to whatever people think is appropriate.
7 I think that's really what we're looking for
8 comments on, is people's suggestions on how better
9 to use this concept of restoration and the
10 refinements that we can make.

11 Thanks for coming out, and like I
12 said, we'll be glad to take questions and comments
13 at the end.

14 MR. KUREY: I don't have any
15 prepared comments, and I don't think I can add a
16 lot to what's already been said. But we're here to
17 help answer any questions.

18 MR. YERACE: As most of you know me,
19 I've always got something to say regardless of
20 whether it's liked or not.

21 I go back on this project several
22 years, and I want to take a little bit of
23 historical perspective on some comments that I
24 received probably eight years ago, seven years ago,

1 and it was made by a person down at the facility
2 down in Ross. An individual said -- At that time
3 we were doing our first -- one of our first
4 discussions on natural resource restoration, and we
5 were talking about some of the ecological studies
6 we were doing, threatened endangered species, and
7 an individual stood up and said, well, you all
8 don't even know how to address human health at
9 Fernald; how can you be worrying about bugs and
10 bunnies.

11 And I think that drove me to put a
12 lot of attention on what -- we've come a long way,
13 obviously, in Fernald and we came to work out the
14 human health issues. But it also made me focus, we
15 better make sure when we do go through this natural
16 resource restoration and look at the impact that
17 we've had, that we truly understand what we've done
18 on the site when it comes to impacting the
19 environment, that we address those issues very
20 well, and we come up with a natural resource
21 restoration plan that would be not only appealing
22 to the State of Ohio, which drove the claim, but
23 also to the stakeholders out there which includes
24 all of you.

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1 And over the past four years, we've
2 worked very well with DOE, with, obviously, the
3 State of Ohio and the Department of Interior; and
4 probably the turning point in all this was when the
5 attorney general sent down a proposal that -- why
6 don't you guys try integrating natural resource
7 restoration into remediation.

8 And DOE liked that, obviously,
9 because when we looked at that opportunity and we
10 faced what that would mean to us, we quickly
11 realized, as Tom said, and I just obviously would
12 enhance what he said, and that is, you'd have all
13 these holes out there. You can either try to grade
14 them back and fill up those holes with dirt from
15 somewhere else, and still have to address this \$206
16 million claim.

17 When we put our -- And back at that
18 time it was OU-5, which was a lot of the work going
19 on with the environment and the soils and
20 groundwater. And at that time I don't think I
21 could have been here for a two-hour meeting at
22 least and not have said something yet, so, you
23 know, we had some problems back then with how we
24 were addressing our environment, and we've come a

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1 long way.

2 And one of the things we really are
3 glad about now is that when we talk about how we're
4 going to do natural resource restoration, I think
5 it will be appealing to the public to realize that
6 just looking at the cost, as Johnny said, and what
7 it would take to backfill the site, it was
8 somewhere around \$40 million.

9 And it's very obvious that if we can
10 take that taxpayer's dollars and focus on natural
11 resource restoration and put that money to a better
12 use, in our mind, satisfy our claim, and not in my
13 opinion, and I think as trustees, waste money but
14 make something useful out of the Fernald property
15 and address all these regulatory issues and address
16 your stakeholder concerns, and I think we've come a
17 long way.

18 The missing link is, we've been
19 working on this for several years, but what we're
20 asking for now is, yeah, we've come up with the
21 proposal and DOE endorses that proposal, that some
22 members of the Isaac Walton League are here that I
23 belong to and I know have a very big concern in the
24 area of soil and groundwater and environment and

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1 wetland.

2 And there's other stakeholders out
3 here that really haven't been involved in the
4 process but I think can give us valuable input on
5 how we do the natural resource work on the site.
6 So what we're really asking for is for people to
7 focus in on some of those things we're planning on
8 doing, realizing that that restoration plan's out
9 there if you would like to get copies, but also
10 realizing this is an interim process and there will
11 be a lot of other plans that come out. If we do go
12 down this path, there will be no implementation
13 plan on the specifics.

14 And I'll close out with there was
15 some local residents that raised some issues when
16 Hamilton County park system put in some of their
17 wetland areas, there was some concerns with, hey,
18 there's a lot of mosquitos being generated in these
19 areas.

20 So one of the things we want to make
21 sure of is, if we're going to put these wetlands
22 in, open water bodies, and other things, we already
23 know, being from Ross, that we've got the large
24 deer herds, which I try to control a little bit,

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1 but there are a lot of things out there that we all
2 want to make sure that by putting in this natural
3 resource restoration we also consider.

4 So any of you that have comments
5 specifically about how we're going to control
6 habitat, how we're going to control mosquitos and
7 other species, invasive species, some of the
8 farmers want to make sure that we control the
9 thistle that's out there so we don't have things
10 that are going to cause problems to the farms,
11 those are the type comments we want specifically
12 from a trustee standpoint, because that would
13 enhance the restoration plan.

14 So we welcome you, we're glad that
15 you're here, and any of those comments are very
16 much welcome.

17 MR. STEGNER: Thank you, everybody,
18 the natural resource trustees. The floor is now
19 open for questions, comments, address anyone.

20 MS. YOCUM: I don't know if this
21 would go under the EA or the land use part, but
22 when Eric had mentioned in considering putting a
23 buffer zone around the disposal site, I thought
24 that was already settled that there is going to be

1 a buffer zone, and I'd like that clarified.

2 MR. SCHNEIDER: I can address that.
3 There's a buffer zone. It's probably early in the
4 compliance for siting of the facility. What that
5 buffer zone is made up of, the buffer zone
6 basically says you will be 300 feet away from a
7 residential well.

8 So buffers are standoff distances for
9 human specific instances. I think probably the one
10 you're talking about, 300 foot setback from I think
11 the property line or wells or both. And so it
12 doesn't say what you have to put in that buffer
13 zone. In this case, the county is -- what is
14 planned or what gets put into that buffer zone.
15 So, yes, the buffer zone is there and, yes, it's
16 required to be there; the plan just takes that
17 available space.

18 MS. YOCUM: So what is going to be
19 on the buffer zone?

20 MS. CRAWFORD: I think the word
21 trying is what --

22 MS. YOCUM: Yeah, trying to have a
23 buffer zone kind of scared us.

24 MR. SCHNEIDER: Yeah. It's just,

1 you know, how you maximize use of that. You know,
2 in a typical landfill that would be 300 feet of
3 putting surface, no mowed grass. In this case we
4 look for a little bit ecologically friendly.

5 MR. WOODS: The other thing, when I
6 said buffer, what I was really trying to get across
7 was this idea of, you know, screening providing
8 some type of aesthetic-type barrier so it's not
9 quite so visible. That was something that the
10 Citizen Advisory Board made recommendations on. I
11 wasn't referring at all to the distance; I was just
12 what would be specific --

13 MR. STEGNER: Lisa Crawford.

14 MS. CRAWFORD: I don't know whose
15 slide it was, the 884 acres, it said, and there's
16 1050 acres, so that leaves 166 acres. Pam did the
17 numbers. I can't subtract quite that quickly.

18 MR. SCHNEIDER: We knew this one was
19 coming. Eric's got a prepared answer for it.

20 MS. CRAWFORD: Okay. Well, then I
21 don't have to go on and on and on; just tell me
22 what the answer is.

23 MS. DUNN: Is the disposal part of
24 that?

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1 MR. SCHNEIDER: Yes.

2 MS. CRAWFORD: Well, how big is the
3 disposal site? I never can remember that for some
4 reason. 160?

5 MR. REISING: A hundred and
6 twenty-three.

7 MS. CRAWFORD: A hundred and
8 twenty-three. Okay. Well, that leaves.

9 MR. REISING: There's 123 acres
10 on-site disposal facility, there's 23 acres as far
11 as the potential CRO area that they're looking at
12 potentially there for commercial use, whatever.

13 MS. CRAWFORD: That leaves 20 acres.

14 MR. REISING: There are 20 acres
15 that are in the existing supplemental environmental
16 projects as a result of the OU-4 dispute
17 resolution.

18 MS. CRAWFORD: Okay. Thank you very
19 much. I didn't think them numbers were adding up
20 just right.

21 MR. STEGNER: Other questions,
22 comments?

23 MR. INNIS: If you restore to
24 prairie, do you plan burn management?

1 MR. SCHNEIDER: Right. That's a
2 typical management technique for prairies, right,
3 is burn on some rotation, two-year, one-year,
4 three-year type rotation. That's very typical.
5 That, I believe, will be the appropriate technique
6 here. They do that all over the place, pretty
7 common technique.

8 MR. YERACE: I think one of the
9 things we're going to do is, we talked about as
10 trustees, we're going to make sure that when it's
11 time to get into the specific implementation plans,
12 that we left them very broad right now
13 species-wise, plant-wise, not specifying it has to
14 be this, so that when we bring the experts in they
15 provide us guidance that we will get not only,
16 yeah, there will be burns but they'll specify
17 things like acreage and types of burns, when those
18 burns should occur.

19 And obviously near the disposal
20 facility, you know, they're both going to be
21 controlled of what we plant, why we would burn in
22 one place where we wouldn't in another place.
23 Those things will be the specifics that will be
24 defined in the implementation plan, sure.

1 MR. SCHNEIDER: There are ways of
2 managing without burning, definitely much more
3 labor intensive, which is basically bale them. You
4 know, cut them and bale them. You have to remove
5 that material, and by removing it rather than
6 burning it you're taking the nutrients away. If
7 you burn it, you return it to -- a lot of our
8 prairie plants are renewed by burns.

9 You know, that's how basically the
10 prairies out west stay. That's why they didn't
11 happen here as much, because out west you get a
12 really dry period and one strike of lightning will
13 burn a thousand acres a day without firemen to put
14 it out. Whereas this side of the Mississippi, you
15 got enough precipitation to kind of limit that
16 distance that you burn.

17 MR. INNIS: Another question. Do
18 you anticipate that percolation test will show you
19 wouldn't lose water from that source?

20 MR. SCHNEIDER: Yes. I think we
21 anticipate lining. I mean, we're going to breach
22 the aquifer, and you don't want -- I don't think we
23 want to make any more pathways to the aquifer even
24 if we do stick it in the middle of the park.

1 Nobody could pour anything down in there. 1804

2 I think the intention is that we'll
3 have the borrower areas, they can be relined. If
4 it's just a gravel bottom, only time you can water
5 is if it's in the aquifer. So we all know that
6 there's pretty good saturation above the aquifer
7 bathtub, basically. So, yeah, where we breach the
8 aquifer we'll need reaction, yeah.

9 MS. DUNN: If you do the trails,
10 would they go through some of the wooded areas as
11 well?

12 MR. SCHNEIDER: Yeah. Completely up
13 for discussion. I can't imagine why they wouldn't.

14 MS. DUNN: Like the tower things for
15 people who want to bird watch and stuff like that?

16 MR. YERACE: Did you all ever go
17 down to the Savannah River, the wetland bog area?
18 They have a system that I think is very
19 educational, to say the least, but when you have
20 600 to a thousand acres to be able to play with, it
21 makes it a lot nicer.

22 They have things that go through the
23 wetland and bogs, and it's from -- everything from
24 the woods to upland, all the way to where you have

1 prairie grass. So, you know, what we're going to
2 do is, we've seen their plan and other plans,
3 obviously. Whatever best bids, when we put it
4 together -- and that's what's so nice about this.
5 Any suggestions are welcome because it's flexible
6 enough to do any of those things.

7 And obviously, why would we want to
8 create -- this is something we've always talked
9 about. We obviously want to create something that
10 people looking at Fernald, you know, gosh, we don't
11 even want to go on that place, why would we want to
12 create something with the same perception we still
13 don't want to go. There are some people that maybe
14 will never go there, but hopefully we can make it
15 appealing enough, from an educational standpoint or
16 whatever, that people would like to go there and
17 they can learn from it.

18 MR. STEGNER: I think we also want
19 something you can walk on there, you can go on
20 these big black areas and catch fish, so -- Lisa
21 Crawford.

22 MS. CRAWFORD: When we do the actual
23 comments, I'm not going to be here on that date so
24 Miss Dunn is going to speak on my behalf that

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1 night. I'm going to give her my official
2 permission to do that. We don't need to talk about
3 the records of decisions; I mean, that's kind of
4 all done and pretty much said. So you primarily
5 want us to focus on those two or three options or
6 alternatives or whatever they're called. Is it
7 our --

8 MR. STEGNER: Or if you have some
9 other idea or some other concept.

10 MS. CRAWFORD: Okay. But I guess
11 my --

12 MR. SCHNEIDER: Let me try to
13 clarify that right now. This is an issue we knew
14 was going to come as a result of these two
15 overlapping comment periods. The 13th is about the
16 EA, which is really the three land use
17 alternatives, natural resource restoration with 23
18 acres set aside. That's what the meeting's about.

19 There's a public comment period going
20 on right now about the NRP, which is the big one
21 held up. And that's -- that's what we're here to
22 talk about tonight. We can take comments on that
23 tonight, take comments during the written comment
24 period. You know, on the fact sheet it talks a

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1 little bit about the time frame for comments and
2 how to get your comments in.

3 So, you know, to help you understand
4 what you should look at for the 13th, I would say
5 that EA is really what your target should be.
6 Issues regarding the proposed land use or like one
7 of the other alternatives or you like alternative
8 number 4 that isn't on the list, that's your
9 opportunity to speak up about that.

10 MS. CRAWFORD: So basically if you
11 like, you could take like -- there's two of them I
12 didn't like.

13 MR. SCHNEIDER: Two alternatives?

14 MS. CRAWFORD: I like the one -- the
15 proposed alternative, you know, but we need to add
16 some more stuff to it. Basically I have questions
17 about the recreational use, which I think needs to
18 be defined a little clearer, you know. What do we
19 mean by recreation, limits, times, stuff like that.

20 MR. SCHNEIDER: I think that's all
21 appropriate.

22 MS. CRAWFORD: Is it appropriate to
23 tell you this evening that I -- we -- I can see
24 we as FRESH solely support the reburial of the

1 Native American remains. We think that's very
2 important. It's an issue we've talked to -- talked
3 to folks about, we've written articles in our
4 newsletters about it and work with Joe very
5 heavily. Is this an appropriate time for us to
6 relay that to you this evening?

7 MR. SCHNEIDER: The EA document, you
8 know, the DOE wants you to comment on it in the
9 public comment period they have, too, if you have a
10 suggestion. That's probably the best place, you
11 know. That's what advice I've given to folks on
12 that same issue, those things you want to see
13 specifically incorporated in the land use, which my
14 opinion is that land use they have you go to DOE,
15 actually. The written NRP stays completely
16 consistent at this point. That plan leaves the
17 door wide open. Just have to find some way to
18 get --

19 MR. YERACE: At least in my opinion,
20 you touched on one of the issues that truly -- One
21 of the concerns I had was someone raises a question
22 specifically on, and I'll go way out on a limb, we
23 want a McDonald's on the Fernald property. That is
24 a land use question. That is specifically a land

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1 use recommendation. You have the right to make
2 that land use recommendation --

3 MS. CRAWFORD: You want us to make
4 it for the EA?

5 MR. YERACE: That is the
6 appropriate --

7 MS. CRAWFORD: You're going to have
8 to clarify for me. If you don't want that tonight,
9 then what do you want tonight?

10 MR. YERACE: Well, that is a good
11 question. You can still provide -- There's an open
12 comment period going on now for both sets of
13 documents. You're more than willing to write your
14 comments down. You can put them on -- you can
15 specifically address it towards the EA and say we
16 reviewed the EA, we know that's a land use decision
17 document, and it's going to encompass the different
18 things that people want to see Fernald land used
19 for, and we specifically want it for this and we're
20 concerned about this and we're concerned about
21 that.

22 One of the focuses of the natural
23 resources restoration plan was to focus more
24 specifically on if you endorse the third

1 alternative, which is natural resource restoration,
2 how can you endorse something that you don't know
3 anything about until we educate you about the
4 intent of the natural resource restoration plan,
5 and that's what we wanted to do tonight. We want
6 to educate you on it, and then two, if we're out in
7 left field on one of the issues, like we put a
8 wetlands in and you think, well, why did you want
9 to put a wetlands in or why are you wanting to
10 enhance Paddy's Run stream or maybe the gentleman
11 from the Isaac Walton League might have a specific
12 issue related to natural resource restoration.

13 We want to enhance that document and
14 get public input on the specifics of the natural
15 resource work, because, again, as Kathi said, the
16 natural resource restoration plan that the trustees
17 and DOE endorses is the driver for the final land
18 use decision.

19 And when the 13th comes, obviously
20 DOE's going to stand up in a room and say, we've
21 had this natural resource restoration plan out for
22 public comment and we wanted specifics on that. At
23 the same time we had that little EA document out on
24 private land use. We've received, you know, a few

1 comments on specifics for natural resources, but we
2 want to make sure tonight we've got a public forum
3 to say you don't want to see X type of land use at
4 Fernald. Here is one public forum opportunity
5 where you can voice your concern, but you can still
6 voice it on comment cards during this public 30-day
7 comment period.

8 MR. SCHNEIDER: I don't think -- I
9 don't mean to say that, you know, if you comment on
10 the wrong one it's not going to get addressed. We
11 talked about this, we knew it was going to be a
12 confusing issue, we knew there were going to be
13 overlapping comments; but, you know, I guess what
14 we're going to do is sit down when we get all the
15 comments, you know, and you take this one, this
16 one, this one, this one, this one.

17 So if there are comments that you
18 make on the EA, you know, that says you should put
19 boardwalks in, you know, on the wetlands so people
20 have access to them, it may be an appropriate EA
21 question because it addresses the fact that you
22 have recreational accesses.

23 But it also is appropriate in the
24 NRP, because we have to know that, in our designs,

60

1 we need to stick boardwalks in wetlands. So I
2 don't see, when you make comments, I'll say, well,
3 she didn't make it on the NRP so we don't have to
4 consider it.

5 MR. YERACE: DOE will screen all
6 comments. When I say screen them, they will go to
7 the appropriate group, either the natural resource
8 trustee or the land use decision.

9 MS. CRAWFORD: I'm really glad to
10 hear you say that, because I want to make sure --
11 you know, people take the time to comment,
12 whether -- and there's liable to be some confusion
13 that, you know, they're not just getting tossed
14 because they don't fit in the box of the EA or they
15 don't fit in the box of the --

16 MR. SCHNEIDER: I think we all know
17 that there is going to be that confusion, but -- we
18 get twisted around ourselves just trying to figure
19 out where they go.

20 MS. CRAWFORD: I'm still -- the
21 recreational use possible thing just raises red
22 flags for me. And I guess I need -- I need it to
23 be spelled out a little clearer. You know, I mean,
24 personally I don't want anybody hunting and fishing

1 on the site. I think that's a little overkill.

2 MR. YERACE: That pun intended?

3 MS. CRAWFORD: Very much that pun is
4 intended.

5 I guess I don't really have a problem
6 with the people maybe meandering and walking
7 through, although I wouldn't want them to camp or,
8 you know --

9 MR. SCHNEIDER: These are all good
10 points. I think that's exactly the discussion that
11 needs to occur.

12 MS. CRAWFORD: Tonight?

13 MR. SCHNEIDER: Well, tonight, over
14 the next four years, whichever. I think it's
15 something that we need to start discussing. I'm
16 not sure if we're going to answer as to the limit,
17 you know, you can pick berries but you can't shoot
18 anything.

19 MS. CRAWFORD: No. To me picking
20 berries or whatever falls under agricultural, and I
21 don't -- I think that's like a no-no.

22 MR. TABOR: You mean the squirrels
23 can't eat the acorns?

24 MS. CRAWFORD: I don't give a damn

1 about the squirrels, Bob, at this point. I'm more
2 concerned about the human aspect of the thing.

3 MR. YERACE: There is another issue
4 that has to be -- and this is from a natural
5 resource trustee standpoint. A comment was made to
6 us, you know, if you're going to do all this
7 wonderful natural resource restoration -- and I
8 will say as a resident of Ross, I live right
9 adjacent to the property, so obviously the deer and
10 the squirrels come from Fernald right onto our
11 place.

12 Obviously I'm not going to create a
13 wildlife environment that I would think is unsafe
14 for consumptive use by those animals so that, you
15 know, I got to build this 50-foot high fence
16 because I'm afraid that they're going to leave that
17 property.

18 So from a natural resource trustee
19 standpoint, one of the things that we had to look
20 very closely at, and I think that Bill from a fish
21 and wildlife standpoint and Tom from their
22 standpoint from the state, we want to make sure if
23 we're cleaning down to those final remediation
24 levels -- and that's the most important thing that

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1 we didn't discuss today, is I want to make sure
2 everybody realizes that if I'm going to clean down
3 to those final remediation levels, that we need to
4 make sure that this final remediation level will
5 protect both the human health and the environment.

6 I understand the issue came up about
7 we're not going to turn it into an agricultural
8 site, but we can't -- we can't do this 850-acre
9 natural resource restoration and have fear that if
10 a squirrel or a fish or the Indiana bat or any of
11 these threatened endangered species that are on
12 that site would be under a threatening standpoint
13 when it comes to if they were in the dirt or they
14 were eating the grass or they were in the prairie,
15 that there would be a concern.

16 MS. CRAWFORD: That's not my
17 concern, Pete.

18 MR. YERACE: But I'm saying I want
19 to make sure everybody realizes that -- There are a
20 lot of people here that have never been involved in
21 this process, and they need to realize that final
22 remediation levels, they've never heard before,
23 they've never heard about how we've cleaned up the
24 site, and I want to make sure that they truly

1 understand that when we clean this up, we as
2 trustees drilled DOE, including me, to make sure
3 that when you clean it up, that you have cleaned up
4 to ecological cleanup criteria also, so that you're
5 not going to spend all this time and money to have
6 people concerned about, gosh, we don't want any of
7 those animals leaving the site. So that is more of
8 a --

9 MS. CRAWFORD: It's not the fact
10 that they're leaving the site. We know they wander
11 all over the place. We're just folks who don't
12 like fishing. I can live with it. I think it's
13 inappropriate over here. Deer hunting, personally
14 I don't really like it that much. I know people do
15 it, but that's a personal choice.

16 MR. YERACE: Well, I think those are
17 the kind of comments we're looking for.

18 MS. NICKEL: Can I just add
19 something about that EA? Look at that, it's a
20 19-page document. Clearly there's not a whole lot
21 of detail in there. Understand the intention of
22 that document was to give a very high level to make
23 a very high level decision. This is written for
24 people to tell them we are not going to turn this

1 into a thousand acre industrial park. We are not
2 going to leave a moonscape. We're going to put
3 something in the order of trees and prairies and
4 that sort of thing.

5 And that's essentially the level of
6 detail it gets into. The reason for having some
7 discussion on the ROD and some of that is to show
8 the folks, and there are some out there who still
9 envision buildings and that sort of thing
10 remaining, to let them know that that's really not
11 part of the decision making criteria, because that
12 has been done in the past.

13 But you're not going to get any more
14 detail than that. Our proposed alternative is
15 natural resource restoration, and the rest of it is
16 up for discussion.

17 MR. YERACE: I think, Lisa, on some
18 of your other comments about the recreational use,
19 they're going to be very substantive. Even if,
20 let's say, at the land use meeting and the public
21 and stakeholders and everybody come to a decision
22 that, let's say, natural resource is a great idea
23 and everybody somehow comes to a modified agreement
24 on that.

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1 In the future, all those specifics
2 you're talking about are going to come up and
3 there's going to be detail on it. You're going to
4 provide comments again, we don't want to see this.
5 Even though you're going to do natural resource
6 restoration, we don't want to see this component of
7 the natural resource restoration there.

8 And so I think this is going to be
9 something that's going to be iterative. You're
10 going to make the comments and you're going to
11 state them, and it could be a fresh set of comments
12 or it could be any other stakeholder; and then when
13 we put the implementation plan out for specific
14 things, I believe that the trustees agree, that
15 there will be another opportunity for you guys to
16 emphasize exactly, you know, which way we're going
17 on some of the things.

18 MS. DUNN: I will say personally
19 that I love the idea of the natural resource
20 preservation as a wildlife preserve. I mean, at
21 the rate we're going, that may be the only place
22 left in 25 years where wildlife can freely roam
23 around at the rate of, you know, people taking over
24 this area.

1 But your concern about the mosquitos
2 and stuff, wouldn't there be a little bit of
3 natural predator type thing there? I mean, if it's
4 grown up, we have bats and birds and other animals,
5 then you might have rodents which would be
6 somewhere for like red-tailed hawks and that to
7 go. I know before those soccer fields there used
8 to be a couple of red tails. We don't even see
9 them down there anymore over on 128 since those
10 soccer fields went in.

11 But I mean, wouldn't just the fact
12 that you do the prairie grass and the trees you
13 would draw the animals in that would kind of
14 naturally take care of those problems on their own?

15 MR. SCHNEIDER: No doubt. If you
16 have a functioning system, that's right. That's
17 exactly -- It takes care of itself.

18 MS. DUNN: And isn't that what we
19 want is a functioning ecosystem?

20 MR. SCHNEIDER: You know, it will
21 obviously take some time to get to that point.
22 There's going to be some natural cycling going on,
23 but, yeah, you know, at some point you reach a
24 steady state where all that takes care of itself.

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1 I think that's stuff that's been discussed with
2 folks --

3 MS. DUNN: Won't the frogs eat
4 mosquitos and bugs?

5 MR. YERACE: Sure. The biggest
6 thing is, if you take the quantity of mosquitos the
7 bat can eat in one evening -- I can't remember what
8 the number is but it was astronomical. But one of
9 the reasons I'm bringing up the issue is for those
10 individuals that are very -- who live near that
11 Fernald site, we at least need to make sure that
12 if --

13 What we want is a very low
14 maintenance, self-sustaining natural resource
15 environment out there. But if for some reason
16 during that growing period, if you will,
17 development period, there is a problem, we want to
18 make sure to those stakeholders that we clearly
19 recognize that could be an issue and that we will
20 make sure that we will control that issue if it's
21 not controlled on its own from a natural
22 standpoint.

23 And there's a lot of studies done on
24 that. I know Eric and I have looked at it. And

1 one way or the other, we'll make sure that
2 happens. Obviously if it's not happening,
3 something's failing in the actual system that we're
4 going to want to enhance.

5 MR. WOODS: And I was just going to
6 say, there are a lot of ways to encourage predators
7 for mosquitos into the design of the wetland. Put
8 in things that eat the mosquito larvae, the bat
9 boxes, things like that. There are things that can
10 be done actively to try to encourage that and speed
11 up the natural process.

12 MR. STEGNER: More questions,
13 comments, concerns?

14 MR. INNIS: On the long-term, well
15 beyond 2008, what will be the managing authority
16 and the constitution of that? In other words, DOE
17 is committed to managing the site, but are they --
18 is there a real guarantee for a budget for whatever
19 wildlife management manpower, land management,
20 other subdivisions of that power, is there
21 assurance that that would be budgeted by the
22 federal government?

23 MR. SCHNEIDER: I think that's
24 something that the details of which will come out.

1 You know, we kind of have this proposed
2 settlement -- I'm not sure that the lawyers like me
3 to call it that -- but a proposed settlement on the
4 table, which is this restoration concept.

5 Finalization of that will be some
6 legal agreement between the State of Ohio and the
7 trustees; but specifically the State of Ohio, with
8 regard to our settlement, you know, federal -- go
9 back to the federal judge and say this is our
10 settlement which will incorporate, you know, this
11 is what we're going to do long-term and this is
12 going to be the responsibility of DOE or whoever
13 they may choose to do it for them.

14 I'm not sure that the Department of
15 Energy's gone into a lot of land management
16 activities with regard to parks, so they may have
17 other federal agencies manage it or a local
18 agency. Those are things that will have to be
19 worked out over time.

20 DOE's going to be here 30 years at
21 least baby-sitting the cell, so they have some
22 long-term commitments on the site. And all
23 that's -- That's all in the EA plan long-term other
24 than for just the remedial activities. That goes

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1 out for a very long time. But the details of
2 exactly who, what, and when for that is going to be
3 something that comes out as we get closer to that
4 date.

5 MR. YERACE: I think the driver for
6 DOE, we were just talking about it this morning,
7 telling Tom about it is, there is a term called
8 covenant not to sue. Obviously in DOE's world,
9 what we and the trustees are going to do is if DOE
10 does not meet their obligations, which would be the
11 maintenance and taking care of that whole issue,
12 regardless of who is in there, what DOE is going to
13 ask for is, if we do our job correctly we would
14 like a covenant not to sue so it can't come back
15 and say you didn't do it, you know, didn't meet our
16 commitment.

17 If we spend the taxpayers' dollar and
18 we do this right, no one can come back and sue us
19 again. So that's obviously what we're going to
20 strive towards, is getting it done right and not
21 have to reopen this again. But there will be that
22 placeholder there if we don't do it right and the
23 federal government doesn't come through with what
24 they say, or some other agency doesn't follow

1 through, then obviously we can get -- we'll be sued
2 again.

3 I mean, that's just plain
4 straightforward. That's how the natural resource
5 damage assessment works and the whole natural
6 resource restoration process, and it's very clear;
7 if we do it right, don't worry about it.

8 MS. NICKEL: Something else you
9 said, Pete, that there is a desire to establish
10 habitat that will be self-sustaining and somewhat
11 low maintenance, because I don't really believe
12 anyone's particularly interested in creating a
13 system that's going to be costly to maintain. So
14 that's something, too, that I think is, you know,
15 up for comment.

16 MR. STEGNER: Grant Mitchell.

17 MR. MITCHELL: I was just going to
18 say, there's a lot of national discussion going on
19 right now about a national stewardship program as
20 far as what DOE's obligation is going to be
21 long-term on all their sites, and I think that
22 nothing's been resolved through that process yet
23 but there's a lot of things being looked at as far
24 as how DOE will define long-term, the O&Ns, the

1 natural wildlife issues on a site like Fernald and
2 other sites.

3 MR. STEGNER: I mean, the federal
4 government's probably experienced in closing
5 installations and making long-term commitments to
6 the stewardship of the property, and I know on at
7 least three occasions now they've negotiated with
8 the Interior Department for the restoration of the
9 site.

10 MS. DUNN: Doesn't the Department of
11 Interior even have some information that you can
12 kind of base a projection on? I know they have
13 this really nice natural reserve right before you
14 get to Hilton Head Island right there in South
15 Carolina before you cross over the intercoastal
16 waterway, and it's maintained by the Department of
17 Interior.

18 Wouldn't they have some budget
19 information that you could use to kind of project
20 out how much you would need to maintain that for
21 any length of time to kind of --

22 MR. KUREY: Yeah. That kind of
23 information won't be too difficult to come by.
24 There are a lot of different agencies who have

1 that. The division of wildlife of the state will
2 have the information as well.

3 MR. YERACE: I think one thing that
4 Kathi said, again, is something that we are
5 striving for, is obviously knowing that there's
6 such a flexibility -- I shouldn't say flexibility,
7 there's such a gap in who's going to be controlling
8 this over the years. The decisions are still being
9 made, and we would want a system that works on its
10 own, for the most part, and you don't have to keep
11 coming in and doing a lot of maintenance on it.

12 Obviously we want to get the cell,
13 take care of the cell, make sure it's doing its
14 job, and then make sure that the environment that
15 you've created can sustain itself with very minimal
16 dollars that the taxpayer has to spend into
17 perpetuity to keep that thing there.

18 I mean, that's something we don't
19 want to have to do is keep asking for money every
20 year, is spend a million dollars to keep grass out
21 there growing or wildlife.

22 MS. DUNN: There's a place out in
23 Nevada called Valley of Fire. They have a little
24 box and ask people to put in five bucks and walk

1 around the park. That's something you could think
2 about doing too, right?

3 MR. SCHNEIDER: Oh, I think there
4 are lots of things to do. Jim is a pretty big fan
5 of the museum concept, too. Great idea. Those
6 kinds of things are run either through donations or
7 sponsorships or something like that. So I think
8 there are mechanisms that could generate revenue on
9 its own.

10 Or DOE, you know, a lot of places,
11 you know -- I know that at least for like landfills
12 in the State of Ohio, there will be a bond that a
13 company will put up this chunk of money they stick
14 in the bank and this is what you spin off of for so
15 many years to support it. So any of those you live
16 off the interest kind of deal.

17 I think, you know, I may be wrong,
18 but I would guess that what it costs Hamilton
19 County Parks to run a park is very minimal compared
20 to a typical DOE budget concept. Parks generally
21 run on a much smaller budget than we can even
22 imagine running off of around here.

23 So I think the dollars associated
24 with, you know, keeping up trails and two guys who

1 work for minimum wage to mow the place is a totally
2 different idea cost-wise than what we're used to
3 dealing with.

4 MR. YERACE: And we talked to the
5 parks and kind of use their resources a lot, and
6 one of the things that was interesting, it wasn't
7 something I would expect to get back, how much did
8 it cost you to put your wetlands in, and I could be
9 wrong, but I think it was \$60,000.

10 MR. WOODS: Close to that.

11 MR. YERACE: And they put in how
12 many acres, a hundred? All I can say is that I
13 don't think we could have bought the pencils to
14 write the plan for what they were able to do all
15 that work. And of course I'm being sarcastic, but
16 they did a lot for that, and that's hopefully what
17 we're going to drive for, is just learn from them
18 and create a system that can be done the same way.

19 MS. CRAWFORD: You know, I mean, I
20 know a couple of guys that work for the park
21 district who are really into the wetland thing and
22 have become pretty expert on it, and I would
23 encourage you all, you know, to pull from those
24 kind of free resources and free information and

1 stuff and free expertise as much as we possibly
2 can.

3 MR. YERACE: And I say yes, and
4 we're doing that and we're going to continue to do
5 that. It's always nice to be able to. In fact,
6 we've done that, and if we can continue to get that
7 free information, we'll take it. I'm sure at some
8 point in time they'll realize that they're a
9 valuable resource to us and they might do some
10 contract work with us.

11 Even at that, it's the local area.
12 If they were able to keep it in the local area, and
13 we're right near there, we'd love to learn off all
14 those people. In fact, Tom took us up to Dayton,
15 the pictures you saw, we'll take all that
16 information into consideration when we put our plan
17 together.

18 MR. SCHNEIDER: Some of that stuff,
19 or a lot of that stuff, is coming out of OU-4 SUPs,
20 supplemental projects, University of Miami,
21 University of Dayton. They're all doing research
22 projects that feed into that, all ongoing right
23 now.

24 MR. YERACE: There was a thing --

1 I'm not going to put them on the spot. There are a
2 couple gentlemen here from the Isaac Walton League,
3 if you pulled up recently on their Internet address
4 some of the work that they do.

5 One of the reasons I asked them to
6 come here today is not only did Gene Foster ask me
7 four years ago to go and talk to them, I ended up
8 becoming a member that night because we have a lot
9 of common interests, but I also saw that there's a
10 lot of valuable things they do for the environment,
11 and I'm hoping throughout the life of this project,
12 if you read a lot of the wetlands work, save the
13 streams, a lot of the things that you see that go
14 on has been driven by them and it's supported by
15 them and it's -- I know that they're also hunters
16 and they're also very much custodians of the
17 environment, and they've provided a lot of valuable
18 information to me and I know probably on their
19 comment cards, maybe not standing up tonight, that
20 I'll get a lot of good comments from them that
21 would help our plans.

22 And I wanted to personally thank them
23 for being here, and I think we can learn a lot from
24 an organization that truly has in mind the

1 environment and the streams as one of their biggest
2 concerns. So they have a lot of information on
3 wetlands also.

4 MR. STEGNER: Any more questions or
5 comments? I want to remind everyone, you don't
6 have to show up on the 13th in order to comment.
7 There are comment cards we have here, you can send
8 a letter, you can send an E-mail. We'll take
9 comments in any form or fashion up until the 20th
10 of October, but we are going to get together again
11 on the 13th, and I would urge your attendance.
12 Sharon.

13 MS. CORNWELL: My name is Sharon
14 Cornwell. I'm a member of the Community Reuse
15 Organization, which has been mentioned several
16 times tonight. I wanted to make mention of the
17 fact that we have two workshops coming up in
18 October and to invite anyone who cares to attend
19 those workshops. We are seeking public input also.

20 Our charter includes economic
21 development, worker transition, as well as land
22 reuse recommendations to the Department of Energy,
23 and we are seeking as much public input as
24 possible. Those dates are October 6th, at 7:00, at

1 the Ross High School, and October 29th, also at
2 7:00, at the Ross High School.

3 And our process is also very public,
4 and at this point we're just seeking input; and
5 once we have a plan developed, it will also go out
6 for public comments. We are not at that point
7 right now.

8 MR. STEGNER: Thank you, Sharon.
9 Thank you all for coming tonight.

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PROCEEDINGS CONCLUDED AT 7:55 P.M.

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I, AMY E. BENJAMIN, RPR, the undersigned,
a notary public-court reporter, do hereby certify
that at the time and place stated herein, I
recorded in stenotypy and thereafter had
transcribed with computer-aided transcription the
within (81), eighty-one pages, and that the
foregoing transcript of proceedings is a complete
and accurate report of my said stenotypy notes.

Amy E. Benjamin
AMY E. BENJAMIN, RPR

MY COMMISSION EXPIRES:
APRIL 10, 2000.

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