



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

April 15, 1998

**NOTE:**

To: Ohio EPA and DOE trustee representatives  
From: Don Henne, Regional Environmental Officer  
Subject: DOI-OEPC comments on Fernald impact assessment and restoration plan

In preparation for the April 16 phone conference I completed my review of Ohio EPA comments, the DOE responses to same, and considered the comments of Bruce Peacock, one of the Department's experts on use of the HEA approach to valuation of injury.

**GENERAL COMMENT**

While we have a number of issues to resolve regarding the injury evaluation and application of the HEA methodology, DOI is confident that resolution is within reach soon and that the group is in agreement on a significant number of the original trustee concerns. I appreciate your patience with my inability to meet some of the review time frames due to work load and recent OEPC re-organization actions.

**SPECIFIC COMMENTS**

1. Public involvement issues - Now that we have identified the suite of injury issues and selected HEA as a valuation tool, the trustees should not overlook the need to present the public with a legitimate group of alternatives for the appropriate restoration. This presentation of restoration alternatives is consistent with NEPA and required by Sections 11.81 and 11.82 of the NRDA regulations promulgated by DOI (serving as a guide for our Fernald actions). **I am sure that the on-site restoration ideas currently considered will be among the alternatives but we will need to think in broader terms regarding off-site possibilities and tradeoffs.**

2. Application of HEA - DOI is relying on Bruce Peacock for those HEA-related issues including: a) calculation periods for "debits and credits"; b) customized use of HEA for the GMA injury; c) the attached comment regarding compensatory restoration for the Great Miami River, and; d) assorted injury valuation issues where the percentage service loss is under discussion.

3. Boosting habitat values - I agree with virtually all of OH EPA comments regarding sinuous planting patterns and inclusion of trees such as hickory and dogwood. I am concerned about

making the barrier-roadside area so attractive to mammals that the wildlife-vehicle collision issue becomes a significant safety issue. I would like to hear more discussion on this. I echo OH EPA comments regarding restoration assumption times for forested areas (20 years) as seemingly low. Are there Ohio forestry or other technical specialists who could comment on this?

4. Wetland restoration pursuant to ARARs (CERCLA compliance) - I support all efforts to keep these efforts on a fast track to minimize "down time", i.e. reduced values for wildlife.

5. Injury v. "above baseline" issue - injury is defined as "a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource..." This definition leaves some uncertainty regarding contaminant levels above background but below any established protection criteria. It seems that the presence of a contaminant in some resources would qualify as an adverse chemical change in quality. This deserves further discussion.

I look forward to the discussions on these injury and restoration issues.

Attachment

Contrary to the methodological discussion in section 2.1 of Addendum B, credits for compensatory restoration for the Great Miami River were not explicitly estimated and included in the HEA calculation. Rather, the present value of lost services in acre-years was calculated and accepted as the compensatory restoration requirement in acres. It is not clear why this alternate procedure was followed. The implicit assumption of this procedure is that 7.37 acres of compensatory restoration will provide only 7.37 acre-years of replacement services through time. However, this level of replacement could be provided in a number of ways. For example, compensatory restoration that provides 100 percent relative productivity (compared to the baseline conditions of the injured river) on 7.37 acres *over just 1 year* would generate exactly 7.37 acre-years of replacement services. But this scenario would require that the project end after 1 year. Alternatively, compensatory restoration that provides only 2.91 percent relative productivity on 7.37 acres *in perpetuity* would also generate 7.37 acre-years of replacement services. The large differences between these two scenarios illustrates the importance of specifying just how the compensatory restoration requirement will be met. I recommend that the restoration plan specify these details to clearly link proposed restoration measures to the injury, and to ensure that the proposed restoration measures adequately compensate the public.

# FAX

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ISSUE: prep for 4/16 call

Folks - here are the points I hope we cover  
at a minimum, in today's call.

Bill Kurey can not make the call and I'm  
still awaiting his detailed review of the  
latest write-up on HEA & restoration.

I am providing several broader issues in my  
review since OH already produced a  
solid, detailed analysis.

Don