

Comments received on Master Plan for Public Use
Public Comment Period: Feb. 11 - Mar. 15

- | | | | |
|----|---------------------------------|---------------------------------------|----------------------------|
| 1. | B. Collins | Wyandotte Nation
Wyandotte, OK | Feb. 21 |
| 2. | Lisa Crawford | FRESH | Feb. 28 at Public Workshop |
| 3. | Jean McCoard | Native American
Alliances of Ohio | Feb. 28 at Public Workshop |
| 4. | Edwa Yocum | FRESH | Feb. 28 |
| 5. | Jon Walters | Cincinnati Off-Road
Alliance | March 7 |
| 6. | Jim Innis and
Maury Hornbach | Crosby Township
Historical Society | March 13 |
| 7. | Tom Schneider | OEPA | March 14 |
| 8. | Brian Redmond | Ohio Archaeological
Council | March 14 |

9. F-CAB

March 16 (rec. 3/27/02)



Department of Energy
Ohio Field Office
Fernald Environmental Management Project
P. O. Box 538705
Cincinnati, Ohio 45253-8705
(513) 648-3155



FEB 11 2002

DOE-0312-02

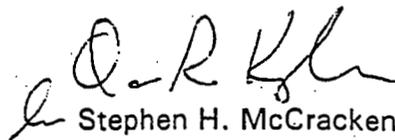
Dear Stakeholder:

PUBLIC RELEASE OF THE MASTER PLAN FOR PUBLIC USE OF THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT

The U.S. Department of Energy, Fernald Environmental Management Project (DOE-FEMP) must make a decision regarding the future public use of the FEMP, to appropriately plan restoration projects and long-term stewardship. To date, the DOE has received a significant amount of public input regarding future public use of the FEMP through ongoing discussions with stakeholders. Valuable input and formal recommendations were received from the public meetings through the Future of Fernald process in 1999 and 2000. The information and recommendations received to date have helped DOE develop the enclosed Master Plan for Public Use outlining the proposal for future public use of the FEMP. Comments received on the Master Plan will help DOE make a final decision on public use of the FEMP so that integration with ongoing site initiatives can occur.

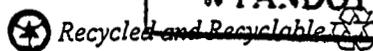
A public comment period on the Master Plan will be open from February 12, 2002 through March 15, 2002. A public meeting will be held on February 28, 2002 at 6:30 p.m. in the Alpha Building to receive input on the Master Plan. Comments on the Master Plan can be provided at the meeting or directed to Gary Stegner at (513) 648-3153.

Sincerely,


Stephen H. McCracken
Director

Enclosure: As Stated

Examination of historic files find no properties documented within project area that meet criteria of traditional value. Archaeological material could likely be encountered which requires immediate notification.	
Date	<u>2/21/02</u>
Project ID =	<u>FEMP</u>
Approved by	<u>BK Collins</u>
WYANDOTTE NATION, WYANDOTTE, OK	



FERNALD _____

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LIBRARY: _____

February 28, 2002

Edwa Yocum
9860 Hamilton Cleves Pk.
Harrison, OH 45030

Gary Stegner
Department of Energy Public affairs
P.O. Box 538705
Cincinnati, OH 45253-8705

Ref: Master Plan for Public Use of the Fernald Environmental Management Project.

PROPOSED ACTION:

Limited public access for educational purposes including walking trails and interpretive information in restored areas.

I do not fully agree with the proposed action.

As a stakeholder the main issue is to address placement of trails. We must consider what area offers an educational benefit for walking trails. Too many trails can reduce the aesthetic of the restored area. I would like to have no public hiking trail. The activity on public hiking trails could do harm or injury to the natural resources. Place hiking trails in areas for the purpose of doing research.

1. I prefer the surface of walking trails to be handicapped accessible and for baby strollers.
2. No bikes, roller blade, unauthorized off road vehicles permitted on trails.

Site Access should be limited to one main parking area and one main road entrance allowing the other access roads to be used by authorized vehicles for emergency purposes.

DOE Policy 430.1 "The Land and Facility Use Planning Policy". DOE sites must consider how best to use DOE land and facilities to support critical missions and to stimulate the economy while preserving cultural resources. Therefor there must be an area specified for the Cold War Garden so the Boulder and commemorative bricks are place immediately in the ground after the bricks have been removed from the original Cold War Garden.

Thank you

Edwa Yocum, Resident

March 7, 2002

Jonathan Walters
7102 Willowdale Dr.
Cincinnati, OH 45248
513-598-5975

Department of Energy
Ohio Field Office
Fernald Environmental Management Project
P.O. Box 538705
Cincinnati, OH 45253-8705

Subject: Comments to Master Plan for Public Use of the Fernald Environmental Management Project

All references to banning bicycle use on trails on the future Fernald site should be eliminated. Particularly page 12 lines 19-22:

"There is a much greater risk to damage to the restored ecological environment as a result of persons going off of the trails with bicycles. The risk of mountain bikes leaving the site trails is significant, potentially resulting in adverse impacts to the restored areas."

This statement is biased and uneducated. Bicycles are no more at risk of leaving the trail as hikers. With proper trail design, mountain bikes cause no more damage to the environment than does a hiker (Lanza, 2001). Last year, Ohio mountain bikers logged over 3000 volunteer hours building and designing multiuse trails all over the state; more than any other user group. The Cincinnati Off Road Alliance (CORA) has experienced trail builders improving and designing hiking/biking trail systems all over southwest Ohio. The National Mountain Bike Patrol, which has been in existence since 1994, is currently forming chapters in Ohio. The patrol educates and assists all types of trail users, as well as, keep land managers informed of issues concerning the trail system. For more information on mountain biking and its benefits and impacts, please visit <http://www.imba.com>.

With a free labor source and volunteers to patrol the trails, the Department of Energy would be unwise to ban bicycles from Fernald's future trails.

For any questions, I may be contacted at home (513) 598-5975 or work (513) 648-7541, e-mail jonathanwalters@cinc.m.com

Sincerely,

Jonathan Walters
Cincinnati Off Road Alliance

Bibliography

Lanza, Michael, AMC Outdoors Magazine, April 2001



8910 Willey Road, Box 12, Harrison, Ohio 45030-9774

March 13, 2002

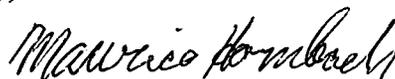
Gary Stegner
U.S. Department of Energy, Public Affairs
Fernald Environmental Management Project
P. O. Box 538705
Cincinnati, OH 45253-8705

Dear Gary:

The Crosby Township Historical Society wishes to go on record in support of the Master Plan, 20900-PL-0002, Rev. A, dated February 2002, for Public Use of the Fernald Environmental Management Project. We agree with the limits outlined for public access, the restoration of the environmentally diverse habitats, the establishment of the Burial Area for Native American Remains, and the monitoring and maintenance of the OSDF. We look forward to the development of the system of trails as the Site Remediation reaches conclusion.

We are concerned about the tone of the final sentence in section 1.0 Purpose and Need. The statement tells us that "If DOE determines that the construction of the MUEF (Multi-Use Educational Facility) is feasible at a later date, a separate process will be initiated to obtain public input prior to making a final decision." It is apparent to us that the long-term stewardship of the FEMP site will involve maintenance equipment for mowing the planned grassy trails and the perimeters of access areas, and other functions to uphold the quality of the OSDF. Monitoring equipment will need to be located a reasonable distance from the OSDF, and a continued human presence will be needed for public credibility that such monitoring is in fact occurring. All these functions should be housed in a MUEF. Aside from all the discussions that FCAB has had regarding a MUEF, we believe that such a facility must be an integral part of the future of the FEMP site, and should not be looked on as "if feasible."

Respectfully,


Maurice Hornbach
President


James R. Innis, Jr.
Past-President

Southwest District Office

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Bob Taft, Governor
Maureen O'Connor, Lt. Governor
Christopher Jones, Director

March 14, 2002

Mr. Gary Stegner
U.S. Department of Energy, Fernald Area Office
P.O. Box 538705
Cincinnati, OH 45253-8705

RE: Master Use Plan Public Comments

Dear Mr. Stegner:

Ohio EPA has reviewed DOE's February 2002 "Master Plan for Public Use of the Fernald Environmental Management Project." The following comments are being provided to you as part of DOE's public comment period on the document:

1) General Comment

As shown by the public discussions both at the FCAB Stewardship Committee Mtg and the Master Plan hearing, the document is confusing in its use of various alternative use scenarios. The confusion is generated by the attempt to convert what was written as a Environmental Assessment under NEPA to a Master Plan. The document should be rewritten from its current format of "proposed actions" and "alternatives considered to one in which the Public Use Plan is clearly delineated. Then as a later section a simple discussion of the different uses considered and why they were excluded could be provided.

2) General Comment

In several sections of this document, the alternatives are presented for "Proposed Actions". However immediately following a Proposed Action, an argument is presented on why that particular alternative is **not** preferred. Through the course of reviewing the document, this becomes very confusing to the reader. If the argument for why an alternative is **not** preferred is to be presented immediately following the alternative's position, it would be best to have a separate heading which leads into "arguments."

3) Section 1.0, pages 1 & 2, lines 27-32 and 1-3

This paragraph refers to the 23 acre set-aside as being for economic development. As economic development has been negated by public comment, the word "economic" should be deleted. Additionally, since it is clear that the stakeholders want an educational component, and that an educational component will be part of the final use of the site, it should be part of the public use master plan. Because DOE is evaluating the feasibility of an onsite educational facility does not change the fact that stakeholders indicated an

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overwhelming desire to have such a facility. The master plan is the correct forum for presenting this facility and as such should address this facility.

4) Section: 1.0, page 2, line #: 1-3

DOE should rewrite this paragraph to include information that was discussed on February 28, 2002. Specifically, that DOE is currently in consultation with all stakeholders and that the MUEF is within the scope of the Draft Comprehensive Stewardship Plan, Stewardship Committee and all other stakeholders. In addition, that the Master Plan and the Stewardship Plan will eventually merge into one document.

5) Section 2.0, page 3, line 32

Although the term recreational use is descriptive of the risk assessment used for the cleanup levels, this is not a risk assessment document and the term "recreational" is not consistent with the public use determined for the site. Use of the term "recreational" here will cause confusion and it is recommended that it be dropped so that the sentence reads "...for uses of the site consistent with the undeveloped park scenario."

6) Section #: 2.1 page 3 & 4, line #: 29-34/1-4

The last paragraph on page 3 and the first paragraph on page 4 are unclear. The sentences need to be rearranged for clarity. For example, Line 29 doesn't flow with the rest of the paragraph's ideas. It seems to make more sense to include Line 29 in the previous paragraph. Especially, since Lines 30-34 on page 3 and Lines 1-4 on page 4 are talking about cleanup goals and Line 29 is not. In addition, Line 31 ("FRLs are the cleanup goals...") should be the beginning sentence since it carries the main idea of the paragraph. Line 33 should follow, "For the FEMP," the FRL....," then Line 32, etc. Please look closely at both of the two paragraphs and rearrange for clarity.

7) Section 2.2., page 4, lines 11-28

The goal is to establish as mature a community as feasible for each of the habitat types so reference to establishing early stages as a goal should be changed. Also the communities are representative of pre-European settlement, but not pre-native American settlement. Native American settlement enhanced prairie and savanna habitat by burns by these early settlers. Reference to pre-settlement should reflect pre-European settlement.

8) Section 2.3, pg 5. Line 6-7

The document should include specific language from the previous EA describing the status of the 23 acres. DOE's exclusion action on the 23 acres from this document only prolongs the uncertainty and requires additional NEPA actions by DOE.

9) Section 2.4, page 5, line 16

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Oak savanna should be included as a restored habitat type.

10) Section #: 2.4 page 5 & 6

DOE should include information from the meeting of February 28, 2002 regarding the Draft Natural Resource Restoration Plan in this section. Specifically mention that this document parallel's the Land Use EA.

11) Section 2.5

This section should include specific language provided to DOE in the FCAB's recommendations on trails and the MUEF. Additionally public comments from the original Land Use EA which addressed public use of the property should be referenced within this document.

12) Section 3.2, page 8

As stated in Ohio EPA's comments on previous DOE documents, we believe the language in this section is overly restrictive. Though DOE may not intend to fund installation of more than 5 overlooks there is no reason to exclude the possibility of other overlooks being installed with non-DOE funding. Similarly the fact that DOE does not intend to fund more than a given length of trails or boardwalks should not limit future actions by other parties from installing additional such amenities should they be deemed appropriate.

13) Section 3.2, page 8

This section discusses the idea of Native American reburial. DOE states that "reburial could occur" on selected areas of the site and has their own contractor working to make this happen. However, according to a letter DOE wrote to the Co-Chair of the Native American Alliance of Ohio dated March 4, 2002 DOE's appears to have another intention?

14) Section 3.4, pg 9

What is a "suggested prohibited action?" The title should likely be revised to "Prohibited Actions." Additionally the opening paragraph should be revised to include language that allows the site manager/steward to provide exemptions to these rules for maintenance, monitoring or educational purposes.

15) Section #: 3.5, page 10 line #: 21-23

The sentence states that "environmental impacts of site maintenance will be addressed in a separate NEPA document." This statement is unclear and fails to provide any real information to the reader. What is DOE's intention with regard to additional NEPA documentation for the site? DOE's expressions at the Public Hearing seemed to be different than those stated here. Additional specificity with regard to what maintenance actions would require NEPA documentation and when that documentation would be developed should be provided. In addition, "Stewardship Plan" in line 23 should be

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capitalized.

16) Section 3.5, page 10, line 17
Delete the word "evaluated".

17) Section #: 4.2

This section on "Limited Public Access" is confusing. It states that access to the Fernald site is "limited" however, biking and other activities such as rollerblading will be acceptable recreational activities. It's unclear as to how these activities are defined as "limited."

18) Sections 4 and 5

These sections are more appropriate to EA and not to the Mater Plan for Public Use and as such should be deleted from this document or revised for clarity.

19) Figure 3

The figure provided in the document is different from that provided at the Public Hearing. Some confusion exists as to which figure is out for public comment. Obviously the one provided at the public hearing had more public use amenities detailed on it. Ohio EPA believes a figure similar to that handed out at the meeting should be incorporated. However, we also believe the area available to potential trails should include the former production area, waste pit area and borrow area. Additionally, it is important to note in the document the amenities are simply conceptual at this time and will be developed as part of the on going NRDP process.

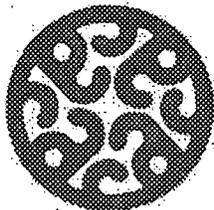
If you have any questions, please contact me at (937) 285-6466.

Sincerely,



Thomas A. Schneider
Fernald Project Manager
Office of Federal Facilities Oversight

cc: Jim Saric, U.S. EPA
Terry Hagen, FDF
Ruth Vandergrift, ODH
Mark Shupe, HSI GeoTrans
Francie Hodge, Tetra Tech EM Inc.



THE OHIO ARCHAEOLOGICAL COUNCIL
P.O. BOX 82012 • COLUMBUS, OHIO 43202

Mr. Gary Stegner
Department of Energy Public Affairs
Ohio Field Office
Fernald Environmental Management Project
P. O. Box 538705
Cincinnati, OH 45253-8705

March 14, 2002

Re: Master Plan for Public Use of the Fernald Environmental Management Project

Dear Mr. Stegner:

The Ohio Archaeological Council (OAC) submits the following comments and questions concerning cultural resources in the Master Plan for Public Use of the Fernald Environmental Management Project (FEMP).

- 1) The terms "Native American" or "reburial" are not defined. Would you please explain the meanings of these terms within the scope of the master plan? We are also unclear on the meaning of "curation site." Does this term have the same meaning as "reburial area?"
- 2) Please explain how the Department of Energy (DOE) determined that Native American reburial at the FEMP is an appropriate public use? What reasons for and against such use has the DOE considered in making this decision?
- 3) The OAC is concerned that permitting the reburial of presumably Native American human remains and associated funerary items will promote religion and foster an excessive government entanglement with religion. Has the DOE solicited and/or received a legal opinion concerning whether permitting Native American reburial is likely to violate the Establishment Clause of the First Amendment to the U.S. Constitution?
- 4) Who will own the Native American remains and items to be buried at the FEMP? The use of the phrase "Native American Curation Site" indicates to us that the remains and items to be reburied will become federal property and thus require treatment according to 36 CFR Part 79, the curation of federally-owned and administered archeological collections. If so, then the OAC feels that only federally owned Native American remains and items found within the FEMP should be reburied on the property.

- 5) Would exhumation of Native American remains and items reburied at the FEMP be permitted for scientific research? Into what type of reburial facility will the remains and items be reburied?
- 6) Could non-Native American remains and items be reburied in any or all of the areas designated "Native American Curation Site" in the FEMP master plan, or anywhere else at the FEMP?
- 7) Have any other federal facilities permitted Native American reburial on federal property? If so, please provide us with a list of those facilities and the appropriate contact information.
- 8) Will other federal agencies be permitted to rebury Native American remains and items at the FEMP? If so, which agencies will be eligible?
- 9) What Native American items would be considered for reburial - human remains, associated funerary objects, other cultural items? If such items are permitted for reburial, how will the DOE determine that the remains and items are in fact Native American, and that the items for reburial are what they are represented to be? Has the DOE developed standards for what kinds of remains and items will be allowed to be reburied? The OAC feels such standards should be developed in consultation with all stakeholders, including the OAC.
- 10) Will DOE permit reburial of Native American remains and items held by federal agencies and museums covered under the Native American Graves Protection and Repatriation Act (NAGPRA)? If so, how will DOE ensure that the agencies and museums have complied with NAGPRA, and that the remains and items to be reburied have been processed in accordance with NAGPRA? Will Native American remains and items not covered under NAGPRA be allowed to be reburied at the FEMP?
- 11) What role, if any, would non-federally recognized groups of Native Americans play in the reburial process?
- 12) Who will participate in the development and implementation of educational programs concerning archaeological, historical, and cultural resources at the FEMP? While the OAC agrees in principle that supporting education of the public about the region's environmental, cultural, historical, and ecological issues should be a primary goal of the FEMP, the OAC sees a fundamental contradiction in using the FEMP as an educational resource if it permits the burial of potential educational resources in the form Native American remains and items. In general, such remains and items hold great research and educational value that should be considered before reburial is permitted.
- 13) We strongly recommend that signage at the FEMP concerning cultural resources should indicate the penalties for violations of federal laws for disturbing archaeological resources, and regular and effective monitoring of archaeological resources at the FEMP should be attained before such signs are erected.
- 14) The removal of archaeological materials as defined in the Archeological Resources Protection Act should be added to the prohibited actions of the proposed plan.

Let me conclude by stating that the OAC regrets that we had to take the initiative to become involved with this matter and that our participation comes late in the process of developing a

public use plan for the FEMP. As the only organization in Ohio representing the interests of professional archaeologists, the OAC is an undeniable stakeholder in this matter. Our organization is more than willing to assist in the planning process given our very considerable, collective expertise in historic preservation, archaeological science, public education, long-term curation, and anthropologically-based understanding of cross-cultural differences and conflicts. Therefore, pursuant to 36 CFR Part 800.2(C)(5), the OAC requests that it be a consulting partner on all current and future federal undertakings on the FEMP, including the proposed use of a portion of the FEMP for Native American reburial.

Thank you for your consideration of these matters, and we look forward to your prompt response to our questions.

Sincerely,

Brian G. Redmond, Ph.D.
President, Ohio Archaeological Council



COMMENTS AND RECOMMENDATIONS

Report Title: Draft "Master Plan for Public Use of the Fernald Environmental Management Project"

Report Date: February 2002

Comment Date: DRAFT, March 16, 2002.

The FCAB reviewed the master plan and held detailed discussions at its March 14, 2002 Stewardship Committee meeting. Overall, the FCAB found that the report reflects previous input and discussions regarding the use of the Fernald site. However, there are a number of issues that require clarification and further elaboration. These are discussed below.

- The master plan is not clearly written or well organized. As it is no longer a NEPA document, we suggest the master plan be dramatically streamlined to clearly identify the components of the proposed action, placing the other alternatives in an appendix if needed. If this document is to truly serve as a Master Plan, it should be organized as such to clearly lay out all of the needed activities along with the details known to date and identify how the remaining details will be determined. A one page summary of public access decisions and appropriate timelines and tables of how those decisions will be implemented would greatly assist the reader and provide a better road map as the site moves toward closure.
- It is important to recognize the increased importance of this and similar documents in light of the acceleration of site activities toward a 2006 closure. In that light, we recommend that this report better recognize the critical need to integrate natural resource restoration and planning for future public use with remediation activities. The master plan must include a detailed timeline of key activities for the planning and implementation of the proposed restoration and public use actions showing how those will be integrated into remediation.
- The master plan defers discussion of the proposed Multi-Use Education Facility because too many questions remain unanswered. However, the document should outline next steps, DOE's participation, and a rough timeline for addressing these questions. Time is running out for adequate planning and funding of this facility as DOE's 2004 budget is already under development. A specific plan for this is needed in the very near future. Identification of how, when, by whom, and with what public input this plan will be developed must be included in the master plan.
- There is an ongoing concern about the successful implementation of healthy ecosystems on site, in particular prairies and wetlands. It is clear that DOE will only be able to complete the early stages of this work prior to site closure, while successful implementation of the public uses on site require that these ecosystems thrive. DOE needs to more clearly identify its responsibility, the procedures for bringing this about, and the criteria that will be used to judge success. It is time that we identify the final site stewards and begin to integrate them into the planning and implementation of these many important activities. Specific plans for both the successful implementation of ecosystems and the identification of stewards need to be developed in the very near future. Identification of how, when, by whom, and with what public input this plan will be developed must be included in the master plan.
- The master plan does not address the final disposition of the Cold War Garden. Plans must be made to safely remove and store the garden while remediation is completed and then

install it in a permanent location on site. Identification of how, when, by whom, and with what public input this plan will be developed must be included in the master plan.

- The master plan indicates that no more than twenty interpretive stations are proposed for the trails. The master plan should provide some guidance for how the content and design of these interpretive stations will be developed. The public should be involved in these decisions. Because there is no interpretive plan at this time, it is likely too early to determine the number of interpretive stations that are necessary or feasible. Without specific justification, we suggest that this number be dropped from the master plan. A specific plan for determining the number and type of signs will need to be developed prior to the end of remediation. Identification of how, when, by whom, and with what public input this plan will be developed must be included in the master plan.
- The master plan suggests that a perimeter fence will enclose the entire property. This is an idea that has not been addressed previously with the public. More detail is needed regarding the nature of this fencing and how it will fit in with the overall future use of the site (height, appearance, material, etc...). Detailed discussion and public involvement will be necessary for this activity.
- The document refers to trails as "hiking and walking" and this creates some confusion. All trails are ultimately for the same historical and educational purposes and are not meant to encourage hiking. We suggest dropping that "hiking" distinction.
- The master plan does not address fishing on the Fernald site. We do not believe that fishing is conducive to the non-recreational and educational future use of the site. We wish to see the final site configuration discourage the lengthy stays, picnicking, digging for worms, wading, off-trail hiking, and on-site staffing requirements that fishing would entail. At the same time, we recognize that preventing all fishing may be difficult and request that studies and monitoring be conducted to ensure that any fish caught in Fernald waters will be safe to consume. A specific plan for this will need to be developed prior to the end of remediation. Identification of how, when, by whom, and with what public input this plan will be developed must be included in the master plan.
- The master plan would prohibit hunting or trapping of any kind, except for wildlife management or research purposes. When hunting or trapping will occur for management or research purposes, information should be available for the public regarding the nature and extent of these activities. A specific plan for this will need to be developed prior to the end of remediation. Identification of how, when, by whom, and with what public input this plan will be developed must be included in the master plan.
- In addition to the specific plans we identify above, it is clear that the majority of specific and important decisions regarding future use and access to the site will be determined within design documents. The Master Plan must identify each of these documents and provide a detailed timeline of their development and plans for public comment. Public input into those documents will be the most critical component of planning for the future use and long term stewardship of the Fernald site.

In addition to the above comments, the FCAB endorses the specific recommendations made by Ohio EPA in their March 14, 2002 letter of comment. The FCAB appreciates the opportunity to review this master plan and looks forward to continuing to work closely with DOE in planning and implementing all aspects of future use and long term stewardship at Fernald.