

MASTER PLAN FOR PUBLIC USE OF THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT

FERNALD ENVIRONMENTAL MANAGEMENT PROJECT
FERNALD, OHIO



JUNE 2002

U.S. DEPARTMENT OF ENERGY
FERNALD AREA OFFICE

20900-PL-0002
REVISION 0
FINAL

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LIST OF ACRONYMS AND ABBREVIATIONS

CERCLA	Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC §§6901, et seq.
CRO	Community Reuse Organization
DOE	U.S. Department of Energy
FCAB	Fernald Citizens Advisory Board
FEMP	Fernald Environmental Management Project
FLHP	Fernald Living History Project
FONSI	Finding of No Significant Impact
FRESH	Fernald Residents for Environmental Safety and Health
FRL	final remediation level
MUEF	Multi-Use Educational Facility
NEPA	National Environmental Policy Act
NRRP	Natural Resource Restoration Plan
NRTs	Natural Resource Trustees
OSDF	On-Site Disposal Facility
OU	Operable Unit
PEIC	Public Environmental Information Center
RCRA	Resource Conservation and Recovery Act, as amended
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
SEP	Sitewide Excavation Plan
TBD	to be determined
WAC	waste acceptance criteria

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**LIST OF AGENCIES AND PERSONS CONSULTED AND/OR
PARTICIPATING IN THE FUTURE OF FERNALD PROCESS**

Brookville Middle School
Butler County Soil and Water Conservation District
Community Reuse Organization
Congressional Representative Rob Portman's Office
Congressional Representative Steve Chabot's Office
Crosby Township Fire Department
Crosby Township Historical Society
Crosby Township Trustees
Fernald Atomic Trade and Labor Council (FAT&LC)
Fernald Citizens Advisory Board
Fernald Living History Project
Fernald Residents for Environmental Safety and Health
Hamilton County Parks
Hamilton County Regional Planning Commission
Izaak Walton League of America
Metro Parks of Butler County
Morgan Township Trustees
Native American Alliance of Ohio
Ohio Environmental Protection Agency
Ohio Horseman's Council of Hamilton County
Ross Township Trustees
Southwest Regional Water District
U.S. Department of Energy
U.S. Environmental Protection Agency
University of Cincinnati
Waste Management Federal Services, Inc.

1.0 INTRODUCTION

The U.S. Department of Energy at Fernald (DOE) must make a decision regarding the future public use of the Fernald Environmental Management Project (FEMP, Figure 1), to appropriately plan restoration projects and long-term stewardship. To date, DOE has received a significant amount of public input regarding future public use of the FEMP through ongoing discussions with stakeholders. DOE received valuable input and formal recommendations from the Future of Fernald public meetings in 1999 and 2000. The meetings were co-sponsored by the Fernald Citizens Advisory Board (FCAB), Fernald Residents for Environmental Safety and Health (FRESH), Fernald Living History Project (FLHP), and the Community Reuse Organization (CRO, FCAB 2000 and 2001). The information and recommendations received to date have helped DOE identify and develop alternatives and develop the proposal outlined in Section 3.0 of this Master Plan (Plan).

This Master Plan was made available in draft form on February 11, 2002 for a 30-day public comment period and a public hearing was held on February 28, 2002. The comments received during the public comment period and at the public hearing have been considered and incorporated into the Master Plan as appropriate. All public comments received and responses are provided in Appendix A. The Master Plan will be a living document and will be updated and reissued for public review as key decisions are made regarding final configuration and management of the site (e.g., long-term stewardship). The ultimate goal is to have the Master Plan remain absolutely consistent with all key documents related to restoration, public use, and stewardship of the FEMP.

Any future public use of the FEMP must be consistent with decisions made to date regarding remediation, restoration and final land use. The proposal outlined in this Plan is intended to be consistent with those past decisions. In 1998, DOE held a public meeting in accordance with the National Environmental Policy Act (NEPA) on the final land use and restoration plans for the FEMP. DOE issued a decision on final land use in the form of a Finding of No Significant Impact (FONSI, DOE 1999a) in June of 1999. The decision included natural resource restoration on approximately 904 acres of the site (including the potential for recreational use of the FEMP), excluding the 123-acre On-Site Disposal Facility (OSDF) and a tract of 23 acres set aside for potential development. DOE is currently in the process of finalizing restoration plans with the Fernald Natural Resource Trustees

(NRTs). Any public use of the FEMP must not threaten the integrity of past remedial actions, threaten restored areas of the FEMP or introduce unacceptable land uses.

Table 1 reflects the relationship of various documents and activities required for the planning, timing and general path forward for restoration, final land use and public use actions. Because key aspects of the proposed Multi-Use Educational Facility (MUEF) have not been defined, DOE can not commit to its construction or define a schedule at this time.

**TABLE 1
 RELATIONSHIP OF KEY DOCUMENTS**

CERCLA/NEPA RODs (1994 – 1996)	Defines site remediation
Final Land Use Environmental Assessment (1999) Restoration Plan (NRRP) (2002) Restoration Design Plans (2002 –2006) Master Plan (2002)	Defines end state of Site – Undeveloped Park
Comprehensive Stewardship Plan (Late 2002) Master Plan Update (Late 2002)	Defines monitoring and maintenance requirements for the site including both the OSDF and restored areas. May be integrated with NEPA process.
Multi-Use Educational Facility (TBD) Master Plan Update (TBD)	Being evaluated with stakeholders. May be integrated with stewardship or require separate public review.

2.0 FEMP BACKGROUND

2.1 REMEDATION

In 1989, production ceased at the Feed Materials Production Center due to a decreased demand for feed materials and an increased focus on environmental remediation efforts. The current sitewide remediation effort is being conducted pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Waste is managed at the site under CERCLA and other authorities. Mixed wastes (radioactive wastes with hazardous waste components) are managed in accordance with the Ohio Hazardous Waste Management Rules on the Resource Conservation and Recovery Act (RCRA), as amended. (For the purposes of this document, references to RCRA shall include the Ohio Hazardous Waste Management Rules).

Remediation also includes the construction of an On-Site Disposal Facility (OSDF). This facility will contain low level radioactive waste that meets the waste acceptance criteria (WAC) established for the OSDF. WAC are defined in the Sitewide Excavation Plan (SEP, DOE 1998).

A Remedial Investigation and Feasibility Study (RI/FS) was conducted for each of the site's five operable units (OUs):

- Operable Unit 1 – Waste Pits Area
- Operable Unit 2 – Other Waste Units
- Operable Unit 3 – Production Area
- Operable Unit 4 – Silos 1 through 4
- Operable Unit 5 – Environmental Media

OU5 includes all environmental media, including soil, surface water, groundwater and vegetation not otherwise addressed by another OU's Record of Decision (ROD). Based on the results of the RI/FS, RODs were issued outlining the selected remedy for each OU.

Final remediation levels (FRLs) are the cleanup goals for the site. For the FEMP, the FRL is the average concentration of a contaminant that can remain in an area under a given exposure scenario and still be protective of human health and the environment. FRLs for soil, sediment and surface water were developed for uses of the site consistent with the undeveloped park scenario. Actual FRLs are defined in the SEP. Soil and sediment exceeding FRLs will be excavated and placed in the OSDF or shipped.

off-site. Soil certification processes and sampling of sediment and surface water will be performed to ensure that excavation has removed all impacted material, as outlined in the SEP. Any future public use of the FEMP must be consistent with the scenarios used to develop cleanup goals for the site.

2.2 RESTORATION

Ecological restoration follows cleanup and is the final step to completing remediation of the site. For the FEMP, ecological restoration is outlined in the final Natural Resource Restoration Plan (NRRP, DOE 2002).

The goal for restoration of the FEMP is to enhance, restore, and construct as feasible, given post-excavation landforms and soils, early stages of vegetative communities containing species that were present in pre-European settlement southwestern Ohio. Figure 2 illustrates the conceptual ecological restoration plan for the FEMP. Restoration of the FEMP will involve four major components:

1. Expansion/enhancement of the riparian corridor along Paddys Run
2. Expansion/enhancement of the wooded areas in the northern portion of the FEMP
3. Create the early stages of a contiguous prairie in the central and eastern portions of the FEMP
4. Creating open water areas and wetlands throughout the site as topography and hydrology allow.

The majority of remediation and restoration projects are currently scheduled for completion in 2007.

2.3 FINAL LAND USE

In their 1995 report, the FCAB did not have any specific recommendations for final land use, but did recommend that final land use decisions should be made with input from local communities (FCAB 1995). Furthermore, the FCAB recommended federal ownership of the FEMP in perpetuity and that residential and agricultural uses of the FEMP should not be considered (FCAB 1996) after cleanup is completed. Finally, the FCAB also suggested that all existing natural resources at the FEMP be protected and enhanced, and that all necessary natural resource restoration activities take place on site (FCAB 1996).

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The final land use decision reached in June of 1999 committed approximately 904 acres of the FEMP to ecological restoration or greenspace (DOE 1999a and 1999b). The decision also included the potential for recreational public use of the FEMP. The remaining land on the FEMP would include approximately 123 acres committed to the OSDF and 23 acres set aside for potential, future development. The land use decision also restated commitments for federal ownership of the FEMP in perpetuity and the prohibition of agricultural and residential use of the site.

2.4 NATURAL RESOURCE TRUSTEES NEGOTIATIONS

Since 1994, negotiations have been ongoing between the DOE and the other NRTs. It is anticipated that the proposed settlement of the 1986 natural resource damages claim will include a monetary payment for groundwater injuries, as well as on-property restoration of the FEMP. The final NRRP (DOE 2002) outlines the restoration approach for each area of the site. The final NRRP is consistent with the Land Use Environmental Assessment (DOE 1999b) and both documents were issued in parallel in 1998. Restored habitats would include upland forest, riparian forest, oak savanna, tallgrass prairie, wetlands and open water. Three restoration projects have been completed to date. These include the Aesthetic Barrier along Willey Road; the Wetland Mitigation Project – Phase I; and the Area 8, Phase II Revegetation Project. A public access ecological restoration park in Area 8, Phase I and several ecological research projects have also been completed in various locations on the FEMP. The final NRRP also includes the proposal for the construction of trails for access to the restored areas. The final NRRP outlines a phased approach to restoring the balance of the FEMP integrated with the remediation schedule.

2.5 PUBLIC INVOLVEMENT

The public has played a very important role in the remediation process at the FEMP, and stakeholders remain very involved in the remediation and planning for the future of the FEMP. The public and other key stakeholders will remain involved with the planning activities and will continue to play a very active role in helping DOE make critical, post-closure planning decisions.

There are several groups and organizations that follow and remain involved with the remediation of the FEMP on a regular basis. To date, three "Future of Fernald" workshops have been conducted/co-sponsored by the FCAB, FRESH, the CRO, and the FLHP (April 20, 1999, May 29, 2000, September 26, 2000). These workshops were open to the general public and gave them the opportunity

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to provide input on the final public use decision. Resulting ideas and contributions from these workshops range from no public use, to providing a network of trails for hiking, and possibly biking, that may connect to an on-site MUEF or even the local parks. However, the main recommendation emerging from the Future of Fernald process is to make Fernald an educational resource. This Plan incorporates the ideas and contributions from all of the participants in the workshops into the proposed and alternative public uses. A list of the groups and organizations that participated in all three Future of Fernald workshops is provided in the front of this document. Participation by organizations, groups, and individuals outside of DOE and Fluor Fernald is encouraged throughout the public use decision process.

As previously mentioned, DOE issued this Master Plan for public review in February 2002 and held a public hearing on February 28, 2002. Public comments received on the Master Plan have been evaluated and incorporated into the Plan as appropriate. A Responsiveness Summary addressing all public comments received has also been prepared and is being issued in parallel with this Master Plan.

DOE has received a significant amount of public input regarding the construction of a Multi-Use Educational Facility (MUEF) on the FEMP property. DOE, in consultation with stakeholders, is currently evaluating the feasibility of constructing such a facility as a repository for site information, as well as a facility for educational purposes. DOE has deferred the decision on use of the 23 acres currently set aside for potential development until 2004. Based on the Market Evaluation conducted by the CRO in 1998, it is unlikely that there will be any interest in the property by outside developers or businesses. Therefore, the 23-acre area is being considered the primary location for the MUEF in the event it is constructed. There are significant issues regarding the construction of the MUEF (e.g., funding, appropriate management arrangement) that will not be resolved for some time. Therefore, construction of the MUEF is not within the scope of this Plan and will not be part of the public use decision made by DOE at this time. If DOE determines that the construction of the MUEF is feasible at a later date, a separate process will be initiated to obtain public input prior to making a final decision.

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3.0 PROPOSED PUBLIC USE

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

The proposed action includes restricting access to the OSDF and opening restored areas of the site to the public during daytime hours. It is envisioned that the site will contain designated access and parking areas, a series of improved and unimproved trails with interpretive signs providing information on site and area history as well as natural and cultural history. It is anticipated that use of the FEMP will be geared towards education, rather than recreation, and education will be a fundamental component of long-term stewardship of the site (Figure 3). Therefore, amenities such as baseball and soccer fields and bike trails will not be constructed for organized sports and recreation.

It is suggested that a primary goal of the Proposed Action will be to support education of the public about regional environmental, cultural, historical, and ecological issues. The FEMP is located in an area with a rich cultural history. The site itself was constructed to assist in the Cold War effort. As a result of the activities at the site, there has been environmental damage that is being remediated. Following the environmental remediation, ecological restoration of the site's natural resources will take place.

It is also suggested that a second goal will be to make information available so that the public will be aware of what remains at the site, what is being done to care for and maintain it, and what long-term stewardship responsibilities are being upheld. The OSDF will require ongoing monitoring and maintenance, which will eventually fall under long-term stewardship responsibilities. The public will be kept aware of what is being done to ensure public safety.

3.1 SITE ACCESS AND RESTRICTIONS

There will be public access to parking areas and walking trails at the conclusion of remediation and restoration activities. Signs will also be maintained at access points and on the site perimeter posting restrictions for access and use of the FEMP. Site access will be available through the existing South Access Road off Willey Road, the existing North Access Road off State Route 126, the Ecological Restoration Park off Paddys Run Road, and at the northwest corner of the property off Paddys Run Road.

From these four designated access points, a series of trails will be constructed through individual restoration projects. Trails will provide easy access for viewing completed remediation areas, restoration projects, and cultural resource areas. Along the trails, visitors will be provided with information on the cultural, industrial and natural history of the site. Walking trails and boardwalks will provide access to more remote and physically demanding areas.

The only other vehicle access to the site will be a gravel road that will provide access to the OSDF for inspections and monitoring. This road would be connected to public parking areas in the southern portion of the site and the northern portion of the site connected to State Route 126. Access to the OSDF will be controlled at the southern and northern ends by gates that will be locked at all times to prevent unauthorized access.

There will be no access to the OSDF except for authorized personnel conducting inspections and monitoring as outlined in the Post-Closure Care and Inspection Plan for the OSDF (DOE 1997). Protection of OSDF monitoring wells outside of the OSDF perimeter fence may also be required. Access gates will be located at the northern and southern ends of the OSDF. A perimeter fence will be maintained around the OSDF, along with signs that prohibit access and ensure the OSDF is secure. Further details on access controls, required inspections and monitoring around the OSDF can be found in the Post-Closure Care and Inspection Plan for the OSDF which is available at the Public Environmental Information Center (PEIC).

3.2 PUBLIC USE AMENITIES

Results and suggestions from the Future of Fernald workshops were used to establish the approximate location of trails and their lengths. Unimproved trails (e.g., mulched) will be constructed and available for educational purposes. Trails will lead to five overlooks constructed by DOE for viewing historical, archaeological, and ecological points of interest at the FEMP. Unimproved trails will be approximately four miles in length. Activities that might harm or injure natural resources at the FEMP will not be permitted.

Approximately one mile of boardwalk will be installed to provide access to selected wetland areas. Trail access into and across Paddys Run Stream will have to be carefully planned to minimize impacts to the stream. Footbridges at two locations on Paddys Run are planned as part of the site trail system.

Improved (paved) trails will provide handicap access to key features of the restored FEMP. These trails will be approximately one mile in length and will be installed as determined appropriate by DOE in consultation with stakeholders and other appropriate agencies. Improved trails will provide access to select overlooks and areas of interest at the FEMP and will be connected to unimproved trails.

Site trails will contain approximately 20 interpretive stations providing information on historical, archaeological and ecological points of interest at the FEMP. The proposed Interpretive Stations are anticipated to contain multiple signs and displays providing educational information on the specific point of interest (e.g., historical, cultural or ecological). The stations will be professionally constructed, using weatherproof material in a manner that captures the interest of the viewer.

The construction of trails, overlooks, interpretive stations and boardwalks will be carried out in a manner that avoids impacts to cultural resource sites and will minimize impacts to wetlands, floodplains and other sensitive ecological resources.

Once the final Public Use decision has been reached, DOE will begin to include the trails, boardwalks and overlooks in the restoration design plans. Construction of these amenities is planned to occur in 2007; however, the access corridors for the trails and boardwalks will be in place in anticipation of their construction. Additional trails, overlooks and interpretive stations may be constructed with alternative funding sources as determined appropriate by DOE in consultation with stakeholders.

The Cold War Garden that currently exists on site immediately east of the Administration Building will be relocated to a permanent location on the FEMP property. The boulder and bricks will be moved from their current location and immediately placed in the ground at a new location to re-establish a memorial for those who contributed to the Cold War. In the event that a MUEF is constructed, it is anticipated that the Cold War Garden will be located in that vicinity.

Native American reburial can occur in select restored areas, assuming vegetation can be established on the burial location. Native American Tribes have identified some areas of the western side of the site as preferable areas for reburial (Figure 3). Reburial will not be permitted in wetlands. Trail access to or near Native American reburial areas will be determined through consultation with Native American tribes and groups.

For the purposes of this Master Plan the following terms are defined as follows:

- Native American – of, or relating to a tribe, people or culture that is indigenous to the United States
- Reburial or re-interment – the physical placement of Native American remains below the surface of the earth
- Curation site – any prepared physical location where human remains are deposited.

3.3 PROHIBITED ACTIONS

The following actions will be prohibited by the public on the FEMP for ongoing protection of the site and any members of the public using the site as developed and intended as a result of the Future of Fernald process and consultation with the NRTs. All prohibited actions will be clearly posted on the site and continued federal ownership and monitoring will help ensure compliance. The prohibited actions listed below are not intended to be all-inclusive and may change over time.

- DOE will not consider public fishing on the FEMP until a post-remediation risk assessment has been completed
- No public hunting or trapping of any kind on the FEMP property (some may be permitted for research and/or wildlife management activities)
- No removal or damage of plants by unauthorized personnel
- No removal or damage of archaeological materials (as defined in the Archaeological Resources Protection Act)
- No swimming or wading in creeks, ponds or wetlands
- No public hiking
- No biking on or off trails
- No soil excavation for any reason by unauthorized personnel
- No off-road vehicles, except on designated roads
- No dumping of any kind on the FEMP
- No smoking in prohibited areas, fires or other open flames.

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Prior to any hunting or trapping of wildlife for research or wildlife management activities, a plan will be developed, with public input that will describe the procedure for the hunting and/or trapping activities.

3.4 MAINTENANCE OF SITE

Maintenance of the site falls under the responsibilities of long-term stewardship and will be conducted under the direction of DOE and other site steward(s). In accordance with CERCLA, monitoring and maintenance of the OSDF will be necessary to ensure the integrity of the OSDF and ensure the protection of human health and the environment. More specifically, monitoring will be conducted on leak detection and leachate monitoring systems, the cell cap and cover system, and support systems such as physical barriers in the surrounding area.

Monitoring may be necessary for restored areas to ensure the health and vitality of the area (e.g., wetland hydrology, prairie management, and health of vegetation). Maintenance of restored areas will be addressed during long-term stewardship planning.

OSDF maintenance is addressed in the Post-Closure Care and Inspection Plan for the OSDF. Decisions regarding maintenance of the OSDF and restored areas will be addressed during long-term stewardship planning. The environmental impacts of site maintenance activities associated with the long-term stewardship may be addressed in a separate NEPA document to be released in conjunction with the public release of the Stewardship Plan. Referenced documents will be available at the Public Environmental Information Center, 10995 Hamilton Cleves Highway (State Route 128), Harrison, Ohio 45030-9728.

3.5 SUMMARY OF PROPOSED PUBLIC USE

- Restricted access to OSDF, except for monitoring and maintenance purposes.
- Site available to the public with uses focused on environmental education.
- Public use amenities to include: walking trails, boardwalks, overlooks, interpretive stations, Cold War Garden, Native American burial area, possible MUEF.
- Prohibitions include: hunting, swimming/wading, biking, hiking (off trails), soil excavation, off-road vehicles, dumping.
- Monitoring and maintenance of the FEMP will be addressed during Stewardship planning.

4.0 ALTERNATIVE PUBLIC USE PLAN CONSIDERED

The alternative Public Use Plan discussed in this section, the Recreational Use Alternative was a scenario considered along with the Proposed Public Use Plan presented in Section 3.0. However, for various reasons, also included in the following discussion, this alternative was not selected. The alternative is included in this plan only to inform the stakeholders of all of the scenarios that were considered.

4.1 RECREATIONAL USE ALTERNATIVE

Recreational Use Alternative for Recreational and Educational Purposes with Hiking and Biking Trails in Restored Areas

A number of stakeholder comments proposed recreational activities be permitted on the FEMP property. This alternative included an emphasis on recreational use of the FEMP as well as educational use. For this alternative, the requirements listed in the Proposed Action regarding public use amenities generally applied, except that the trails through restored areas would be improved (paved). The use of site trails would be expanded to provide opportunities for additional recreational activities such as biking and roller blading as well as hiking and walking. Unimproved trails and boardwalks would also be available in areas where it is unfeasible (e.g., wetlands) or too difficult to construct a paved trail. DOE would consider opportunities to connect site trails with other recreational trails in the area, if determined feasible. All trails would contain interpretive stations (not to exceed 20 total) providing information on historical, archaeological and ecological points of interest at the FEMP.

Site access and access restrictions to the OSDF area for this alternative would be the same as that suggested for the proposed action.

Native American reburial could occur in select restored areas, assuming vegetation could be established on the burial location. Native American Tribes have identified some areas of the western side of the site as preferable areas for reburial. Reburial would not be permitted in wetlands.

Prohibited actions would be similar to those in the Proposed Public Use and would be clearly posted on the site. Continued federal ownership and monitoring will help ensure compliance.

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Maintenance of the site for this alternative would be approximately the same as that suggested for the Proposed Action (Section 3.0), except there would be more paved trails.

4.2 JUSTIFICATION FOR REJECTING ALTERNATIVE

There are several arguments for not considering this alternative any further. The primary reason for rejecting this alternative is that biking, roller blading, and similar activities are recreational uses that DOE does not consider compatible with the plan for educational use for the site. Future use of the FEMP, as described in Section 3.0, is intended to focus solely on education. There would be a higher cost for the construction and maintenance of improved trails. Paved trails would require more extensive maintenance to keep them in a safe condition for use. There is a greater risk of damage to the restored ecological environments 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 restored areas.

5.0 REFERENCES

Fernald Citizens Advisory Board, 1995, Letter, to Jack Craig from John Applegate, "Recommendations on Final Land Use of the Fernald Site", July 1995.

Fernald Citizens Advisory Board, 1996, Letter, to Thomas Grumbly from John Applegate, "Natural Resource Priorities", March 14, 1996.

Fernald Citizens Advisory Board, 2000, Letter, to Steve McCracken from James C. Bierer, "Recommendation #00-4", October 2000.

Fernald Citizens Advisory Board, 2001, Letter, to Steve McCracken from James C. Bierer, "Recommendations #2001-02 and #2001-03", May 2001.

U.S. Department of Energy, 1997, "Post-Closure Care and Inspection Plan On-Site Disposal Facility", Revision 1, Fernald Environmental Management Project, DOE, Fernald Area Office, Cincinnati, Ohio.

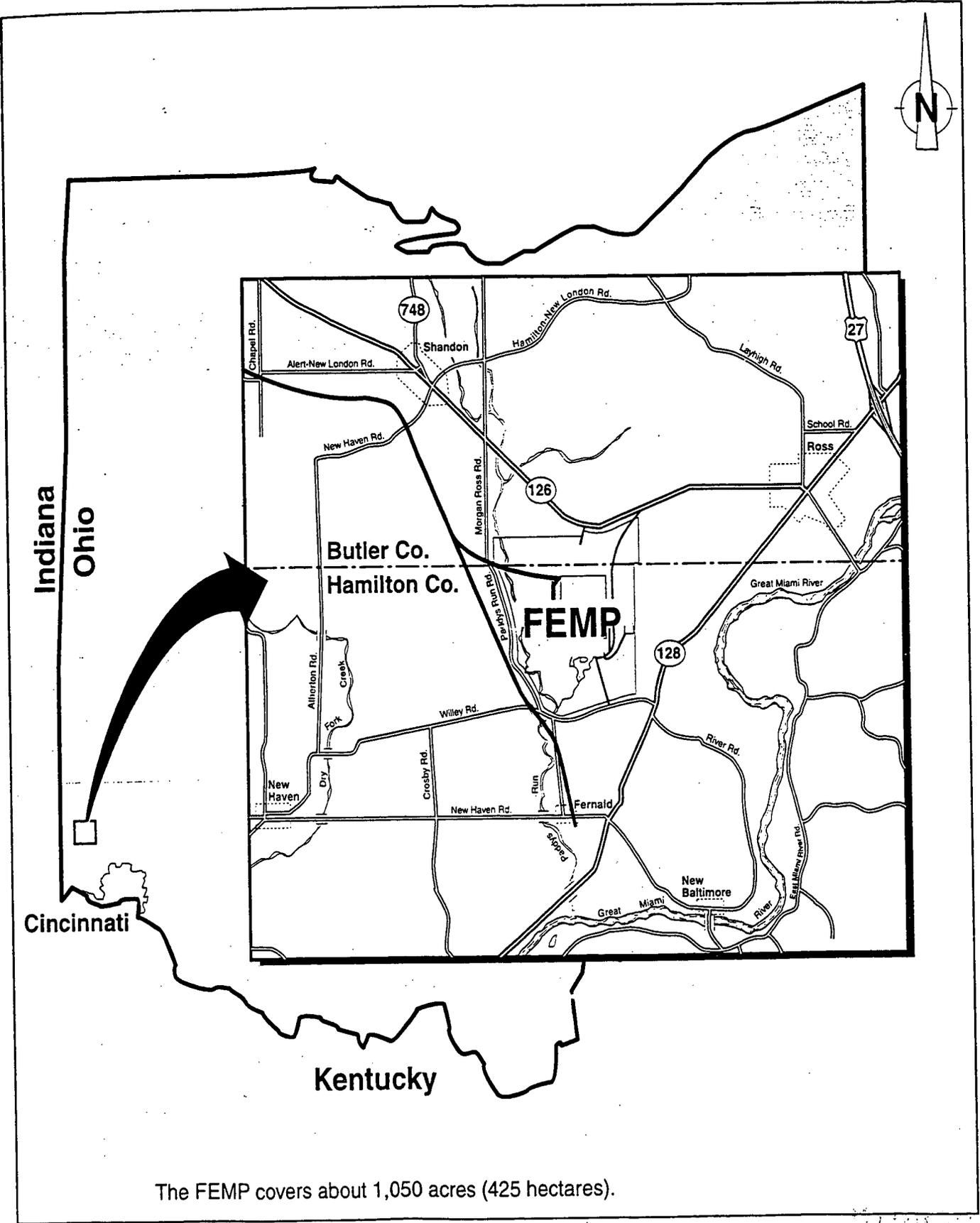
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U.S. Department of Energy, 1999a, "Finding of No Significant Impact for the Fernald Environmental Management Project Proposed Final Land Use Environmental Assessment", DOE, Ohio Field Office, Miamisburg, Ohio.

U.S. Department of Energy, 1999b, "Environmental Assessment for Proposed Final Land Use at the Fernald Environmental Management Project," Revision 1, Fernald Environmental Management Project, DOE, Fernald Area Office, Cincinnati, Ohio.

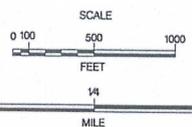
U.S. Department of Energy, 2002, "Natural Resource Restoration Plan," Final, Fernald Environmental Management Project, DOE, Fernald Area Office, Cincinnati, OH.

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The FEMP covers about 1,050 acres (425 hectares).

Figure 1 FEMP and Vicinity



PUBLIC ACCESS

PADDY'S RUN RD.

MAINT. ACCESS

PUBLIC ACCESS

NATIVE AMERICAN CURATION SITE

ST. RT. 128

PARKING LOT

OSDF

MAINTENANCE ACCESS TO OSDF

PUBLIC ACCESS ECOLOGICAL PARK

PADDY'S RUN RD.

STORM SEWER OUTFALL DITCH

23 ACRE AREA

WILLEY ROAD

PUBLIC ACCESS

RT. 128 HAMILTON CLEYS RD

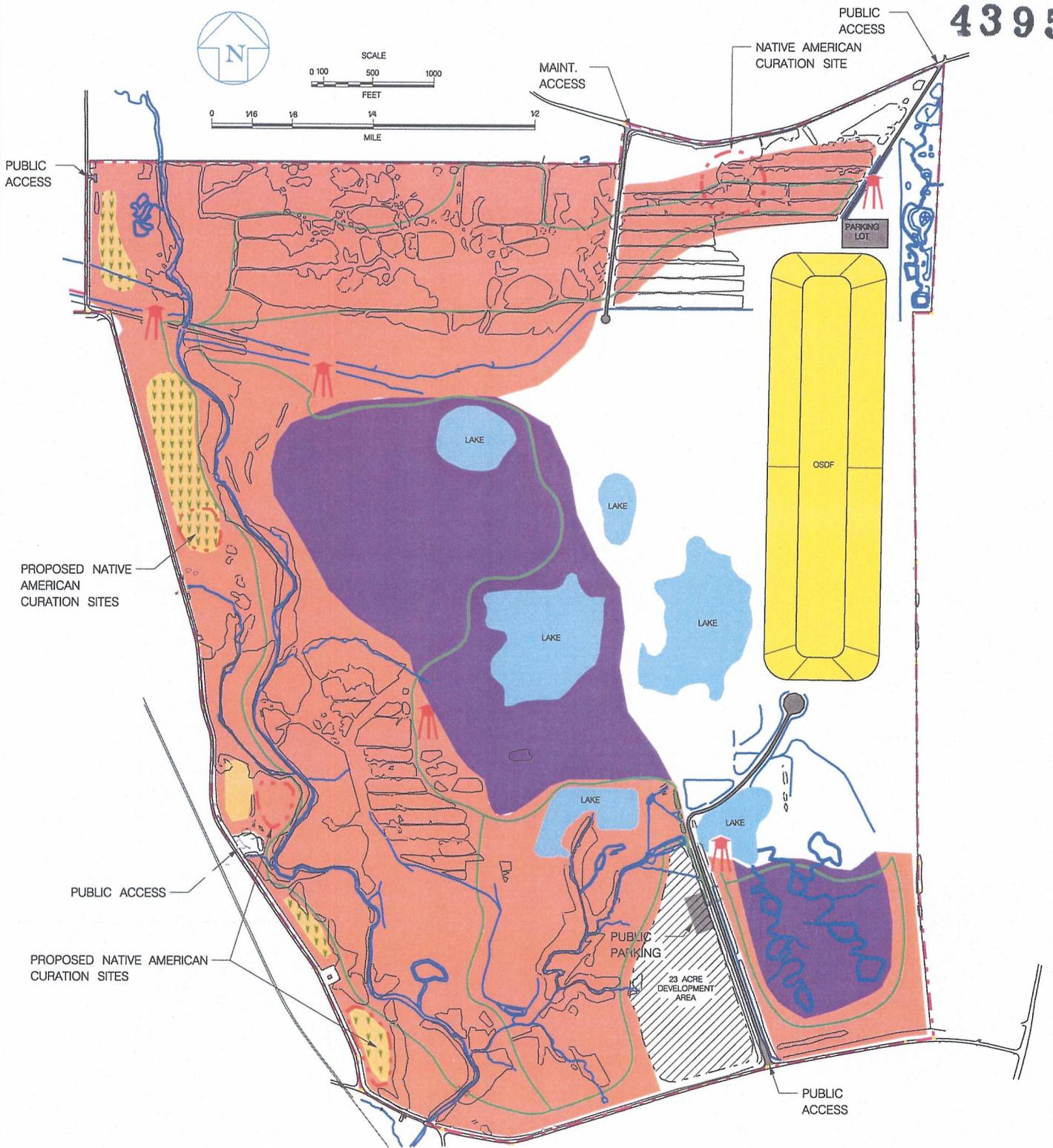
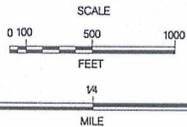
LEGEND:

-  CURRENT TREE LINE
-  WATER
-  PROPERTY LINE
-  FENCE LINE
-  FOREST
-  PRAIRIE
-  SAVANNA
-  WETLANDS
-  LAKE
-  PUBLIC ACCESS ROAD
-  EXPANDED FLOODPLAIN

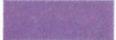
FERNALD FUTURE LAND USE

FIGURE 2 REV. #3

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LEGEND:

-  CURRENT TREE LINE
-  WATER
-  PROPERTY LINE
-  FENCE LINE
-  PRAIRIE
-  SAVANNA
-  AREA TO CONTAIN PROPOSED TRAILS
-  LAKE
-  PUBLIC ACCESS ROAD OR PARKING LOT
-  PROPOSED OVERLOOK LOCATION
-  POTENTIAL TRAIL
-  EXPANDED AREA FOR TRAILS

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CONCEPTUAL TRAIL LOCATIONS

FIGURE #3

APPENDIX A
RESPONSIVENESS SUMMARY FOR THE
MASTER PLAN FOR PUBLIC USE

**RESPONSIVENESS SUMMARY
MASTER PLAN FOR PUBLIC USE**

**Responses to Public Comments
to Draft Revision A
June 11, 2002**

ORAL COMMENTS FROM PUBLIC HEARING, FEBRUARY 28, 2002

Lisa Crawford, Fernald Residents for Environmental Safety and Health

1. **Comment:** "Get rid of 'economic.' Take it out of these documents, everywhere it's in here. I counted three places."

Response: DOE agrees with this comment and has deleted the term "economic" from all references to the potential development area.

2. **Comment:** "The fish thing scares me. I consider that as a recreational thing. But I won't push it. Let's hear what other folks have to say about it."

Response: DOE did not address fishing as a potential public use in the Master Plan issued for public review. DOE expects that risks from any contaminants remaining in the soil, sediment and surface water will be minimal; however, DOE will not consider public fishing until a post-remediation risk assessment is conducted to verify that fishing does not pose risk to individuals using the site. Any future discussions about public fishing will include opportunities for public comment. Text will be added to Section 3.2 to address fishing as part of Future Public Use of the FEMP.

3. **Comment:** "Make sure there's no athletics or sports, whatever you call it. That needs to be added to the don't do list."

Response: DOE agrees with this comment and has added a sentence in Section 3.0, Proposed Public Use stating that there will be no amenities provided for organized sports (e.g., baseball fields, soccer fields, etc.).

4. **Comment:** "Make sure it stays a living document so we can add and delete as we move through the process. And make sure that as we move into the Stewardship planning that those two, that this document and the Stewardship document, kind of mirror each other and merge and become one at some point."

Response: DOE agrees with this comment. The Master Plan is a reflection of what DOE is planning for the site at this point in cleanup, based on information that is available to us today. As Fernald becomes more involved in determining stewardship requirements, DOE will update the Master Plan at key decision points (e.g., Stewardship, MUEF, etc.) and use it as a tool to communicate the proposed final configuration of the site to the public as each key decision is made. Text will be added to the introduction of the Master Plan to clarify the response above.

Jean McCoard, Native American Alliance of Ohio

1. **Comment:** "The first request is that you continue to keep Ohio Indians involved in the process, in each step of the planning. As you know, all the plans have arrived on behalf of the Alliance and associates working with you through this process for many years. And at this point in the process, it would be both inequitable and unfair to have us moved out and your federally recognized tribes to be moving in and continue to work here. So we ask respectfully that we continue to be included in this process."

Response: DOE will continue to involve the Native American Alliance of Ohio in the planning and decision process. The Alliance has been an active participant in the future of Fernald decision process and DOE looks forward to its continued involvement.

2. **Comment:** "The second thing that we would request as we are looking at the actual outline of this is to keep the memorial park simple. Native Americans are people of simplicity. And we don't need bells and whistles, and we don't need a whole lot of really glorious things. If you look at ancient mounds, they're, in spite of the complexity and beauty, they are still simply made with stones and with dirt. And we ask that, as further plans go on, that the Native American burial areas be very simple areas."

Response: DOE agrees with this comment and will make every effort to ensure that future plans, particularly for Native American reburial areas, reflect the simplicity and culture of the Native American people. We encourage the Alliance to continue active participation in the planning and decision process for site stewardship.

3. **Comment:** DOE should move forward to "...have a reburial here at Fernald sometime soon. We have a skull, and we have written a letter asking permission to have this skull reburied here in the hopes that perhaps by one reburial, we can have this set up as a precedent so that we can move forward."

Response: DOE is very supportive of the re-interment of Native American remains at the Fernald site. At this time DOE, can not honor your wishes to re-inter the American Indian skull on the proposed re-interment area of the FEMP-Site due to not having a completed work plan or signed agreement. The work plan will include the location(s) of the re-interment area, the design of the area, and procedure for the re-interment of Native American Indian Remains. It is anticipated that the work plan will be documented by a written agreement by the federally recognized tribes, Native American Groups, DOE-FEMP, and other parties if appropriate.

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WRITTEN COMMENTS

Edwa Yocum

1. **Comment:** 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 for baby strollers. 2) No bikes, roller blades, unauthorized off road vehicles permitted on trails.

Response: DOE has deleted the term "hiking" from Section 3.0, Proposed Public Use, in the final Master Plan to avoid sending mixed messages that hiking (for recreation) is acceptable. The walking trails are intended for educational purposes only.

2. **Comment:** 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.

Response: DOE does feel it is appropriate to maintain several access points to the site trails, primarily because the access points already exist and would not have to be removed. Access points on the western portion of the site will provide easier access to the Native American reburial locations than the main entrance to the site.

3. **Comment:** 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. Therefore, there must be an area specified for the Cold War Garden so the boulder and commemorative bricks are placed immediately in the ground after the bricks have been removed from the original Cold War Garden.

Response: DOE agrees with this comment and has added a few sentences to the final Master Plan, Section 3.0, Proposed Public Use, describing its plan to relocate the Cold War Garden to a permanent location.

Fernald Citizens Advisory Board (FCAB)

1. **Comment:** 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 decision 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.

Response: DOE has revised the Master Plan to simplify the organization and clarify the proposed public use. In summary, DOE has added a brief executive summary of the proposed public use to provide a roadmap for readers, and eliminated the "Environmental Impacts" section and the "No Action" alternative that is more typical of an EA. DOE has also included a table that reflects the relationship of the various documents and the general plan for moving forward on key public use issues. Because the timing of some key decisions (e.g., the MUEF) is questionable, DOE can not establish a definitive timeline at this time.

2. **Comment:** It is important to recognize the increased importance of this and similar documents in light of the acceleration of site activities toward a 2007 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.

Response: DOE agrees with this comment and (as noted above) has included a table in the Master Plan that outlines the relationship and timing of key activities, to the degree possible.

3. **Comment:** The Master Plan defers discussion of the proposed Multi-Use Education Facility (MUEF) 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.

Response: See response to FCAB – Comment No. 1 above.

4. **Comment:** 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.

Response: DOE currently monitors all restoration projects after implementation to ensure that plant material and seed establishes in an acceptable manner, and will continue to monitor restored areas through site completion. Any monitoring of restored areas after site completion will be part of the Stewardship Planning process. DOE plans to issue a draft Stewardship Plan for public review in late 2002 or early 2003. The Stewardship Plan will discuss any plans to monitor and maintain restored areas of the site. The public will have an opportunity to review and comment on the Stewardship Plan. DOE has added a table to the final Master Plan that identifies upcoming restoration and public use activities, documents and public participation opportunities.

5. **Comment:** 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 complete 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.

Response: DOE agrees that the Cold War Garden will have to be safely removed and relocated to an interim storage location until a permanent location on site can be determined. It is anticipated that if an MUEF is constructed at the Fernald site, the Cold War Garden will be located near the facility. The Stewardship Planning process and any plans for an MUEF will address specific plans to relocate and care for the Cold War Garden.

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6. **Comment:** The Master Plan indicates that no more than twenty interpretative stations are proposed for the trails. The Master Plan should provide some guidance for how the content and design of these interpretative 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.

Response: DOE has added additional details about its plans for construction of interpretive stations to the final Master Plan, Section 3.0, Proposed Public Use. To integrate construction plans with ongoing restoration activities, DOE needs to identify the number of interpretive stations and distance of trails that are planned for construction. DOE is not opposed to constructing additional signs and trails through alternative funding sources as long as they don't compromise restored areas of the site and are consistent with the proposed public use.

7. **Comment:** 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.

Response: The previous version of the Master Plan and subsequent public review of the document has allowed DOE to further consider the prospect of a fence around the perimeter of the site after site completion. The previous version of the Master Plan envisioned that the existing perimeter fence that borders the site would be maintained. DOE will defer any decision on a perimeter fence to the Stewardship Planning process and all references to a perimeter fence will be removed from the Master Plan. The public will have an opportunity to express their comments before any final decisions are made on a perimeter fence.

8. **Comment:** 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.

Response: DOE has deleted the term "hiking" from the final Master Plan, Section 3.0, Proposed Public Use.

9. **Comment:** The Master Plan does not address fishing on the Fernald site. We do not believe that fishing is conducive to the non-recreational and education 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.

Response: See response to Lisa Crawford, Comment No. 2, Page 1.

10. **Comment:** 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.

Response: DOE agrees with this comment and has included additional details about hunting and trapping requirements to the final Master Plan, Section 3.0, Proposed Public Use.

11. **Comment:** 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.

Response: DOE has added a table outlining the relationship of key decisions and general timeline to the final Master Plan.

Maurice Hornbach and James Innis, Crosby Township Historical Society

1. **Comment:** 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 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."

Response: There will be a maintenance/monitoring facility for OSDF purposes and other legal requirements. The word "feasible" was used to indicate that a final decision on the MUEF has not been made at this point. Issues such as funding, management, long-term use, maintenance of the MUEF, etc., must be thoroughly researched and considered before DOE makes a final decision. DOE will continue to involve the public in the planning and decision process for the MUEF. Discussion of the MUEF in the text of the Master Plan has also been moved from Section 1.0 to Section 2.5, Public Involvement.

Brian G. Redmond, Ohio Archaeological Council

1. **Comment:** 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?"

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Response: DOE has added the following definitions to the Master Plan to clarify the terms:

“Native American” means of, or relating to, a tribe, people or culture that is indigenous to the United States;

“Reburial” or re-interment means the physical placement of Native American remains below the surface of the earth.

“Curation Site” means any prepared physical location where human remains are deposited.

2. **Comment:** 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?

Response: The Federally Recognized Native Americans (Oklahoma), who once lived in Ohio and consider Ohio their ancestral land, requested that DOE dedicate land on the Fernald site for reburial of Native American remains. Following an extensive public participation process to determine the future land use of the 1,050-acre site, DOE determined that dedicating a portion of the land for Native American reburial was appropriate and consistent with the ecological restoration final land use. In June 1999, DOE issued the “Environmental Assessment for Proposed Final Land Use” and subsequent Finding of No Significant Impact that finalized the decision.

In making this decision, DOE considered its unique relationship (government to government) with the Federally Recognized Indian Tribes that have ancestral lands in Ohio, Native American Graves Protection and Repatriation Act (NAGPRA), and the request by the Federally Recognized Indian Tribes to re-inter remains repatriated to them. In addition, DOE considered public comments on the final land use of the site, which generated a greater level of understanding and respect for the traditions and cultural heritage of Native Americans. The following organizations fully supported the reburial of Native American remains on site: the United States Department of the Interior; the State of Ohio Environmental Protection Agency; Congress of the United States – House of Representatives; the Fernald Residents for Environmental Safety and Health; the Fernald Citizens Advisory Board (FCAB); the Crosby Township Historical Society; the University of Cincinnati Center for Environmental Communication Studies; and the Ohio House of Representatives.

DOE also considered the importance of skeletal collection for teaching anatomy for medical practice and health improvement. DOE realizes that if not for skeletal material, little would be known about the history of human evolution and range of human variations. Knowledge of population origins, migration, and trade has been deduced from burials and bone analysis, and has provided valuable dietary and disease information.

The request for re-interment at the Fernald site involves skeletal remains that have been repatriated to a Federally Recognized Tribe or Native American Group who has the “right of possession.” DOE will accept only remains that have been repatriated in compliance with NAGPRA. DOE will evaluate all requests on a case by case basis, with input from consulting parties.

3. **Comment:** 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?

Response: The DOE Fernald Area Office has consulted with legal council at the DOE Ohio Field Office, DOE-Headquarters in Washington and other sources regarding re-interment and potential First Amendment issues. In summary, the federal government has a special relationship with Native American Tribes. Following a preliminary legal review, it was determined that re-interment will not violate the First Amendment, nor will it establish a precedent with respect to any other individuals or organizations.

4. **Comment:** 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.

Response: DOE will not own the Native American remains and items reburied at the Fernald site; therefore, 36 CFR Part 79 will not apply. The Native Americans will have control over the re-interments. All Native American remains found within or on the Fernald site are subject to NAGPRA.

5. **Comment:** 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?

Response: Native American remains and items re-interred at the Fernald site can not be exhumed for scientific study without permission of lineal descendants, Indian Tribe or Native American organizations who have the rights of possession, ownership or control. DOE will design the re-interment area with input from Native Americans on tradition, belief and treatment.

6. **Comment:** 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?

Response: Native American remains will only be re-interred in the areas designated in the Master Plan. The federal government has a special relationship with Native American Tribes, and DOE believes that re-interment of Native American remains and items at the Fernald site does not establish a precedent with respect to any other individuals, organizations or culture.

7. **Comment:** 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.

Response: Yes, other federal facilities have permitted, or are in the process of permitting, re-interment on federal property. For more information, contact the Department of Interior, the Department of Defense (Army) and the NAGPRA Review Committee.

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8. **Comment:** Will other federal agencies be permitted to rebury Native American remains and items at the FEMP? If so, which agencies will be eligible?

Response: DOE will only permit the reburial of remains that have been repatriated to a Federally Recognized Tribe or Native American group who have the "rights of possession." DOE will evaluate other requests on a case by case basis, with input from consulting parties.

9. **Comment:** 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.

Response: DOE will consider re-interment of Native American human remains, associated funerary objects, and other cultural items that have been repatriated to the Federally Recognized Tribes or Native American groups. Items repatriated to a tribe or Native American group by a federal agency or museum will have records that include relevant studies or other pertinent data for determining the geographical origin, cultural affiliation, and facts surrounding acquisition and accession of Native American human remains and associated funerary objects. DOE is in the process of developing a Re-interment Work Plan in consultation with all stakeholders.

10. **Comment:** 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?

Response: DOE will accept Native American remains that have been repatriated to a Federally Recognized Tribe or Native American group. To comply with NAGPRA, the federal agencies or museums must give the items to the tribe based on evidence. Before a federal agency or museum can repatriate to a Federally Recognized Tribe or Native American group, and it must be in compliance with NAGPRA.

11. **Comment:** What role, if any, would non-federally recognized groups of Native Americans play in the reburial process?

Response: Non-federally recognized Native American groups may comment as any other public group or person. They may request re-interment of remains at the Fernald site only if the remains have been repatriated to the non-federally recognized Native American group, in compliance with NAGPRA.

12. **Comment:** Who will participate in the development and implementation of educational programs concerns 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 the 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 of 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.

Response: DOE is committed to the reburial of Native American remains and items that have been repatriated to a Federally Recognized Tribe or Native American group under NAGPRA. As DOE becomes more engaged with stakeholders to determine long-term stewardship of the Fernald site, there will be opportunities to integrate educational programs for archaeological, historical and cultural resources into the planning process. If DOE determines that the MUEF is feasible, DOE will work with the future site stewards, Native American tribes and groups and the public to develop these educational resources.

13. **Comment:** 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.

Response: Cultural Resource monitoring at the Fernald site will include access controls, inspections and signage. Signage will include penalties for violations of federal laws.

14. **Comment:** The removal of archaeological materials as defined in the Archeological Resources Protection Act should be added in the prohibited actions of the proposed plan.

Response: DOE agrees with this comment and has added the removal of archaeological materials, as defined in Archaeological Resources Protection Act, to the list of prohibited actions in the final Master Plan, Section 3.0, Proposed Public Use.

Tom Schneider, Ohio Environmental Protection Agency

1. **Comment:** As shown by the public discussion both at the FCAB Stewardship Committee Meeting 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 an 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."

Response: DOE has revised the Master Plan to streamline the document and clarify the proposed public use. DOE has revised paragraphs and changed terminology in several sections so readers won't confuse the Master Plan with NEPA environmental assessments, and has eliminated the discussion on Environmental Impacts from the document. The document still addresses the recreational alternative that was considered and rejected because of the large number of public comments received on recreational uses for the site.

2. **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."

Response: DOE has revised Section 4.0, "Alternatives Considered," now called "Alternative Public Use Plan Considered." Because of the large number of comments received on recreational uses of the site, DOE kept the Recreational Use alternative in the final Master

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Plan but deleted the No-Action alternative. DOE also added a new paragraph that introduces the section so readers know what to expect and why.

3. **Comment:** Section 1.0, pages 1-2, lines 27-32 and 1-3

This paragraph refers to the 23 acres 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 overwhelming desire to have such a facility.

Response: In the final Master Plan, DOE has moved the discussion about the MUEF and the 23-acre potential development area to Section 2.5, Public Involvement. DOE has also deleted the term "economic" when describing the development area. DOE clearly understands the public's interest in an educational facility on site; however, many issues must be addressed before DOE can commit to constructing such a facility. The public can continue to express their ideas and comments about the MUEF during upcoming public participation opportunities.

4. **Comment:** 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.

Response: DOE is currently in consultation with all stakeholders regarding construction of an MUEF. The construction of such a facility is not within the scope of this plan. The Draft Comprehensive Stewardship Plan addresses maintenance of such a facility, but not its construction. If DOE determines that the construction of the MUEF is feasible at a later date, a separate process will be initiated to obtain public input prior to making a final decision. (Section 2.5)

The Master Plan will be a living document and will remain consistent with all documents related to restoration, public use, and stewardship of the FEMP (e.g., Natural Resource Restoration Plan, Comprehensive Stewardship Plan). The Comprehensive Stewardship Plan and the Master Plan will remain two separate documents, but each will be revised and re-issued as key decisions regarding public use and stewardship of the site are reached.

5. **Comment:** 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."

Response: DOE agrees with this comment and has deleted the term "recreational" from this sentence in the final Master Plan.

6. **Comment:** Section 2.1, Pages 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.

Response: DOE has revised the two paragraphs in the final Master Plan (as noted above) for clarity.

7. **Comment:** 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 settlers. Reference to pre-settlement should reflect pre-European settlement.

Response: DOE maintains that only the early stages of an ecological community can be established through restoration, and agrees that the communities represent pre-European settlement, not pre-Native American settlement.

8. **Comment:** Section 2.3, Page 5, Lines 6-7
The document should include specific language from the previous Environmental Assessment 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.

Response: DOE generally agrees with this comment and has added an update on the 23-acre area to Section 2.5, Public Involvement, in the final Master Plan. A final decision on the disposition/use of the 23-acre area was deferred until 2004 as part of the 1999 Final Land Use decision.

9. **Comment:** Section 2.4, Page 5, Line 16
Oak savanna should be included as a restored habitat type.

Response: DOE agrees with this comment and has added oak savanna as a restored habitat type to the final Master Plan.

10. **Comment:** Section 2.4, Pages 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 parallels the Land Use Environmental Assessment.

Response: DOE agrees with this comment and has added text in the Introduction and FEMP background sections of the final Master Plan regarding the February 28, 2002 Public Meeting, the final Natural Resource Restoration Plan and Land Use Environmental Assessment.

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11. **Comment:** 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 Environmental Assessment which addressed public use of the property should be referenced within this document.

Response: DOE has added a paragraph to Section 2.5, Public Involvement, that reflects the FCAB's recommendations to DOE on trails and the MUEF. DOE has also added relevant information about the Community Reuse Organization's market evaluation on the 23-acre potential development area.

12. **Comment:** 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.

Response: DOE has added new information to the final Master Plan, Section 3.2, Public Use Amenities, about its plans to address trails, boardwalks and overlooks. In summary, DOE will begin to include trails, boardwalks and overlooks in the restoration design plans once the final public use decision has been reached.

13. **Comment:** 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 appears to have another intention?

Response: DOE is completing a work plan for the re-interment of Native American Indian remains on the FEMP-Site. Once the work plan is completed and a signed agreement with the Federally Recognized Tribes and Native American Indian groups is in place, DOE can start the process of re-interment. Only remains that have been repatriated to a Federally Recognized or Native American Group, who have the "right of possession" will be re-interred at the Fernald Site. Any other request would have to be on a case by case basis, with legal opinion and public input.

14. **Comment:** Section 3.4, Page 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.

Response: Since there were no objections to the prohibited action list, DOE agrees with this comment and has deleted the term "suggested" from this list in the final Master Plan. Prohibited actions are intended for the public, not the site stewards. DOE will clarify this point in the final Master Plan.

15. **Comment:** 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 capitalized.

Response: The Master Plan identifies the likelihood of a future NEPA process to address Stewardship planning and the final configuration of the Fernald site. The referenced discussion intended to convey that there would be opportunities for the public to provide formal input on Stewardship issues at the site. At this time, DOE does not know the precise timing of this process. DOE will capitalize the term "Stewardship Plan" as noted above.

16. **Comment:** Section 3.5, Page 10, Line 17

Delete the word "evaluated."

Response: DOE agrees with this comment and has deleted the term "evaluated" from the final Master Plan.

17. **Comment:** 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."

Response: In the final Master Plan, DOE has clarified that this discussion pertains to the "Recreational Use" alternative. DOE has also reorganized the document to separate this discussion from the Proposed Public Use.

18. **Comment:** Sections 4 and 5

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

Response: DOE has revised Section 4.0, Alternative Public Use Plans Considered, for clarity. DOE also deleted the No-Action alternative and Section 5.0, Environmental Impacts, from the final Master Plan. Key portions of Section 5.0 were re-distributed throughout the final Master Plan.

19. **Comment:** 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 ongoing NRDP process.

Response: DOE has included the figure distributed at the public meeting in the final Master Plan.

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Jonathan Walters, Cincinnati Off Road Alliance

1. **Comment:** All references to banning bicycle use on trails on the future Fernald site should be eliminated. Particularly Page 12, Lines 19-22: "There is 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 restored areas." This statement is biased and uneducated. Bicycles are no more at risk of leaving the trail as hikers.

Response: DOE agrees that bicyclists pose no greater risk of leaving trails than hikers. The discussion in the previous version of the Master Plan was intended to convey that bicycles *could* do more damage to restored areas than hikers if they leave designated trails and there is heavy use of the site.

The proposed public use outlined in the Master Plan is based on access for education and research, not recreation. The use of site trails for biking is clearly a recreational use and is not consistent with the proposed public use of the site. Also, the Miami Whitewater Trail is located two miles from the Fernald site property and provides an excellent opportunity for bike riders to enjoy the outdoors, with few restrictions. DOE has also deleted the term "hiking" from Section 3.0, Proposed Public Use, in the final Master Plan to avoid sending mixed messages that hiking (for recreation) is acceptable. The walking trails are intended for educational purposes only.