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FERNALD CLEANUP PROGRESS BRIEFING/
FINAL LAND USE PUBLIC HEARING

OCTOBER 13, 1998

Alpha Building
10967 Hamilton Cleves Highway
Harrison, Ohio

Spangler Reporting Services, Inc.

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1 MR. STEGNER: Let's get started,
2 shall we? Good evening everybody. My name is Gary
3 Stegner, Office of Public Affairs, Department of
4 Energy at Fernald. What we're going to be doing
5 this evening is soliciting your input on future use
6 of the Fernald property.

7 There is a sign-in sheet out front.
8 I hope you all signed in on that. If not, please
9 do so. There are handouts available out front,
10 including copies of the Environmental Assessment,
11 which is a document that we'll be discussing
12 primarily this evening.

13 The drill this evening, we'll have
14 about two hours here tonight, if it takes that
15 long, or even longer, I guess, if necessary.
16 Following this very brief introduction, Kathy
17 Nickel will give you an overview of the land use
18 decision that we are recommending in the
19 Environmental Assessment. This is essentially the
20 same presentation Kathy gave a couple of weeks ago
21 at the Natural Resources Trustee session. This is
22 sort of a little background, lay the groundwork for
23 some folks who maybe have not heard this before.
24 Following that we'll have a very short informal

1 question and answer period, probably 15 to 20
2 minutes. What I would like to do is get the public
3 comment period started about 7:30.

4 You'll see we do have a court
5 reporter here this evening taking down the
6 proceedings. It will be transcribed and placed in
7 our Public Environmental Information Center within
8 a matter of weeks.

9 Again, the scope tonight is future
10 use. We would ask that you limit your comments to
11 this topic of future use of the Fernald property,
12 our land use plan, what it might be used for, the
13 landscape of the site following remediation, that
14 type of thing.

15 When commenting this evening -- there
16 are several people that signed up to comment -- we
17 ask that you use the microphone. Please state your
18 name for the record, if you don't mind, your
19 address, and if you want, any affiliations you
20 might have. That would also help us out.

21 You do not have to comment tonight.
22 The comment period ends the 20th of October. And
23 you can mail your comments to me, bring them to me,
24 however you want to get them to me, as long as

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1 they're there by the 20th.

2 Following that we will have a
3 responsive document published, and up until this
4 time we have visited several organizations, giving
5 them background on our concept of future use of the
6 Fernald site, including the trustees, various
7 stakeholder groups around, planning commissions in
8 Hamilton and Butler Counties.

9 Like I say, the public comment period
10 is open until the 20th, and once we get the
11 responsive summary completed, we'll have a draft
12 conceptual future use plan prepared, and we will
13 backtrack and go back to all the groups that we
14 went to before and give them a copy of the plan,
15 get their comments on the plan. Probably sometime
16 early next year one of our public meetings will be
17 devoted to final land use plan. That's the plan
18 right now.

19 I'm not sure what we've got, probably
20 quite a bit. What I will do right now is turn it
21 over to Kathy Nickel.

22 MS. NICKEL: Thanks, Gary. Well, a
23 public hearing is really supposed to be an
24 opportunity for DOE to be silent and to give you

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1 all the floor, so I'm going to try to keep this
2 very, very brief. But I wanted to take just 10
3 minutes to run through the highlights of what's in
4 the document for those of you who may not have had
5 an opportunity to read the document or those who
6 may be here and are not fully familiar with the
7 issue at all.

8 The purpose in our Environmental
9 Assessment for future land use at Fernald is to
10 provide, in a very broad sense, a proposal for what
11 to do with the Fernald property after the cleanup
12 is completed. In preparing this document we needed
13 to recollect that through the cleanup process we
14 made an awful lot of commitments, and a number of
15 those commitments really had bearing on this
16 issue.

17 Notably, we made commitments in the
18 records of decision. In the OU-2 ROD we committed
19 to perpetual federal ownership. In the OU-3 ROD we
20 committed that we would take down all of the
21 buildings and remove all the below grade
22 structures. In the operable unit 5 ROD we
23 committed to maintaining the on-site disposal
24 facility forever. We committed to protecting some

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1 priority natural resources on-site that didn't need
2 to be disturbed through the cleanup process. These
3 specifically are the Paddy's Run corridor and a
4 wooded wetlands in the northern portion of the
5 site. These areas are clean, there's no need to
6 disturb them to get to contaminated soil, so we've
7 committed not to disturb them.

8 We also committed to establishing
9 15 acres of wetlands to meet a Clean Water Act
10 requirement that says that if you destroy a
11 wetland, you have to replace not only the acreage
12 you destroyed but the acreage and then some. For
13 our site it's a 1 to 1.5 ratio. So we need to
14 establish 15 acres of wetlands somewhere on site.
15 And, finally, we committed to having you, the
16 public, involved in the final land use decision,
17 and we're here tonight to honor that commitment.

18 Well, before tonight we had received
19 some input from the public on the final land use
20 issue. Around the time we signed the OU-5 ROD, we
21 received a number of recommendations from the FCAB,
22 the Fernald Citizens Advisory Board, and in their
23 recommendations they asked that the land use after
24 the cleanup be restricted such that no one would

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1 set up residence or use the land for agricultural
2 purposes. They again reiterated the importance of
3 keeping the public involved in the process, and
4 they favored settlement of our natural resource
5 damages claim through on-site activity rather than
6 any off-site activity.

7 The natural resource damages claim is
8 a claim that was filed by the State of Ohio against
9 the Department of Energy for damage of natural
10 resource during site operations and damages that
11 continue to happen as we clean up the site. To get
12 to contaminated soils, we need to take down forest
13 land, we need to destroy habitats. That needs to
14 be restored, and that's the subject of the state's
15 claim.

16 With all of those considerations in
17 the back of our mind, we prepared the Environmental
18 Assessment. We looked at three very broad
19 alternatives. Before I go through the
20 alternatives, let me paint a little picture of what
21 we expect the site is going to look like after the
22 cleanup.

23 As most of you know, we're having
24 extensive excavation of soils in the production

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1 area. The buildings will come out, the foundations
2 will come out. We imagine there will be excavation
3 cavities that might be as deep as 30 to 40 feet.
4 You know the waste pit material is coming out and
5 going off-site, the silos will be gone. You know
6 there's currently activity in the South Field area,
7 where there will also be some excavation cavities.
8 So what you should be envisioning in your mind is a
9 highly uneven topography with some fairly deep
10 cavities.

11 Our first alternative we're
12 calling -- we call it the no action alternative.
13 It's probably better named the minimal activity
14 alternative, where we would do minimal regrading so
15 as would be necessary to stabilize slopes for
16 safety reasons. We would also do some revegetation
17 with a seed mixture, mostly for erosion control.
18 So what we'd be left with would be again a very
19 uneven topography that would not lend itself very
20 well to any kind of commercial usage. The
21 reseeded with grass seed would not do a whole lot
22 to satisfy the natural resource claim.

23 The second alternative, if you will,
24 is almost the furthest end member from the no

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1 action alternative. We call it the enhanced
2 grading alternative. In this alternative we would
3 have to purchase backfill materials, soils
4 materials, and we would fill up the excavation
5 cavities and regrade the site to some level
6 configuration, envisioning preparing it for some
7 potential commercial development. Obviously
8 envisioning commercial development is not going to
9 satisfy the natural resource claim. In addition,
10 this is estimated to be a fairly costly alternative
11 in that we would have to purchase backfill
12 materials and again settle our claim with some
13 off-site option.

14 The third alternative, and the one
15 we're proposing in the EA, is really a middle
16 ground between those two end members. In this
17 alternative we're proposing that most of the site
18 undergo natural resource restoration. In doing
19 that, the regrading would be much, much less than
20 the enhanced grading alternative. In the
21 production area where we have deep excavations we
22 would propose to create open waterways. Where
23 there's some shallow excavations we would create
24 wetlands. Where soils have been excavated and the

1 land is left somewhat nutrient poor we would
2 attempt to establish prairies, which I'm told can
3 thrive in fairly poor quality soils.

4 There would be 23 acres that have
5 been evaluated by the Community Reuse Organization
6 to determine its market demand for commercial
7 reuse. My understanding is that the CRO has
8 finished this evaluation, and the results indicate
9 there's really very little market demand for
10 Fernald property at this point in time. However,
11 this alternative would allow for the 23 acres to
12 continue to be evaluated for potential commercial
13 development.

14 What we're envisioning -- Gary, do
15 you have that overhead that shows what we envision
16 the site to look like?

17 MR. STEGNER: Yes, I do. I'm glad
18 you asked that.

19 MS. NICKEL: A little detailed,
20 but -- is that upside down?

21 UNIDENTIFIED SPEAKER: No, it's
22 fine.

23 MS. NICKEL: From my perspective it
24 looks a little fuzzy.

1 Anyway, we're envisioning something
2 that would look very attractive from a potential
3 recreation use, although it was really not our
4 purpose in this very broad decision document to
5 specify any recreation use, though we're more than
6 open to taking comments on that tonight. Obviously
7 this proposed alternative would go a long way in
8 satisfying the natural resource plan.

9 In summary, and I've gone through
10 that so quickly, I'm sure I forgot to mention a
11 number of important things, but hopefully this
12 table will take care of them. We looked at those
13 three broad alternatives and wanted to see how they
14 stacked up against criteria that had been
15 established through prior commitments and also some
16 more recent concerns that we've heard from members
17 of the public.

18 First of all, we had to meet our ROD
19 commitments. All of the alternatives would meet
20 our ROD commitments.

21 The wetlands mitigation requirements,
22 all of our alternatives have the potential for
23 allowing us to meet that. However, the first two,
24 the no action and the enhanced grading

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1 alternatives, although it leaves some land on the
2 Fernald property on which we could reestablish
3 wetlands, the proposed alternative, part of the
4 natural resource restoration would include the
5 establishment of wetlands. So going with the
6 preferred alternative we essentially can kill two
7 birds with one stone: We meet our natural resource
8 restoration claim, and we also meet our wetlands
9 mitigation requirements.

10 Commercial development: In the no
11 action alternative, leaving strictly uneven
12 topography, would not lend itself very well. The
13 enhanced grading, again leveling the site to that
14 degree would be done with the vision of some sort
15 of commercial development. However, we've learned
16 from the CRO analysis that there really is minimal
17 market demand at this point for FEMP property.
18 However, the proposed alternative still does honor
19 that interest by setting aside 23 acres that could
20 be considered for some commercial use.

21 More recently we have heard interest
22 in enhanced habitat for threatened and endangered
23 species. The proposed alternative is the only
24 alternative which would allow us to do that.

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1 Historic preservation, this is a
2 request that we have heard of recently for the
3 Fernald site to provide a place for some Native
4 American remains to be reburied. There's a high
5 level of interest in being able to honor that
6 request. Although under any of the alternatives
7 there is some land that might be available to honor
8 that request, under the proposed alternative
9 virtually the entire site, with the exception of
10 the OSDF area and areas that would be open
11 waterways, would be available for that
12 consideration.

13 Of course, the desire to satisfy our
14 natural resource claim, the proposed alternative is
15 really the only one that allows us to satisfy that
16 on-site. The importance of satisfying that claim
17 on-site is that if we need to do something else
18 on-site and satisfy that claim off-site, it would
19 likely mean DOE having to purchase additional
20 properties to satisfy that claim. It did not seem
21 to the FCAB to be the most efficient solution, and
22 DOE concurs.

23 So really that's it as far as
24 summarizing what's contained in the EA and, Gary, I

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1 guess we're open to comments.

2 MR. STEGNER: Yes, questions and
3 comments. Those of you who attended our session on
4 the 23rd, the natural resource presentation, this
5 is a review for you.

6 Right now, the next 10 or 15 minutes,
7 we would be glad to answer any questions you might
8 have before going into the public comment period.
9 Once we enter the public comment period, DOE and
10 its contractors will be quiet. We won't be
11 answering any questions after that. Questions will
12 be included in the responsiveness document,
13 however, and we will respond to those in that
14 manner. But beginning around 7:30 we want to turn
15 the evening over to you completely, but for the
16 next 10 or 15 minutes if you have questions, we
17 will be glad to answer them. If not, we'll go
18 straight to the public comment period.

19 Vicki Dastillung.

20 MS. DASTILLUNG: You're talking
21 about making deep excavations in the center of the
22 site into lakes or ponds. What do the numbers say
23 as far as contamination from the ground? Are you
24 opening up another avenue to the aquifer by leaving

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1 that in water; are there some numbers?

2 MS. NICKEL: Well, we would likely
3 have to line those excavation cavities to have them
4 hold water. So there would be some clay likely at
5 the bottom of those excavations, but the cleanup
6 goals, Vicki, if you'll recall, the cross media
7 consideration was typically the driving force in
8 setting the cleanup goals so as not to
9 recontaminate the aquifer.

10 MS. DASTILLUNG: So there's no
11 possibility of that ever going above the drinking
12 water standards?

13 MS. NICKEL: That's correct.

14 MR. STEGNER: Other questions?
15 Seeing no hands, I think we can proceed then to the
16 public comment period. Folks have signed up, and I
17 will call them in the order that they have signed
18 up. The first person -- Again, we ask that you
19 state your name and use the microphone -- is Dr.
20 David McWilliams. He is chair of the Fernald
21 Community Reuse Organization.

22 MR. MCWILLIAMS: My name is Dave
23 McWilliams. I'm chairman of the Fernald Community
24 Reuse Organization, more affectionately known as

1 the CRO. I'm here this evening along with Curt
2 Paddock, who is the economic development consultant
3 who was hired by the CRO to assist us in developing
4 the Department of Energy charge for worker
5 transition, economic development, public
6 involvement, and land and equipment reuse. Our
7 purpose for being here tonight is to share with the
8 Department our recommendations relative to the
9 disposition of the 23-acre parcel of land located
10 on the Fernald site.

11 Approximately a year ago the Land
12 Reuse Materials and Equipment Committee of the
13 Fernald CRO began to look in earnest at the
14 potential reuse of Fernald property. Fairly early
15 in that process it became clear that much of the
16 thousand acre site would not be available for
17 reuse, at least not in the manner that would be
18 consistent with our path forward and strategic
19 plan. The committee felt, however, that one
20 section, the 23-acre tract of land in the southern
21 section of the Fernald site, had some potential for
22 development. As a result, the Land Reuse Committee
23 began a series of meetings to determine the
24 potential that this 23 acres held for commercial

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1 and/or industrial development.

2 In addition to the meetings, the CRO
3 contracted with three independent appraisal firms
4 specializing in commercial and industrial property
5 to help determine the potential of this 23-acre
6 tract for development in the foreseeable future.

7 Out of these meetings, the three
8 independent appraisals, and discussions with the
9 full CRO membership, a recommendation emerged that
10 we would like to summarize for you tonight. We
11 would also ask that a written copy of our
12 recommendations be accepted for inclusion in the
13 record of proceedings.

14 Before I turn the mike over to Curt,
15 I would like to have a little commercial here if I
16 may, and that is just to note that the CRO is
17 holding a series of workshops on economic
18 development options. The next session will be held
19 on October 29th at 7 p.m. at Ross High School, and
20 I invite you all to attend that.

21 At this time I would like to thank
22 you for your attention and ask Curt to come forward
23 and provide you with a summary of the CRO
24 recommendations regarding that 23-acre tract.

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1 MR. PADDOCK: Thank you, Dr.
2 McWilliams. My name is Curt Paddock. I am the
3 economic development consultant for the Fernald
4 future use organization. For the record and for
5 this purpose my address is [REDACTED]

6 [REDACTED]
7 As Dr. McWilliams mentioned, the Land
8 Reuse Committee studied this issue for over a year
9 now, and it was discussed at several meetings of
10 the entire organization, and at their last meeting
11 we made a motion and passed a set of policy
12 recommendations with reference to the Environmental
13 Assessment as well as our views related to the
14 Natural Resources Restoration Plan. And a full
15 copy of it will be inserted into the record, so I
16 will simply summarize it here. As an organization,
17 it has a principal focus on economic development
18 issues as it relates to assuring job opportunities
19 for workers making transition away from employment
20 at the site and for community residents whose
21 economic livelihood will be adversely affected by
22 the eventual closure of operations at Fernald.

23 Our primary investigation of land
24 reuse issues has to do with what types of

1 activities, if any, could go on at the site after
2 the cleanup is completed that would contribute to
3 the economic health and welfare of the surrounding
4 area, both the immediate surrounding area as well
5 as the Greater Cincinnati economy, keeping in mind
6 that the workers at the facility have their place
7 of residence throughout the Greater Cincinnati
8 area.

9 So taking those types of
10 considerations into mind, our first consideration
11 was looking at this 23-acre tract and its potential
12 for commercial development. As Dr. McWilliams
13 pointed out, we hired three firms who are experts
14 in the field of assessing land for commercial
15 development. I won't go into detail about the
16 nature of their findings, but we did ask them to
17 look at not only what is current demand at that
18 particular location, but to try and project as much
19 as possible what might the demand be looking out to
20 some point in the future.

21 Specifically, we asked them to look
22 to 2005, recognizing that because of the sequence
23 of activities in the cleanup, it's very unlikely
24 that DOE would be in a position to release land for

1 any type of purpose until that point in the future
2 or perhaps later. That sets up something of a
3 difficulty here because it's difficult enough to
4 accurately assess demand today; it becomes more and
5 more difficult further out into the future you try
6 to project demand. But, nevertheless, that was our
7 task.

8 And the findings that came back was
9 that certainly in the near term and looking out as
10 far ahead as five years, it does not appear, given
11 all the various other alternative locations for
12 light industrial or commercial development within
13 this market area, that demand for use at that
14 particular 23 acres, or anywhere else for that
15 matter at the FEMP site, is extremely limited.
16 However, it should be pointed out that since
17 projecting demand into the future as far as 2006 or
18 beyond becomes very, very difficult, it's important
19 to realize that the patterns of demand for
20 industrial land may well change by that point in
21 time.

22 Consequently, the CRO is recommending
23 that the option be kept open to reserve that 23
24 acres for future assessment for light industrial or

1 commercial use as well as other potential usages.
2 That this be set aside in such a way that it would
3 not be necessary to use that acreage to meet any of
4 the requirements of acreage for natural resources
5 restoration.

6 So beyond the issue of using it for
7 some type of light industrial use, I point out that
8 a variety of community organizations presented
9 intriguing concepts that would establish various
10 forms of education or tourism destinations at the
11 site. We recognize that such uses would stimulate
12 traffic to the tri-township area, resulting in
13 positive impact on retail and commercial trade.

14 In addition, use of the tract as
15 location for a joint fire services district
16 building has been suggested. Such a facility would
17 increase the potential of the surrounding region to
18 absorb economic growth.

19 So although strong and convincing
20 evidence was presented for all of these types of
21 concepts, whether for community facilities,
22 recreational use, or possible future industrial
23 use, we came to the conclusion that it's simply too
24 early to tell given the fact that it would be post

1 2006 before the land would really be available to
2 be leased or otherwise authorized for use by DOE or
3 other regulatory bodies. So really we're asking
4 that you set aside at least that 23 acres as a
5 reserve for these types of uses, and that as we
6 reach a point closer to that time in the future,
7 approximately 2006, that some type of community
8 base advisory body be reconstituted at that point
9 in time to again offer recommendations to DOE about
10 specific uses on that tract.

11 Would just like to conclude by
12 emphasizing that it should be the responsibility of
13 that future community based group to determine
14 whether future industrial, real estate market
15 conditions change in a direction that suggest an
16 adequate level of demand for industrial uses at the
17 reserve site. That same group would also look at
18 competing needs at that time for community
19 facilities or other recreational uses that would be
20 undertaken either separately or in conjunction with
21 industrial uses. Thank you.

22 MR. STEGNER: Thank you, Curt, Dr.
23 McWilliams.

24 Next from the Miami tribes is Mr.

1 William Satory.

2 MR. SATORY: My name is William
3 Satory. I live at [REDACTED]. I
4 am of Miami descent. I am the gentleman who is
5 responsible for the federally recognized tribes for
6 the reburial that has already taken place on the
7 Fernald land.

8 It is my understanding that the
9 federally recognized tribes are in favor and fully
10 hope that land can be set aside or continually set
11 aside for the reburial of the ancestral remains.
12 There are virtually thousands that are in waiting
13 across North America. Around this area in general
14 there are ancestral remains waiting to be
15 returned. With availability of the land at Fernald
16 here that DOE has already allowed us to use, we
17 would hope that there would be more land available
18 for the reinterment of these ancestors, and I would
19 hope that DOE would look strongly at this for the
20 native people. Thank you.

21 MR. STEGNER: Thank you, Mr.
22 Satory. Next Mr. Joe Schumaker, Cultural Resource
23 Manager for Fernald, Fernald Environmental
24 Management Property.

1 MR. SCHUMAKER: My name is Joe
2 Schumaker. I'm the Cultural Resource Coordinator
3 Manager here at the Fluor Daniel/Fernald site, and
4 part of my job is to do interface with the Native
5 American tribes, and a lot of our tribes, of
6 course, are located in Oklahoma. When we do this
7 coordination, the government has a relationship
8 which requires letters but also to contact the
9 person at the tribes.

10 We asked the federally recognized
11 tribes who once lived in this area how they felt
12 and sent them a proposal, and I have the list of
13 some of the requests that came back. You have to
14 realize they are commenting on the Environmental
15 Assessment, but the comment is also in the context
16 of the Native American Grave Protection and
17 Remediation Act, being federally recognized people,
18 Native American people, and also the groups that
19 are not federally recognized commenting on the
20 organization for preservation of the act.

21 I want to start too by clarifying one
22 thing. We're talking about Native American
23 remains, we're talking about two types, the
24 identifiable remains and culturally unaffiliated

1 remains itself. The tribes, what they have
2 requested is to look at this as two different
3 issues. First, the ones that are Delaware,
4 Shawnee, Miami, Wyandotte Indians that are
5 culturally affiliated with the tribes, that we look
6 at these Native American remains first and possibly
7 bring back, and then to address the question of
8 unidentifiable remains.

9 I want to start with the Miami tribe
10 of Oklahoma, Chief Floyd Leonard, who has requested
11 that remains of Native Americans be buried at the
12 Fernald site. Also he's requesting a museum and
13 educational facility which he would support by
14 sending artifacts back from the Miami tribe.

15 The next federally recognized tribe,
16 the Delaware tribe of Oklahoma, Mr. Lawrence Snake,
17 he wants reburial of those remains here at the
18 site. Also he is requesting a museum, park, and
19 education facility be built. Also he's requesting
20 it be part of the commercial development of the 23
21 acres here that the tribe could possibly do some
22 type of -- use a part of this development project
23 for revenue for the tribe.

24 Wyandotte tribe of Oklahoma, Chief

1 Leaford Bearkin, tribal chair, Bill Mackinney, they
2 definitely want reburial of Native Americans at the
3 Fernald site.

4 The Loyal Shawnee -- The Loyal
5 Shawnee are not really federally recognized, but
6 just recently the State of Oklahoma has recognized
7 them. The reason they don't have federal status is
8 because they're on the Cherokee land in Oklahoma.
9 The Chief, Don Greenfeather, requests reburial of
10 Native Americans at the Fernald site.

11 There's a couple other tribes we're
12 dealing with, the Ethan Shawnee tribe, the East
13 Shawnee tribe, and also a joint reburial committee
14 by the Shawnee, which letters we're told will
15 probably be received Monday or Tuesday. That's
16 it.

17 MR. STEGNER: Thank you, Joe. Our
18 next three speakers are from the Native American
19 Alliance of Ohio. The first one is Oliver
20 Collins. Mr. Collins.

21 MR. COLLINS: My name is Oliver
22 Collins. I live at [REDACTED]

23 [REDACTED]

24 I want to thank you for allowing me

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1 to speak to you today and I extend our deepest
 2 appreciation to the civic organizations, the folks
 3 of FERMCO, Department of Energy, the Ohio EPA, all
 4 of these organizations that have supported the
 5 reburial issue on this site. I am co-chair of the
 6 Native American Alliance of Ohio, and I am the
 7 present chief of the Pelican Cherokee Nation, a
 8 splinter group that escaped the trail of tears.
 9 I'm also an Indian person, as well you can see, and
 10 I'm going to speak as an Indian person.

11 The victorious or the vanquished has
 12 been the history of the world since the world was
 13 created. No matter the reason for the war. So it
 14 came to pass that the indigenous people of this
 15 hemisphere lost the war and the winner of this war
 16 has written the history books. My ancestors were
 17 called savages, uncivilized, lazy, barbaric. I
 18 read these history books in school and was
 19 astonished because I was an Indian and I was not
 20 any of those things.

21 I was afraid because my grandmother
 22 said not to tell that we were Indian or the
 23 government will send us West, and I sure did not
 24 want to go there because that is where all the bad

1 Indians lived, so it said in the history books.

2 My grandmother didn't realize what
3 she was teaching me. She taught me and the family
4 the trials and tribulations from the two principal
5 chiefs in our family, the customs and traditions of
6 the Cherokee people who escaped the trail of tears,
7 one hundred fifty years and seven generations of
8 the desecrate reemergence of the gathering of the
9 people, the first people of this land.

10 My grandmother taught me to be proud
11 of what I am, an Indian person. My grandmother
12 never went to any formal school. She went to the
13 hardest school of all, a hillside farm in
14 southeastern Kentucky, but she remembered her
15 history and she passed that along to the
16 generations that followed her, as I am passing it
17 along to the generations that are following me.
18 She ordered me to get as good an education as I
19 could possibly get because she knew education was
20 the defense against a reputation and history, a
21 bloody and tragic history, and I did.

22 I learned if you were not civilized
23 in this country, your cemeteries are not sacred
24 because you are not a human being. I learned you

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1 are not allowed to own property such as horses,
2 cattle, sheep, farms. I learned you are not
3 allowed to get married in a dominant society's
4 churches if you were a savage. I learned that
5 treaties were signed with the United States to end
6 the war and take the land, and every one of those
7 treaties promised to protect the resting places of
8 the dead, but these were discarded or ignored by
9 the United States Government as being out of date.
10 Well, after all, we had lost the war.

11 There are some of us here today that
12 believe that life is a circle. We are born, we are
13 children, we grow to adults, then old age, and
14 finally we are given eternal rest in Mother Earth
15 and our spirits go to the greatest sky of all.
16 Some of our ancestors believed and died in that
17 belief and that promise as was given to us from the
18 creator of us all. Wasn't it also given to you?

19 Now, for the ancient people and for
20 those descendents of those people, the great circle
21 of life is in your hands, and we hope in your
22 hearts. We have prayed for many years to see this
23 effort to a successful conclusion. It's been over
24 500 years that you have been in this country, and

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1 this is the first time a government agency has
2 begun to listen to the heartbreak calls by the
3 desecration of our cemeteries, the collection of
4 our ancestors' bones and burial goods for display
5 and profit.

6 The Native peoples of this country
7 ask that you, the Department of Energy, the
8 Environmental Protection Agency, Department of the
9 Interior, include in your plans for this land a
10 final resting place for those long disturbed people
11 that haven't a resting place anywhere in this great
12 land in which they lived and died. The whole world
13 is watching and listening to what you do here.
14 Please tell them that you have heard. Thank you.

15 MR. STEGNER: Thank you for your
16 thoughts. Next is Barbara Crandell.

17 MS. CRANDELL: I first would like to
18 apologize to all of these people for turning my
19 back to them. This is considered an extremely rude
20 thing to do.

21 My name is Barbara Crandell, and I
22 live at [REDACTED]

23 [REDACTED] I am the co-chair of the Native
24 American Alliance, and I wish to thank you all for

1 the opportunity to be here and speak to you on this.
2 final land use project.

3 My request is for space to rebury
4 thousands of Indian remains. These remains are
5 laying in the historical societies and the
6 universities, laying in shelves, in dark
7 warehouses, in cardboard boxes. Waiting for
8 someone to come to their rescue. Will you be that
9 person? Will you help us bury our dead? That is
10 our request. It's a very simple one, help us bury
11 our dead.

12 The federal government has put tags
13 on our people. They put tags on the living, but
14 then they had to turn around and put tags on the
15 dead, identifiable, unidentifiable. We call them
16 relatives, ancestors, our loved ones. They are not
17 unidentifiable. They're our ancestors. We wish to
18 bury them.

19 In 1994 when the Fernald
20 environmental project people contacted me, they
21 informed me that burials had been disturbed while
22 they were putting new water lines in. In 1997 we
23 reburied these people here in the protected land of
24 the Fernald nuclear weapon plant. As I helped put

1 the last clod of dirt over the ancestors, a dream
2 came to me, a dream to ask for land to bury all of
3 our ancestors. I have never stopped dreaming. Not
4 a day goes by that I do not think of this and what
5 a wonderful benefit it would be to our old ones.

6 Our dream is to create a park. In
7 this park we hope to have trees, grass, prairie
8 grass, and along the edge of the burials we would
9 like to have benches made of stone. I prefer to
10 have them made of stone so they may last out
11 through the Ohio weather and through the children
12 that come to learn and play.

13 We would like to build monuments, and
14 on these stone monuments we want to put bronze
15 plaques that will tell of the first people of this
16 land. It would be history lessons on these plaques
17 so that when the children come to visit and to see,
18 they would get a history lesson and they would
19 learn what our people were about.

20 And we would like to ask for a museum
21 to go in. Mr. Innis, a local man here, has been
22 very kind and he has many good ideas, and we would
23 like to incorporate his ideas into our -- with our
24 ideas so that we can have a museum to house

1 artifacts and things of other historic interest and
2 value.

3 The Native American Alliance has
4 traveled many miles searching for a final resting
5 place for its ancestors. Until we get federal land
6 to bury them in, there will be no protection for
7 them. If they are buried on private land, they're
8 still at risk of being dug up and their journey to
9 the spirit world interrupted.

10 If this proposal is granted, it would
11 bring much honor and pride to the community.
12 Indian people would come from all over the United
13 States to show their appreciation for this park,
14 and we would try to make it a place that the
15 community would be proud of. Thank you.

16 MR. STEGNER: Thank you, Ms.
17 Crandell. Next, also with the Native American
18 Alliance, is Jean McCord.

19 MR. MCCORD: I am Jean McCord. My
20 address is [REDACTED]
21 I am a Cherokee.

22 For everything there is a season and
23 a time for every matter under heaven. These words,
24 penned by the ancient Hebrew psalmist, were spoken

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1 also by the first people of our continent, our
2 people, who lived by the seasons and understood the
3 cyclical nature of life at the time. The Hebrew
4 poet goes on to say that there is a time to break
5 down and a time to build up.

6 For Fernald the time to break down is
7 rapidly passing. The time of devastation is over.
8 The time of darkness is past. The terrible work of
9 this place is over and a new time has begun. It is
10 now the time to gather stones together and to build
11 up, and here at Fernald to build up means to give
12 back, give back the clean air, the pure water, the
13 good earth. Give back the trees, the birds and the
14 grasses, and give back land for the first people.
15 Give back a place where our ancient dead can be
16 reclaimed and protected, where our ancestors can be
17 returned from the shelves on which they lie and be
18 reburied in dignity and in honor in sacred Mother
19 Earth.

20 We ask not for ourselves but for our
21 old ones, the ones who taught us, as your ancestors
22 did, that there is a time for every matter. The
23 ancient Hebrew psalmist is remembered and revered
24 for his legacy left to the generations. So, too,

1 we remember and revere our ancient ones. It is
2 they who taught us to walk in harmony and balance,
3 to love Mother Earth, to live within the cycles of
4 the seasons. It is time now for us to honor them.

5 We know that things will never really
6 be the same again on this land called Fernald. We
7 know that the tears and the blood spilled in this
8 land will never be returned. We know that broken
9 hearts can never truly be mended, but a memorial
10 park of first people will serve as a symbol of
11 reconciliation to this lost generation. It will
12 serve as a symbol of hope to our children and to
13 their children and to their children's children.
14 It will be for all of us a symbol that it is time
15 to cease from weeping and begin to laugh, to cease
16 from mourning and begin to dance. Thank you.

17 MR. STEGNER: Thank you. Pam Dunn
18 from FRESH.

19 MS. DUNN: Pass for right now.

20 MR. STEGNER: Okay. That is all
21 that we have signed up. There is an open
22 microphone right now, you did not have to sign up.
23 So if anyone would like to speak. Mr. Innis.

24 MR. INNIS: Thank you, Mrs.

1 Crandell, for the introduction. I'm Jim Innis. I
2 live at [REDACTED] I will
3 speak for myself, but on the hope that I represent
4 most of the members of the Crosby Township
5 Historical Society.

6 The Crosby Township Historical
7 Society, founded in 1996, has grown to a membership
8 of 78 persons. We differ in ages, occupations,
9 educational backgrounds, political viewpoints, and
10 economic status. But we all share an interest in
11 the history of our township and agree to research
12 and preserve that history, making it available for
13 others to study and appreciate.

14 In 2003 we will sponsor the
15 celebration of our township's bicentennial. The
16 remarkable fact of our township's history is its
17 long, peaceful, agrarian quality until 1951. In
18 that year Crosby Township experienced and incurred
19 a major element of change, the Fernald Feed
20 Materials Production Center.

21 Through a sequence of actions,
22 tactics used by the Atomic Energy Commission to
23 acquire the farmland from families who lived here
24 for generations, confusing rumors about its

1 purposes, government imposed rules of secrecy on
2 its workers, and exposure of the public to the
3 environmental contamination, Fernald became a
4 stigma for this community.

5 Thirty-eight years later neighborhood
6 concerns for health and safety were acknowledged,
7 and the only reasonable course begun, cessation of
8 operations and remediation of the site.

9 Now we are asked to approve a course
10 of final environmental restoration, as if anyone
11 could restore the site to pre-Fernald quality. We
12 have listened to the presentations at the FEMP
13 workshops for final land use and read the
14 assessment summary. We are generally encouraged by
15 your plans to create ponds, wetlands, forests, and
16 prairies as wildlife habitat. We believe that
17 remediation should help erase the stigma by
18 providing a new image of a clean and natural
19 environment, but we realize with disappointment
20 that this plan, though it has merits, is a
21 compromise.

22 We will always carry the burden of
23 the reputation of Fernald because contaminated
24 materials will remain forever in the on-site

1 disposal facility. The public of this southwestern
2 Ohio area will always live with the concern how can
3 we be sure contamination won't seep out to affect
4 our health and safety.

5 A restored environment, ostensibly a
6 wildlife habitat on 884 acres on the site, will not
7 be enough. The greatest permanent legacy that can
8 be left to the people of Crosby Township and the
9 neighborhood of Fernald would be a major
10 educational facility on a portion of the site,
11 perhaps on part of the 23 acres being reserved for
12 possible commercial development.

13 Located off the present south access
14 drive and visible from Willey Road and Route 128
15 should be a magnificent visitor center and museum.
16 This facility should be included in the plan to
17 teach the public what nuclear science is all about,
18 to demonstrate the sincere belief that what is left
19 behind is not going to destroy us, to restore faith
20 in our government. The public needs to see
21 exhibits of what transpired here under the veil of
22 secrecy to learn what role the dedicated workers of
23 Fernald played in the Cold War to sense some of the
24 pride in the workers and the natives who made

1 sacrifices to make the world secure against the
2 threats of a nuclear war. People can also be
3 taught not to have an unreasonable fear of nuclear
4 power by understanding and respecting it.

5 An important concept of the exhibit
6 should be a time line of history with four major
7 themes, Native American prehistory, European
8 American settlement, the nuclear age, and man and
9 his environment to give visitors a means of
10 grasping how much human civilization has passed
11 before and since the discovery of nuclear energy
12 and what improvements have been brought to our
13 lives through nuclear science, who were the
14 inventors, scientists, engineers. The display
15 should range from technical artifacts and
16 manufacturing and processing equipment from the
17 facility to its contributions to energy production
18 and weaponry. Interactive displays of computer
19 terminals and touch screens and CD Roms should
20 offer menus to a universe of history and technology
21 as a tool to public education.

22 Along a time line of regional history
23 beginning at the end of the last Ice Age marks the
24 culture of early humans who made their camps or

1 homes here, followed by successfully more
2 culturally advanced groups of Native Americans, to
3 the time of the first European explorers and
4 traders. The ancient history of the early Native
5 Americans who settled here 200 years ago, key to
6 the birth and development of this township, blend
7 into the lives of their descendants. The first
8 half century tell us of Cold War -- I'm sorry, the
9 final half century tells of the Cold War and
10 Fernald and the close of that era and remediation
11 at the facility. The backdrop of environmental
12 evolution from the Ice Age through human
13 settlement, agricultural development, industrial
14 contamination, pollution detection and processes of
15 remediation should prove a powerful series of
16 lessons for all visitors.

17 The museum should display the
18 collections of prehistoric cultural artifacts that
19 have been discovered on the site, as well as
20 additional artifacts that may be donated from
21 private archeological collections of this region.
22 We have a rich heritage of Native American
23 evidence, possibly unique in the entire tri-state,
24 and it should be displayed for public appreciation

1 and education.

2 Consideration should be given to both
3 permanent and temporary exhibits located in other
4 universities or museums. DOE's and FDF's, the vast
5 archives of photographs of the neighborhood, the
6 construction, the employees of the facility of
7 uranium production and of the remediation should
8 remain here with the museum as part of our legacy,
9 not be moved to the National Archives in some
10 distant city. They can be a valuable component of
11 the displays of history of the area and the site.
12 The library of the PEIC should stay for the public
13 benefit, incorporated into a library in this
14 visitor center museum and include other reference
15 materials for public reading and research related
16 to the subject collection.

17 Oral histories of hundreds, perhaps
18 thousands, of Fernald's employees, retirees, and
19 leaders will be recorded in the next few years by
20 the volunteer group and the Fernald living history
21 project. Nowhere can be more appropriate than this
22 museum to archive the collection of memories and
23 incorporate them into interactive touch screen
24 computer audiovisual displays, a truly lasting

1 memorial to the people of Fernald.

2 Classrooms for school groups' field
3 trips will allow discussions and instruction of
4 volunteers with smaller groups. A large auditorium
5 will be needed to do audiovisual presentations,
6 public seminars, and programs put on by invited
7 lecturers and for scheduled public meetings.

8 Besides the education of the visitors
9 here, there will be a need for staff offices,
10 lounge space for employees and volunteers, a food
11 service facility, shops selling books and other
12 appropriate souvenirs, exhibit preparation and
13 multi media labs, storage rooms for janitorial
14 facilities and restrooms. The building should be
15 especially designed for ready access by school
16 class tours in such a manner that they should not
17 hinder individuals and families of the visiting
18 public.

19 The visitor center museum should have
20 a broad expansive viewing, providing a panorama of
21 restored natural landscape for people to view and
22 appreciate in all seasons and weather. This will
23 be a place unlike any other in the Midwest, with a
24 natural park and community wildlife surrounded by a

1 major interpretive center.

2 Perhaps in addition to the several
3 white tailed deer that choose to live here, a small
4 number of American bison and elk could be
5 introduced to graze freely on the grasses and among
6 the trees, just as these species did here several
7 hundred years ago. Their hoof prints and droppings
8 will provide a positive image of the restored
9 prairies. What a sight these animals would be.

10 We would like to include our support
11 for the proposals of the Native American Alliance
12 of Ohio to be allowed to reinter the cultural
13 unidentified remains of the prehistoric Indians on
14 the Fernald site. We feel this would be consistent
15 with the area becoming a natural preserve and feel
16 that unobtrusive monuments honoring their departed
17 ones would be appropriate. This could be used as a
18 reburial site if such would not offend their
19 beliefs.

20 From the museum exhibits the public
21 will learn much about the cultures that have lived
22 here and want to see monuments erected to their
23 predecessors by modern Native Americans. This
24 would also provide a message to the public that

1 disturbance of burials is no longer an approved
2 pastime and that skeletal remains, whatever the
3 origin, should be treated with respect and left in
4 place in the ground. As a means of providing
5 supervision and recordkeeping for the reburial
6 site, we suggest that an office of Native American
7 oversight be included here in the visitor center
8 museum.

9 Thus this park and its visitor center
10 museum could be a total adventure in American
11 history in southwestern Ohio, providing school
12 children and adults a truly unique educational
13 experience. It will attract tens of thousands a
14 year, and it will be on the national map of must
15 see museums and tourist sites. Thank you.

16 MR. STEGNER: Thank you, Mr. Innis.
17 Anyone else?

18 MS. DUNN: You've got me confused
19 between the restoration plan and the EA. This is
20 the EA, not the restoration plan, right?

21 MR. STEGNER: Right.

22 MS. DUNN: Pam Dunn, [REDACTED]
23 [REDACTED] Member of FRESH, FCAB, you
24 know, I live right around the corner here.

1 I like the green space, wildlife
2 preserve, nature preserve aspect. This is
3 something I've wanted to see happen to this site
4 for a long time. So I do support your proposed
5 action on that.

6 I think some other things need to be
7 a little hammered out, though, and I'm not sure if
8 it's the EA or if it's the restoration plan. I
9 think you really need to be a little more detailed
10 on the recreational usage of it. It's one thing to
11 have hiking trails and places to bird watch, but I
12 think you really need to be careful, I don't think
13 you want hunting, fishing, I don't think you want
14 to see ball parks and anything like that out
15 there. And I'm just not sure which document that
16 comment needs to go to.

17 The 23 acres, there again, on the
18 commercial, I don't have a problem with an
19 educational museum center, and I personally support
20 whatever the federally recognized tribes and the
21 Alliance of Ohio Native Americans would like to do
22 there. But any other type of commercial
23 development, I think you really need to look at
24 that too. I mean, I would really hate to see

1 industrial complexes there like storage warehouses
2 right beside a natural resource preservation and a
3 nature preserve. I just don't think that would be
4 real aesthetically pleasing. But other than those
5 two areas, I support the proposed action.

6 MR. STEGNER: Thank you, Pam.
7 Anyone else? Mr. DePoe, Steve.

8 MR. DEPOE: Hi. I just got here
9 from working at a concession stand for my child's
10 soccer game, so I missed some of the comments. I
11 got in right at the end of Mr. Innis' comment.

12 Actually, the place where I was
13 before coming here is relevant because I think at
14 the forefront of our minds when thinking about
15 post-remediation landscapes out here should be our
16 children, should be future generations. My son
17 before I left this evening asked me where are you
18 going tonight, Daddy, and I said to a meeting,
19 that's what we always say, but I think a lot of us
20 who participate actively out here either on-site as
21 employees or as concerned citizens need to ask
22 ourselves why are we getting involved in site
23 cleanup activities and in plans for the future, and
24 I really think it comes down to thinking about

1 children and future generations.

2 I live in Colerain Township about
3 eight miles as the crow flies from the Fernald
4 site. I'm also a teacher at the University of
5 Cincinnati. It's been my pleasure for the last
6 year or so to work with a group of volunteers,
7 community members, and some folks from Fluor
8 Daniel/Fernald, DOE, and Ohio EPA, in kind of an ad
9 hoc volunteer advisory group that has drawn up the
10 concept of a community based historical project
11 that might fit in nicely with an alternative that
12 would involve the development of a community based
13 educational center along the lines of what Mr.
14 Innis has talked about.

15 Along those lines I want to make just
16 three recommendations. I'll also put this in
17 writing for the comment period. The
18 recommendations that I would have as a member of
19 that kind of ad hoc group are as follows: One,
20 that part of the property, perhaps the 23 acres,
21 perhaps elsewhere on the site, be set aside for a
22 community based cultural or educational center.
23 Mr. Innis has spoken quite eloquently to that, I
24 don't think I could add anything to that.

1 My second recommendations would be
2 that whatever historical exhibit or project is out
3 here after remediation should involve both
4 technical components and community or cultural
5 components. I think the history of Fernald is a
6 very interesting history of tragedy and triumph, of
7 human folly and technological achievement. There
8 are lots of different stories that should be told.
9 I think the technological side should be told and
10 preserved, but I think also the human side should
11 be preserved, the experiences of the workers, of
12 the folks living around the site. And so my
13 recommendation is that any kind of historical
14 effort look at all sides of the Fernald experience,
15 both the technical and the more social or
16 community.

17 And my third and final recommendation
18 is that whatever historical project is put in place
19 out here, if that is the ultimate action, have a
20 strong community input component in its design and
21 execution. I think that one of the stories of
22 Fernald is that civic engagement pays dividends in
23 terms of things that are decided out here and
24 implemented, and I would urge that whatever project

1 is undertaken out here from an educational
2 standpoint include community members from the
3 outset in the design and implementation of that
4 program.

5 So set aside some property for an
6 educational center, make sure the historical effort
7 involves both technical and cultural components,
8 and make sure an educational activity, whatever it
9 might be, have a strong basis in community. And
10 those are my three recommendations. Thank you.

11 MR. STEGNER: Thank you, Steve.
12 Anyone else wish to speak? Larry Stebbins.

13 MR. STEBBINS: My name is Larry
14 Stebbins. I live at [REDACTED]
15 [REDACTED] mailing address, that is in Ross Township.

16 My suggestion would be -- I've heard
17 some wonderful things tonight and some of the best
18 ideas I've heard for the land use after closure
19 would be to adopt some of the ideas tonight.
20 There's a great deal of support in the community
21 that I live in for a library, which could be part
22 of Mr. Innis' proposal. I did hear library
23 mentioned, and there would be a good deal of
24 community support for that.

1 I think what is envisioned in the
2 sense of an historical preservation museum probably
3 will require more space than the 23 acres, and I
4 would like personally to see the frontage on Willey
5 Road opened up for development, and if that is
6 done, I realize that will cut into some of the 800
7 or so acres that were set aside for natural
8 resources damages, but if that is done and it is
9 the desire of the community to see something like
10 what is being envisioned and talked about here, I
11 don't think the Department of Energy should be
12 penalized for opening up that land for that type of
13 reuse. If it's done properly, it can still be a
14 natural area. It can still meet the many
15 constraints that Kathi pointed out and still
16 satisfy the many needs because ultimately if the
17 Department of Energy has to use land somewhere else
18 to repay natural resources damages, it only comes
19 out of taxpayers' pockets to do so, and I think the
20 small addition of land to create the frontage of
21 usable property on Willey Road certainly will not
22 impact the overall natural resources restoration.
23 Thank you.

24 MR. STEGNER: Thank you, Larry.

1 MR. STEGNER: Next. Going once,
 2 twice. Okay I want to remind everyone before you
 3 leave tonight that the comment period is still
 4 open. You do not have to speak here tonight to get
 5 your comments into the record. You can send them
 6 to me in writing prior to October 20th. And if you
 7 will keep tabs, looking through The Fernald Report
 8 or periodic mailings, through updates at our
 9 community meetings that we have, we will keep you
 10 apprised of progress that we're making in arriving
 11 at our final strategy for the site. I thank you
 12 all very much for attending tonight. Your comments
 13 were very beneficial. They will be taken into
 14 consideration. And please drive carefully going
 15 home. Thank you all.

16 - - -
 17 PUBLIC HEARING CONCLUDED
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C E R T I F I C A T E

I, LOIS A. ROELL, RPR, the undersigned, a notary public-court reporter, do hereby certify that at the time and place stated herein, I recorded in stenotypy and thereafter had transcribed with computer-aided transcription the within (51) fifty-one pages, and that the foregoing transcript of proceedings is a complete and accurate report of my said stenotypy notes.

Lois A. Roell

MY COMMISSION EXPIRES: LOIS A. ROELL, RPR
AUGUST 12, 2002. NOTARY PUBLIC-STATE OF OHIO