

**Finding of No Significant Impact
for the
Disposition of Prehistoric Remains
Associated with the Public Water Supply Project**

1.0 Summary

The U.S. Department of Energy, Fernald Office (DOE-FEMP) has prepared an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) to evaluate the environmental impacts associated with the disposition of prehistoric Native American remains discovered during installation of the Public Water Supply project. The proposed action as described in the EA calls for the reburial of the remains within a two-acre plot on-property at the Fernald Environmental Management Project (FEMP). After careful evaluation of the proposed action, the range of alternatives, the environmental effects of all alternatives, and public input, DOE-FEMP has determined that the EA supports the finding that the proposed action will not have a significant effect on the human environment. As a result, no further NEPA documentation is required.

2.0 EA Availability

Copies of the EA for the Disposition of Prehistoric Remains Associated with the Public Water Supply Project are available at the Public Environmental Information Center, 10845 Hamilton-Cleves Highway, Harrison, Ohio 45030, (513) 738-0164.

3.0 Background

DOE has partially funded the installation of an alternate water supply to residents around the FEMP affected by contaminated groundwater. Prior to the installation of the pipelines, archeological surveys were conducted to comply with Section 106 of the National Historic Preservation Act (HPA). These surveys resulted in the identification of prehistoric remains and associated funerary objects at site 33Ha400, as well as prehistoric bone fragments at site 33Ha607 and 33Ha608. None of these sites are within the FEMP property boundary.

As agreed upon with the Ohio Historic Preservation Office, DOE-FEMP underwent data recovery to remove the remains and associated objects that would be impacted by installation of the pipeline. Since DOE-FEMP took possession of the remains, the notification and repatriation provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) applied. The federally-recognized Shawnee and Miami Tribes were consulted, as well as the Native American Alliance of Ohio, which was involved as a consulting party under the NHPA.

Originally, all Native American Tribes and Groups consulted indicated a desire to have the remains reburied on-property at the FEMP. The Miami Tribe of Oklahoma filed a NAGPRA claim of ownership for the remains, based on their assertion as the aboriginal occupants of southwestern

Ohio. However, after negotiations with all Native American Tribes and Groups participating, agreement was reached in January of 1997 that the remains should be reburied on FEMP property. DOE has maintained the position that, based on data recovery results, the remains are culturally unaffiliated, and therefore not owned by any Native American Tribe. By reburying the remains on FEMP property, DOE is committed to meeting the wishes of the various Native American Tribes and Groups that have shown an interest in the remains.

4.0 Proposed Action

The proposed action for the disposition of prehistoric remains associated with the Public Water Supply Project is for all remains and associated funerary objects to be reburied on-property at the FEMP. Approximately two acres would be set aside in the northern portion of the FEMP. The proposed area would be protected from prehistoric artifact collectors since it is on federal property. Also, this location should not be impacted by remedial activities and is compatible with all applicable federal, state, and local laws regarding the location of cemeteries.

Reburial activities would take place in accordance with the wishes of Native American Tribes and Groups. After reburial has been completed, DOE would retain ownership of the reburial property. DOE would maintain the area and continue to restrict access to the property as well, except for periodic visits by Native American Tribes and Groups, if so desired. Although not anticipated, if DOE was to ever consider sale or transfer of the property to any person other than another federal agency/department, input would be received from all interested parties and any necessary agreements to maintain the area as a burial ground would be negotiated.

Only the remains and associated funerary objects recovered from the Public Water Supply project will be reburied at this time. Other remains that are discovered as a result of remedial activities at the FEMP may be reburied at this same location in the future, if all interested parties agree.

5.0 Environmental Effects

Based on the location of the proposed action, environmental impacts would be minor. No floodplains, wetlands, or threatened and endangered species or habitat is located within the reburial location. A cultural resource survey was conducted on the proposed location and no cultural resources were found. Reburial activities would lead to minimal impacts with respect to water quality and air quality. Surrounding land use is primarily agricultural, and the local population is sparse. Since the location of reburial would not be visible off-property, impacts to local land owners would be minimal. However, local land owners would be consulted prior to reburial activities as part of the EA public review process.

Impacts to the prehistoric remains themselves (as a cultural resource) would also be minimized to the fullest extent possible, since the wishes of Native American Tribes and Groups would be met. The area would be secure and protected from future development and prehistoric artifact collectors. Native American Tribes and Groups would be granted access to the area to perform ceremonies, if so desired.

6.0 Alternatives Considered

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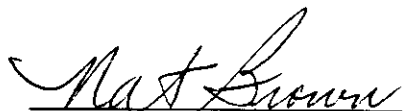
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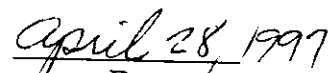
The EA considered reburial within a Hamilton County Park as the only other reasonable alternative to the proposed action. This alternative is similar to the proposed action, except that reburial would occur within the boundary of a Hamilton County Park. There are several parks in the area where the remains may be reburied, including Miami Whitewater Forest, Shawnee Lookout, and Mitchell Memorial Forest. Any of these parks provide some of the same benefits as reburial at the FEMP, such as controlled access and protection from development. DOE has made contact with the Hamilton County Park District to determine the feasibility of reburial on park grounds (Hamilton County Park District, 1995). Park officials have not agreed to reburial at this time and further consultation would be required before any agreement could be reached on reburial at a Hamilton County Park.

Other options for the disposition of the prehistoric remains associated with the Public Water Supply Project that were considered in the EA include the following: curation, reburial *in situ* along State Route 128, transfer to the Native American Alliance of Ohio, reburial at a local cemetery, and reburial in a regional Native American burial ground that would be established at the FEMP. The No Action alternative was also evaluated. All of these alternatives were considered unreasonable for various reasons, as detailed in the EA.

7.0 Determination

As stated earlier, environmental impacts associated with the proposed action are expected to be minor. Based on this, and on the fact that on-property reburial of the remains is generally in accordance with the wishes of Native American Tribes and Groups, DOE-FEMP has determined that the proposed action would have no significant impact on the human environment. Therefore, no further NEPA documentation is required.


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Date