

Other limiting factors also exist at the site. The soil survey indicates that the soil types at the site are some of the poorest agriculture producing soil types in Bay County. It is also unlikely that an agricultural user would purchase and develop a site for use that has a maximum production area of only three acres. Water well yield is traditionally low throughout the area, making installation of multiple, deep water wells for irrigation unlikely.

More suitable farmland is located in the surrounding areas. Advantages to farming the surrounding area lands include:

- Soil that is more suitable for farming.
- Easier access due to existing infrastructure.
- Less expense to "prepare" land for farming (i.e. draining).
- Population higher in surrounding area, therefore a larger "consumer base."

COMMERCIAL USE LIMITATIONS

Commercial use of the land would face the same infrastructure requirements as those required for agricultural use, plus the need for adequate power and water supply.

Frequent flooding and wetness of the site would require extensive and well-maintained drainage systems and may be cost-prohibitive as well as physically prohibitive to the construction of large commercial buildings. Power supply would require the installation of approximately one mile of poles and wire at a current value cost of approximately \$80,000. Water supply in the area is obtained from depths of approximately 150 feet below ground surface. Low water well yields are common in this area and this may be a significant issue depending upon the water usage requirements of the intended commercial establishment. Installation of a deep well, pumps, water lines, and associated equipment would cost approximately \$8,000 to \$10,000. The high water table also presents problems with traditional and engineered septic systems and required septic field sizes.

RESIDENTIAL USE LIMITATIONS

MDNR does not believe it likely that any sort of residential use would be attempted at this property. Numerous infrastructure costs noted previously for agricultural and commercial uses make this property unattractive in comparison to other available land in the area. Hypothetical future residents of this property would be required to travel through or next to a landfill to get to the nearest public roadway. The parcel offers little aesthetic value, other than isolation. It has few large trees and is surrounded by a wetland that provides excellent breeding sites for nuisance insects. Other disadvantages previously noted that would be applicable to residential use include the need for, and the high cost of providing power, water, drainage, and an engineered septic system.

RECREATIONAL USE LIMITATIONS

Typical recreational opportunities that provide value to vacant land are not present at this site-- access to lakes and streams. With its proximity to a State Game Area, the site is potentially most attractive to hunters. Since hunters would use the site only sporadically, they would likely avoid the development costs associated with road and infrastructure construction.

Beyond road access, the level of site development required by a hunter would be entirely dependent upon the potential owner's desires. Placement of more permanent facilities such as a water well and/or rustic cabin would likely be more expensive at the site than at another property within the area. These developments would face the same prohibitive challenges as that noted for residential use.

MDNR proposes the credible notion that recreational users would not attempt to establish permanent structures or perform excavation for any reason. If installed, water wells would, by typical yield rates and by rule, have to be screened below the contaminated zones.

Table 1 summarizes the advantages/disadvantages of the various potential land reuse scenarios for the site.

Table 1 – Site Land Reuse Advantages/Disadvantages

Possible Land Uses	Minimum Development Requirements	Relative Cost	Site Advantages	Site Disadvantages	Relative Likelihood
Agricultural	Access Road Construction, Site Drainage, Land Clearing, Site Work, Water Supply, Building Construction, Soil Importing and Amendments	Very High	None	Existing soil types are poor producers, flooding, wetness, small acreage, access	Extremely Low
Recreational	Access Road Construction, Site Drainage*, Land Clearing*, Site Work*, Water Supply*, Building Construction*	Moderate	Bordered by State Game Area	No lake/river recreation, limited to hunting only	Low
Commercial	Access Road Construction, Site Drainage, Land Clearing, Site Work, Water Supply, Building Construction	Very High	Railroad nearby	Site is far from existing roads, limited acreage, excavations not possible, flooding	Extremely Low
Residential	Access Road Construction, Site Drainage, Land Clearing, Site Work, Water Supply, Building Construction	Very High	Isolated	Site is far from existing roads, basements not possible, flooding, septic difficult, deep well required, access, utility infrastructure	Extremely Low

(asterisk indicates it may be optional)

Based on the State Census Data, the population in Bay County has been steadily decreasing over the past 20 years and is expected to continue to decrease over the next 20 years. There is an expectation that some development will occur along the major corridors (Highway 13), but not along Beaver Road, south of the site. This is due to a variety of factors, such as wetlands in the area and public land (established State Game and Recreation Areas). The population of Bay County, for the year 2000, was projected at 111,500 individuals. The population within a one mile radius of the site is estimated at 750 individuals¹. No residential properties exist within a 0.5 mile radius of the site. Table 2 presents Bay County's past and current population breakdown (Bay County Growth Alliance Census data). Table 3 presents Bay County's projected future population trend (State of Michigan Census data).

Table 2 - Bay County Past and Current Population

YEAR	1960	1970	1980	1990	2000
POPULATION	107,042	117,339	119,881	111,723	111,500

Table 3 - Bay County Population Projections

YEAR	2000	2005	2010	2015	2020
PROJECTED POPULATION	111,500	110,700	109,400	107,700	105,800

SUMMARY OF RESPONSE TO QUESTIONS FROM ISSUE ONE

Based upon these limiting site physical characteristics, societal trends, and significantly unfavorable economic factors, and without regard to the multiple agency impediments to future development, MDNR considers the future use of the site for farming or residential/commercial development to be prohibitively unlikely. However, given the potential low cost of development for recreational use, MDNR believes that it may be possible to reuse the site for recreational, primarily hunting, purposes.

MULTI AGENCY IMPEDIMENTS

In issue two, you ask "As to the multi agency impediments, i.e., institutional controls, to the extent they form part of the basis to support your recreational scenario, do they have an objective of lasting over a thousand year period and are they reasonably expected to be effective into the foreseeable future to preserve the basis for the dose scenario?"

As described above, MDNR does not consider the institutionally controlled impediments to future land development currently afforded by a suite of restrictions implemented by multiple agencies (both Federal and State) necessary to form the basis to support the conclusion that a

¹ This estimation was taken by multiplying the number of habitable domestic structures within a 1 mile radius by 5 people for each structure.

residential or farming scenario is not realistically credible. While these are not considered in forming the technical basis for the selection of future use scenarios to be modeled at the site, they logically contribute to the confidence that MDNR has in its conclusion.

Listed below are current, in-place restrictions or controls implemented by both State and Federal agencies and without regard to residual radioactivity present at the site.

FEDERAL RESTRICTIONS ESTABLISHED FOR THE TOBICO MARSH SITE

National Natural Landmarks Program, Department of the Interior

Tobico Marsh was designated a National Natural Landmark (NNL) in 1976. As a result, the site is, to date, 1 of 587 NNLs. This program is administered by the National Park Service under 36 CFR, Part 62 (Appendix A).

A NNL is a nationally significant natural area that has been designated by the Secretary of the Interior. To be nationally significant, a site must be one of the best examples of a type of biotic community or geologic feature in its physiographic province. It is a goal of the NNL program to identify, recognize, and encourage the protection of sites containing the best remaining examples of ecological and geological components of the nation's landscape. Some NNLs are the best remaining examples of a type of feature in the country. An annual report is submitted to Congress on the condition of the Tobico Marsh. The Federal designation as an NNL, does not interfere nor supercede any other land use restrictions, but adds to the impetus to protect an enrolled parcel.

United States Army Corps of Engineers

Due to Tobico Marsh State Game Area being a wetlands area, all activities at the Tobico Marsh SGA site require a joint permit application to the U.S. Army Corps of Engineers and the State of Michigan. The wetland regulatory authority and responsibilities of the USACE are based on Section 10 of the Rivers and Harbors Act of 1899 (Appendix B), and Section 404 of the Clean Water Act of 1977 (Appendix C). Permits are reviewed based on:

- The relevant extent of public and private needs;
- Where unresolved conflicts of resource use exist, the practicability of using reasonable alternative locations and methods to accomplish project purposes; and

- Tobico Marsh (585 acres) is part of the largest contiguous freshwater wetlands in the United States.

Additional State regulations that may affect wetlands include:

- Soil Erosion and Sedimentation Control (Part 91, Act 451 of 1994)
- Land Division Act (P.A. 591 of 1997)
- Michigan Environmental Protection Act (Part 365, Act 451 of 1994)
- Michigan Endangered Species Act (Part 365, Act 451 of 1994)
- Water Resources Protection (Part 31, Act 451 of 1994)

SUMMARY OF RESPONSE TO QUESTIONS FROM ISSUE TWO

MDNR acknowledges that institutionally established impediments to future land use and development are subject to the legislative process and, among those referenced herein, are not designed with an objective of remaining in effect over a period of 1000 years. Still, the "multiple agency impediments" (while not relied upon in forming the technical basis for the selection of credible future use scenarios to be modeled at the site) logically contribute to the confidence that MDNR has in its conclusion.

SUMMARY

MDNR believes that the significant capital costs required to develop the land for agricultural, commercial, or residential use, render it extremely unlikely that the land would be used in any of these capacities. Additionally, the site size, extremely poor soil quality, distance from main roads, substantial engineering challenges to development, and undesirable aesthetics present additional obstacles to these uses. Due to the potentially low development costs and the proximity to the Tobico State Game Area, MDNR also believes that future recreational use of the land by hunters represents the most probable and realistic reuse of the site. MDNR believes that the limiting physical characteristics of the site, in the absence of any institutionally controlled impediments to development, provide a substantial and credible basis for concluding that it is unrealistic to project that the site might be used for residential dwellings or farming for the foreseeable future. Consequently, the MDNR site could be shown to satisfy the unrestricted use criteria of 10 CFR, Part 20.1402 without concern for the potential future dose to a critical member of a residential or subsistence farming exposure group.

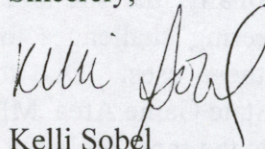
Mr. Larry Camper
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September 13, 2002

MDNR'S PHILOSOPHY ON PROPERTY CONSOLIDATION

In addition to the requested materials, I wanted to take this opportunity to assure you that it is our intent to maintain ownership of the parcel in question into the foreseeable future. The MDNR is in the business of consolidating its properties rather than liquidating in-holdings. The subject site was unfortunately obtained from its original owner in an effort to consolidate State lands. The philosophy of acquiring versus liquidating in-holdings allows the Department to manage its lands more efficiently. Generically, if we sell isolated properties within State Game Areas, we are then obligated to the sale of, or granting of, an easement across adjacent public property to avoid trespass problems. In this instance, if we were to sell the three acres to any private individual or corporation, and they developed the site in any way, our State Game laws require that a 450-foot buffer zone (no shot zone) be created around any private residence or building. We would not only be taking three acres out of public use for hunting, but an additional 14 acres would effectively be removed from hunting as well. This is not wise stewardship of the State's resources (land and money) and it is against our mandate for providing optimal recreational opportunities for the people of the State. The hunter scenario is realistic and supported by our land management philosophy.

We look forward to continued enlightened discussions toward eventual unrestricted decommissioning of the Tobico Marsh SGA site. If you have any questions on the MDNR's answers, please feel free to contact Ms. Denise Gruben, of our Office of Property Management, at 517-335-4036.

Sincerely,



Kelli Sobel
Administrative Services Deputy
517-373-2425

Enclosure

cc: Mr. Sam Nalluswami, USNRC
Mr. Ed Kulzer, USNRC
Mr. Rick Dunkin, Harding ESE
Mr. Jeff Lively, MACTEC
Mr. Robert Skowronek, MDEQ
Mr. Tim Bertram, MDEQ
Ms. Lois Hinkle-Klender, MDNR
Ms. Denise Gruben, MDNR

Appendix A

[Code of Federal Regulations]
[Title 36, Volume 1, Parts 1 to 199]
[Revised as of July 1, 2000]
From the U.S. Government Printing Office via GPO Access
[CITE: 36CFR62.1]

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TITLE 36--PARKS, FORESTS, AND PUBLIC PROPERTY

DEPARTMENT OF THE INTERIOR

PART 62--NATIONAL NATURAL LANDMARKS PROGRAM--Table of Contents

Sec. 62.1 Purpose

The procedures in this part set forth the processes and criteria for the identification, evaluation, designation and monitoring of national natural landmarks.

(a) The National Natural Landmarks Program focuses attention on areas of exceptional natural value to the nation as a whole rather than to one particular State or locality. The program recognizes areas preserved by Federal, State and local agencies as well as private organizations and individuals and encourages the owners of national natural landmarks to voluntarily observe preservation precepts.

(b) The National Natural Landmarks Program identifies and preserves natural areas that best illustrate the biological and geological character of the United States, enhances the scientific and educational values of preserved areas, strengthens public appreciation of natural history, and fosters a greater concern for the conservation of the nation's natural heritage.

[Code of Federal Regulations]
[Title 36, Volume 1, Parts 1 to 199]
[Revised as of July 1, 2000]
From the U.S. Government Printing Office via GPO Access
[CITE: 36CFR62.2]

[Page 310-311]

TITLE 36--PARKS, FORESTS, AND PUBLIC PROPERTY

DEPARTMENT OF THE INTERIOR

PART 62--NATIONAL NATURAL LANDMARKS PROGRAM--Table of Contents

Sec. 62.2 Definitions.

The following definitions apply to this part:

National Natural Landmark is an area designated by the Secretary of the Interior as being of national significance to the United States because it is an outstanding example(s) of major biological and geological features found within the boundaries of the United States or its Territories or on the Outer Continental Shelf.

National Registry of Natural Landmarks is the official listing of all designated national natural landmarks.

National significance describes an area that is one of the best examples of a biological community or geological feature within a natural region of the United States, including terrestrial communities, landforms, geological features and processes, habitats of native plant and animal species, or fossil evidence of the development of life.

Natural region is a distinct physiographic province having similar geologic history, structures, and landforms. The basic physiographic characteristics of a natural region influence its vegetation, climate, soils, and animal life. Examples include the Atlantic Coastal Plain, Great Basin, and Brooks Range natural regions.

Owner means the individual(s), corporation(s), or partnership(s) holding fee simple title to property, or the head of the public agency or subordinate employee of the public agency to whom such authority was delegated and who is responsible for administering publicly owned land. Owner does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee interests (including leaseholds) of any form. A

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Native American tribe that is the beneficial fee simple owner of lands, with the United States as trustee, will be considered as owner of private property for the purposes of this part. Similarly, individual member(s) of a Native American tribe who are beneficial owner(s) of property, allottee(s) held in trust by the United States, will be considered as owner(s) of private property for the purposes of this part.

Potential national natural landmark means an area that, based on recommendation or initial comparison with other areas in the same natural region, seems to merit further study of its merits for possible national natural landmark designation.

Prejudicial procedural error is one that reasonably may be considered to have affected the outcome of the designation process.

Representative refers to any public or private individual, agency, or organization that is performing actions related to the identification, evaluation, designation or monitoring of national