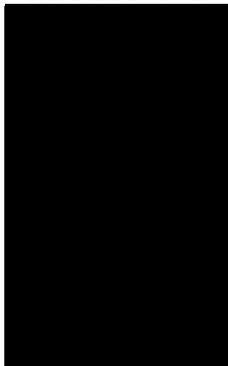




October 24, 2008

2008 Board of Directors



US Army Corps of Engineers  
FUSRAP Team – Seaway  
1776 Niagara Street  
Buffalo NY 14207

RE: Comments on the proposed plan for the Seaway Site

Buffalo Niagara Riverkeeper is a not-for-profit organization dedicated to the preservation and restoration of the Buffalo and Niagara River watersheds. Our main goals are to restore the ecological health of these rivers and the fish and wildlife they support, and to improve public access, especially to our Niagara River waterfront and greenway.

Board Emeritus



Executive Director and Riverkeeper



We strongly urge the US Army Corps of Engineers to re-evaluate the preferred alternative—on-site containment—for closure of the Seaway site. We recommend instead alternative 2, “complete excavation with offsite disposal” of contaminants to a dry and secure site, on the basis of the following main points.

**1. The proposed plan does not adhere to all applicable criteria for protecting human and environmental health**

The preferred alternative unreasonably selects two of six federal/state “applicable or relevant and appropriate requirements” (ARARS) or clean-up standards. It omits four other standards on the basis of a number of assumptions about their applicability to this site, including the assumption that Uranium Mill Tailings Radiation Act standards do not apply. These standards should apply, as the tailings came from a licensed uranium processing plant. The preferred alternative also assumes groundwater will not be impacted at the site for the next 1000 years and therefore no ARARs are necessary for the protection of the public or environment from groundwater. This assumption should be carefully reconsidered.

**2. The proposed plan overestimates the long-term security of this site in terms of slope and erosion**

The Seaway site is an unlined raised landfill with slopes exceeding 10 percent in a riverside environment subject to rain, snow, runoff and erosion. Surface water flows to Rattlesnake Creek which drains to Two

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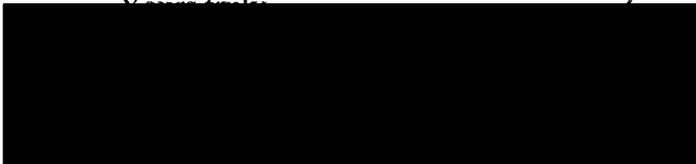
Mile Creek near its mouth at the Niagara River. In terms of the long-term health of the river and its communities, it is not safe to assume that large amounts of radioactive wastes with half-lives of thousands of years can be safely stored in this environment, especially with a cap of only 4 to 5 feet and with a maintenance plan of only 200 years. A true full-cost accounting of the maintenance required for safely isolating these wastes in this dynamic riparian environment over the course of their radioactive lives would likely not favor the current preferred alternative.

**3. The proposed plan ignores community plans for the Niagara River corridor.**

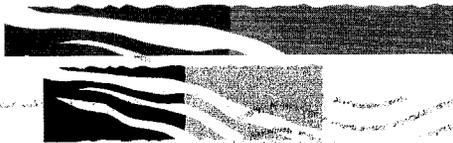
In terms of future land use at the site, the proposed plan assumes industrial land uses and low intensity recreation, allowing lower standards for clean-up. It sees little or no ecological risk, concluding that the habitat supports "minimal urban wildlife such as crows, gulls and rats." The plan ignores the Niagara River community's enormous investment of time and money in restoring the river corridor and protecting its existing global significance as a fish and wildlife corridor. It ignores the public access objectives of the Niagara River Greenway Plan; the fish and wildlife objectives of the Niagara River Remedial Action Plan; the ongoing NY Power Authority-funded Habitat Improvement Projects supporting the protection and restoration of fish, shorebirds, waterfowl, colonial gull colonies and eagles along the river; and the global recognition of the Niagara River as an Important Bird Area.

In the terms of the health of our Niagara River communities and the growing recognition of the rich natural and cultural heritage of the river corridor, on-site containment of radioactive materials at the Seaway site is simply not acceptable.

Your truly



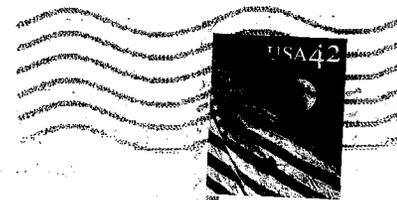
Buffalo Niagara Riverkeeper



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