

# ADVOCATES FOR THE OAK RIDGE RESERVATION

## Newsletter -- February 2003

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### **Permanent Protection for 3,000 Acres of the Oak Ridge Reservation**

On December 20, 2002, DOE signed an "Agreement in Principle" with the State of Tennessee to place about 3,000 acres on the western end of the Oak Ridge Reservation under a conservation easement for an "indefinite period" (as close to permanent as is legally possible), to be managed by the State of Tennessee.

Details of the arrangements are still being worked out, but this is wonderful news. This land is the largest block of continuous forest on the reservation. It encompasses virtually all of McKinney Ridge and the DOE-owned portion of Black Oak Ridge. These are the wooded ridges that overlook the K-25 site (East Tennessee Technology Park) and the Horizon Center (ED-1).

The area is home to a number of state-threatened plant species and numerous wildlife species, and serves as a major breeding ground for two dozen migratory bird species "of conservation concern" according to Partners in Flight. It also contains the six-mile North Boundary Trail, an Oak Ridge city greenway.

This ecologically important area is being dedicated to conservation as partial compensation to the people and the State of Tennessee for past damages to the state's natural resources by DOE's past contamination of the environment (specifically, the Clinch River). This is a result of negotiations between DOE and the State to settle natural resources damages assessment (NRDA) claims under the Superfund law.

This particular area was selected for protection due to the work of the DOE Land-Use Focus Group that considered future options for the northwestern portion of the Oak Ridge Reservation. The focus group was the first stage of the comprehensive land-use planning effort for the ORR that AFORR and others have worked to bring about. Its report strongly recommended that these ridges be preserved in perpetuity for conservation, research, and recreation (see related article).

In his speech at the dedication ceremony for the 3,000-acre conservation easement, Congressman Zach Wamp highlighted the success of the ORR planning efforts and emphasized the need for DOE to continue the land use planning process for the entire ORR, with public input.

AFORR agrees with Wamp's sentiment, and we look forward to the continuation of this type of planning. Later this month, AFORR representatives will meet with Gerald Boyd, the new manager of DOE's Oak Ridge Operations, to discuss the values of the ORR, our concerns its management, and the need for comprehensive planning. This will continue the dialogue we have maintained with previous manager Leah Dever and interim managers Mike Holland and Jim Turi.

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### **Freels Bend Outing - February 23**

Visit Freels Bend on the Oak Ridge Reservation for a nature walk on Sunday, February 23, 2003. This walk is co-sponsored by AFORR, Tennessee Citizens for Wilderness Planning, and the Knoxville Chapter of the Tennessee Ornithological Society, in cooperation with the Tennessee Wildlife Resources Agency, which manages Freels Bend as part of the Three Bend Scenic and Wildlife Management Area.

We will see the historic [Freels Bend Cabin](#), an interesting cave entrance, and perhaps some [tiger salamanders](#) or their eggs. The scenic trails pass through small coves and wetlands, considerable shoreline of Melton Hill Reservoir, grasslands, shrublands, and hardwood forests. Possible birds of interest include a variety of waterfowl, raptors, and sparrows.

We will meet in the parking lot of the American Museum of Science and Energy at 2 PM and caravan from there to Freels Bend. We may divide into groups based on interests. Larry Pounds, renowned local botanist, and Jim Evans, wildlife and bird specialist with TWRA, will co-lead the trip.

There will be more opportunities to visit the ORR through the spring and summer, coordinated through ORNL and the American Museum of Science and Energy. Call AMSE (576-3218) to participate in the March 8 woodcock walk, bird walks, wildflower walks, and other future events.

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### **Parcel ED-1 -- A Continuing DOE Experiment in Balancing Development with Conservation**

A DOE proposal to transfer 426 acres at the Horizon Center (ORR Parcel ED-1) to the Community Reuse Organization of East Tennessee (CROET) is in front of Congressional committees for a mandatory review before the transaction can be completed. This is part of almost 1000 acres that is now leased to CROET. DOE intends to transfer the developable portion of the property to CROET, but will keep title to 531 acres that were previously designated to be maintained as a natural area.

In May of last year DOE issued a draft environmental assessment (EA) addendum for a proposal to convey the entire parcel to CROET. AFORR and other organizations, agencies, and citizens commented on the draft

EA addendum. One of our chief concerns was that transfer of the entire property would not ensure effective protection of the 531-acre exclusion zone, which was established as a condition for the "finding of no significant impact" for the lease of this land.

In late summer we were pleased to discover that DOE listened to comments like ours and had scaled back its proposal to include only the developable lands in the transfer. This is good news.

AFORR has not yet seen the proposal that was sent to Congress, and members are watching the situation to see how DOE ensures that CROET and successor landowners fulfill requirements for environmental monitoring and other stewardship elements.

One remaining concern has to do with Development Area 4, a 35-acre tract at the far west end of ED-1. There is no road or infrastructure access to this area. It is separated from the rest of the Horizon Center by East Fork Poplar Creek and land that is supposed to be excluded from development. Neither the original EA (which assumed a different overall development plan) nor the draft EA addendum discussed the environmental impacts of providing access to this area from the rest of the Horizon Center.

Access to Area 4 could result in significant environmental effects. The most likely way to get access would be by converting the DOE patrol road at the west end of ED-1 into a highway. This would eliminate a popular section of the 6-mile [North Boundary Greenway trail](#) and require construction of as many as three new highway bridges. Also, by separating the natural area along East Fork Poplar Creek in ED-1 from the large tract of undisturbed land on McKinney Ridge (part of the 3,000-acre tract to be protected under the agreement announced in December), it would interfere with important breeding habitat for several songbird species that are considered to be "in trouble," such as the cerulean warbler.

If DOE is a responsible environmental steward, the agency should not include Development Area 4 in the acreage to be transferred to CROET with "no significant environmental impact."

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### **ORR Land-Use Planning Focus Group Completes Its Work**

As many of you will recall, AFORR, along with the Tennessee Conservation League and the Southern Environmental Law Center, was instrumental in compelling the Department of Energy (DOE) to agree to start a process of comprehensive land use planning for the entire Oak Ridge Reservation. One of the first steps in this process was the formation of the Land Use Planning Focus Group as a means of obtaining public and stakeholder input to this process. The formation of the Focus Group was announced by former Oak Ridge Operations

Manager Leah Dever in August 2001, shortly after which the group convened its first meeting.

The group met monthly during its year-long tenure. In addition, DOE held three public meetings to provide public input. Unfortunately, the Focus Group and the public were limited to providing input on the most westerly 20% of the reservation. DOE stated that they had programmatic needs for the remainder of the reservation and therefore would not require public input on the future plans for this land.

The Focus Group held its final meeting on September 13, 2002, when all 20 members signed the Focus Group Final Report. The group made three key recommendations to DOE:

1. **Resolution on Land Preservation.** The department is urged to "find means for the perpetual preservation of land areas designated by Focus Group for green space/conservation and/or research purposes." This consists of approximately 4,000 acres, or 80% of the land that was under consideration on the western end of the reservation.
2. **Resolution on Extending the Land Use Planning Process to the Entire Reservation.**
3. **Resolution for Expanding the Analysis to Include an Economic Evaluation of Biological Resources.**

These recommendations are especially significant because they come with near unanimous support from people representing a cross-section of the Oak Ridge community, several statewide organizations and agencies and two federal agencies. Comments at public meetings also indicated strong support for conservation of as much land as possible.

However, this report is only a recommendation to DOE. DOE must follow through with its promise, made over a year ago, to conduct comprehensive planning for the entire reservation, with serious consideration given to public input, such as that provided by this report. Efforts by DOE to lease or transfer land prior to a full-fledged plan would be a violation of this agreement and of the National Environmental Policy Act by committing segmentation. AFORR has repeatedly expressed this concern to DOE officials, local elected officials, and focus group members, both orally and in letters.

Accompanying the Focus Group Report is the Oak Ridge Reservation Land Use Planning Technical Report. This document compares four scenarios with different amounts of industrial and/or residential development of the specific 5,100 acres under consideration by the group. Scenarios range from no new development whatsoever to development of about 1,000 acres. The group did not support any one scenario, but the two intermediate scenarios received the fewest objections. The technical report compares the scenarios with respect to many parameters including economics, biodiversity, endangered and

threatened species, aesthetics, water and air quality, noise, transportation, and historical preservation.

The land-use reports are available [on the Web](#) or from the DOE Information Center (phone 865-241-4780 or 1-800-382-6938).

**What You Can Do:** Ask your Congressional representatives (Senators Lamar Alexander and Bill Frist, and especially Representative Zach Wamp, who has been a supporter of ORR planning) to urge DOE to act promptly on its commitment to complete a comprehensive plan for the whole reservation in a timely manner. Write to DOE officials locally and in Washington with the same message. See our [list of addresses](#).

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### Advice on Partnering for Conservation

At AFORR's October 2 meeting, speaker Mike Butler of the [Tennessee Conservation League](#) shared his experiences and insights on practical aspects of conservation. He emphasized the importance of forming partnerships with diverse interests.

The recent purchase of some large tracts near the Royal Blue Wildlife Management Area in Campbell and Scott counties illustrates how public-private partnerships can achieve conservation goals in a time when public funding is dwindling.

Butler explained that the [Tennessee Wildlife Resources Agency](#) (TWRA) had "audacious" goals for the area, but during the state's 2002 budget crisis TWRA lacked the resources to buy the land from the International Paper Company. Several conservation groups stepped in to help. The Conservation Fund negotiated with the land owner. Other groups pledged funds, including the Rocky Mountain Elk Foundation and the Wild Turkey Federation. Meanwhile, the [Nature Conservancy](#) took the lead in arranging purchase of the Anderson-Tully tract in West Tennessee, allowing the other groups to stay focused on the Campbell County project.

The deal could not be completed without a state contribution, however, and the General Assembly would not approve the creative financing arrangement without support from State Senator Randy McNally. McNally was concerned about constituent opposition to the project and did not lend his support until the Anderson County Commission had weighed in as favoring the deal. [Tennessee Citizens for Wilderness Planning](#) and other local groups in our area rallied Commission support, and thus played a key role in making the complex transaction happen.

Butler noted that none of the organizations could have accomplished this deal by themselves, and that the different organizations pitched in to help without being concerned about who would get credit for the project's completion. Further, because negotiations were confidential, groups had

to help without even fully understanding what it was they were helping with.

Butler pointed out that partnering means being willing to compromise: "You may not agree on everything, but work together."

He suggested three other principles for successful partnering in conservation efforts:

1. Don't worry about who will get the credit.
2. Don't fall into the trap of thinking, "My organization was the sole reason this project achieved its objective."
3. Politicians always have to get the credit.

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## **NEWSWORTHY**

### **Pine Ridge Update**

Since the clearing of Pine Ridge began in the summer of 2001, virtually every rainfall in excess of 1/2 inch has led to the discharge of substantial quantities of turbid water from the Pine Ridge development to East Fork Poplar Creek. Since issuing the first Notice of Violation (NOV) on December 20, 2001, the Knoxville area office of the Tennessee Department of Environment and Conservation (TDEC) has given the developer three additional NOVs. In October 2002, the local TDEC office concluded that an enforcement action was needed because of continuing non-compliance with Clean Water Act requirements.

The Knoxville TDEC office officially recommended an enforcement action to TDEC's Nashville headquarters in November 2002. The enforcement action has been under review by TDEC's enforcement division since that time, although there have been delays associated with the December holidays and the change of state administrations. TDEC is expected to make a decision on enforcement soon.

### **DOE Considers ETP Transfer Proposals**

Earlier this month, the Oak Ridger newspaper reported that CROET had requested that DOE transfer "parcel ED-3" using the process described in DOE rule 10 CFR 770. An earlier proposal for ED-3 (several small tracts near the K-25 site) led to AFORR's insistence that DOE stop piecemeal land-use decisionmaking and conduct a comprehensive planning process, and the first phase of DOE's planning included the ED-3 area.

We don't know whether CROET's request includes all of ED-3 or only those areas that Land-Use Focus Group members agreed could be considered for development. No part of ED-3 is included in DOE's current list of excess land potentially available under 10 CFR 770. That list names only parcel ED-1 (see story on pages 1 and 2) and two

parcels previously proposed for transfer to the City of Oak Ridge: parcel G (about 20 acres south of Bethel Valley Road, adjacent to the new interchange with Highway 62) and a 1-acre parcel in town.

Also, on Monday, February 10, DOE held a public meeting to discuss the draft environmental assessment addendum for the title transfer of land and facilities at the K-25 site (East Tennessee Technology Park). This property already is authorized for leasing to CROET, and the new EA addendum deals with the impacts of full transfer.

DOE will accept comments on the EA addendum through February 21. Comment to David Allen, NEPA Compliance Office, DOE, PO Box 2001, SE-32, Oak Ridge, TN 37831 or via e-mail at [NEPA@oro.doe.gov](mailto:NEPA@oro.doe.gov). Copies of the draft EA addendum are available from the DOE Information Center, 865-241-4780 or 1-800-382-6938, or [on the web](#).

### **Rarity Ridge Update**

Site preparation and infrastructure construction are under way for [Rarity Ridge](#), the "traditional-neighborhood"-style residential-commercial development that Rarity Properties is building on the 2000-acre "Boeing property" west of (and across the river from) the former K-25 site.

In the past AFORR publicized a number of concerns we have had about the manner in which this former DOE land (including the floodplain strip that fronts on the river) was transferred from public ownership into the hands of a private developer. Now, however, we are working to help assure appropriate stewardship for natural areas on the site that the developer has promised to protect.

AFORR representatives have engaged in discussions with Rarity president Mike Ross and with officials of state conservation organizations regarding possible arrangements for conservation of the wetlands on the site's lakeshore.

In November we learned that Rarity was modifying its site plans to extend residential lots closer to the river, into areas that previously had been earmarked for public ownership. We obtained assurance that no private lot would be allowed to extend into wetlands, and we tried to sensitize Rarity personnel and City officials about avoiding adverse impacts to sensitive resources near the river.

Also in November, we learned that Rarity had applied to TDEC and the Army Corps of Engineers for permission to relocate and channelize Roberts Branch, the principal natural stream that crosses the property, and to make other stream and wetland alterations in the interior of the property. We wrote to the agencies during the 30-day public comment period on the permit, expressing several concerns about the proposal and asking for a public hearing to allow discussion of these concerns. The agencies have not announced their decision on a hearing, but TDEC

has shared some information about its review of the permit application, and it appears that the developer will have to make major changes to its plans for the stream. We are continuing to monitor this situation -- one particular concern is the possible impact of the stream changes on the property's largest wetland, which is at the mouth of Roberts Branch.

### **New TWRA Officer**

The ORR has a new wildlife officer on board to assist Jim Evans with his numerous duties. Sam Young has been with the [Tennessee Wildlife Resources Agency](#) for many years and is experienced with wildlife management, equipment operation, and law enforcement. Sam will make valuable contributions to operation of the Three Bend Wildlife and Scenic Area and other aspects of wildlife management on the Oak Ridge Wildlife Management Area. **Welcome, Sam!**

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