

# ADVOCATES FOR THE OAK RIDGE RESERVATION

## NEWSLETTER January 2002

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### ***THE CORE AREA - WHAT DOES IT MEAN?***

We don't know. For the Focus Group, at least, DOE has declared a large portion of the ORR as off limits for discussion. This large area is said to be needed for programmatic and other needs. Sounds good. Problem is, we don't know (1) the basis for DOE's decision or (2) what long-term protection this designation provides. We're concerned that a later administration (locally or nationally) would simply undo this designation. The history of piecemeal land leases and transfers (see **brief summary** below) does not produce trust that this so-called core area is in any way protected. Is it based on DOE Office of Science input? Is it based on security considerations? On existing or potential research? Stewardship? We don't know. Both the City of Oak Ridge and various development interests have designs on parts of this core area. DOE needs to publicly and explicitly address these concerns.

### ***THE CORE AREA - WHAT SHOULD IT MEAN?***

The Focus Group is providing input to DOE on how the remaining, non-core area, should be used. Given the history of land use exchanges (see **brief summary** below) we're not too inclined to give way on this area either. We certainly agree, however, that at least the core area should be preserved on the basis of our standards.

What We Stand For is stated at [www.aforr.org/aforrstandfor.htm](http://www.aforr.org/aforrstandfor.htm)

We base this position on the following values of the ORR:

- Science and Technology
- Conservation
- Economy and Jobs
- Public Health and Safety
- Education
- Recreation
- Historical Significance

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### **Noteworthy Facts about the Oak Ridge Reservation**

- The Oak Ridge Reservation (ORR) contains the largest contiguous block of undeveloped Ridge and Valley Province land in the southeastern United States. More than 75% of the ORR is still relatively unfragmented forest.
- The ORR supports more than 1,100 vascular plant species, which represent approximately 42% of the 2,600 species that are known for Tennessee -- the state with the highest biodiversity of any inland state in the nation.

- The ORR hosts about 63 species of fish, 59 species of reptiles and amphibians, up to 260 species of birds (including resident, migratory, and transient birds), and 38 species of mammals.
- The biota of the ORR include 21 state-listed rare or endangered plant species, 20 state or federally listed rare animal species, and 270 occurrences of significant species and communities.
- In the past five years more than 700 people (from colleges, universities, industries, ORNL, and other government agencies) conducted research or related activities on the ORR's National Environmental Research Park.
- The Walker Branch Watershed on the ORR has the longest record of measurements of air pollutant dry deposition anywhere in the world.

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## **HISTORY OF LAND TRANSFERS**

The [ORNL Land and Facilities Plan](#) presents the following summary of ORR land history:

Of the original 58,575 acres of land purchased in 1942 by the federal government, 24,333 acres were disposed of and 34,242 acres remain. About 25% of the disposed land was conveyed to the City of Oak Ridge for developmental purposes (almost 6,000 acres). It includes 2,371 acres of self-sufficiency parcels for residential, commercial, and industrial development; 270 acres for school sites; 1,172 acres for electrical, water, sanitary and storm sewer, drainage, roads and streets; 1,475 acres for municipal properties; and 29 acres for public housing. Land was also conveyed to Anderson County (28 acres), Oliver Springs (9 acres), the Tennessee Valley Authority (2,992 acres), and other federal agencies (63 acres). Land conveyed to the State of Tennessee was for health, forestry, agricultural research, and a biomedical graduate school (2,315 acres). Land conveyed for private entities and homeowners (12,692 acres) includes permanent road easements granted to the city, counties, and State to provide access to the area; 108 acres conveyed for rail service; 123 acres for area churches; 11,000 acres for house lots, country club and golf course development, sportsman's clubs, quarry operations, a cemetery association, Girl and Boy Scout organizations, and the hospital association for the medical complex. Self-sufficiency land requests from the City of Oak Ridge are discussed and identified in Appendix B of the Plan.

Let's take a brief look at some of these areas:

- **Clinch River Breeder Site** -- 1100-acre site designated in the 1970s for the Clinch River Breeder Reactor (later cancelled). Now owned by the Tennessee Valley Authority and being marketed as a potential industrial site.
- **Bethel Valley Industrial Park and Commerce Park** -- Two tracts totaling 380 acres sold at different times to the City of Oak Ridge and Lockheed Martin Corporation. These industrial parks have been fairly successful, although much of Commerce Park is used for offices (including space that DOE's primary contractors are renting) and there are vacant industrial buildings in both parks.

- **Pine Ridge** -- Part of a larger tract of DOE land conveyed to the City of Oak Ridge in the past. Recently sold under very questionable circumstances to developer Nat Revis, who scalped 100 acres of hardwood forest from a steep scenic ridge and is proceeding (after a brief setback due to some serious mudslides into nearby streams and city streets) to carve 70 off the ridgetop to make a set of plateaus where he hopes to build industrial buildings - in full view of much of the city (**see update below**).
- **Boeing Property ("Rarity Ridge")** -- 1220 acres sold to the Boeing Corporation in 1988 for a missile project that was later cancelled. Boeing tried for several years to find an industrial buyer for the land, and in 2001 finally sold it to a developer that currently plans a high-density residential development with a view of the lake. DOE sold 182 acres of adjacent floodplain and wetland land to the developer for the ridiculous price of \$54 an acre. Next, the City expects to subsidize the development by extending infrastructure to the remote location of this property, which is more than 6 miles by road from the nearest Oak Ridge residential neighborhood.
- **Parcel A** -- 756-acre tract sold to the City of Oak Ridge in the early 1990s. The city entered into a public-private partnership for its development. The arrangement collapsed, and the site now features a city-owned golf course that is losing money, two residential subdivisions with home lots that aren't selling, and additional land that the city is trying to sell.
- **Parcel ED-1("Horizon Center")** -- 960 acres leased to the Community Reuse Organization of East Tennessee (CROET) in 1997 for development as an industrial park. Has one tenant so far. Being advertised as an environmentally friendly industrial park, but its development disrupted one of the region's premier bottomland hardwood sites (part of the State's proposal for State Natural Area designation; see separate article).
- **Parcel ED-3** (see separate item) - Proposal to lease another 450 acres, in small parcels, to CROET for commercial and industrial development. Is this Oak Ridge's next strip development -- an attempt to somehow tie "Rarity Ridge" to the city itself?

Most of these land transfers were proposed as stand-alone actions to foster economic development and reduce local tax burdens. It hasn't worked out that way. Costs to the local taxpayer appear to have exceeded the benefits, controversy over some of these developments has torn apart the community, and it increasingly seems that these transfers are part of a program to carve up the public lands of the ORR for private benefit.

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## **ED-3 UPDATE**

We've all heard the old joke about buying the Brooklyn Bridge. The basis of it is that only a very naive person (a **sucker**) would believe that the bridge is for sale -- or that the person offering it to them has the authority to sell it.

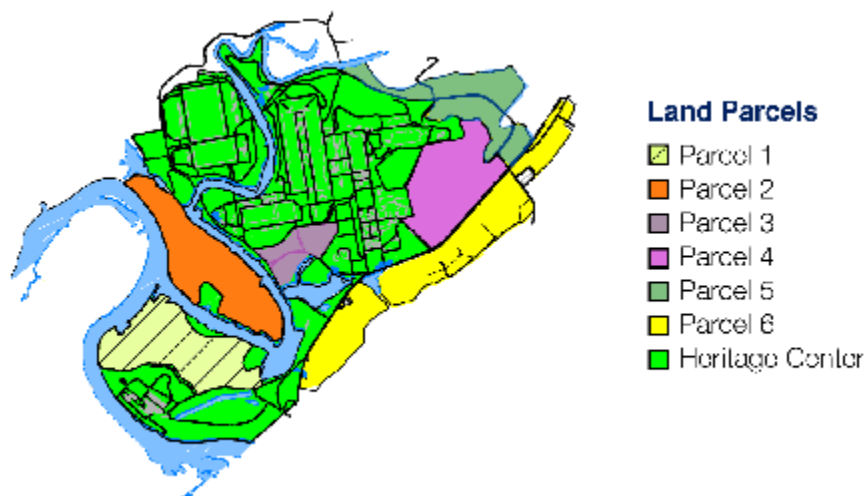
We have a similar situation here in Oak Ridge, only it's no joke. The Community Reuse Organization of East Tennessee (CROET) is marketing publicly owned land over which it has no authority.

Parcel ED-3 is a collection of DOE-managed tracts of federal land (a total of 450 acres) near the K-25 site (see [map](#)) that CROET would like to lease (for free) in order to sublease the land for industrial and commercial development. The proposal to lease this land to CROET

was one of the latest in a continuing series of piecemeal initiatives to transfer the public lands of the ORR for private development. Following complaints from AFORR and others that this practice violates the National Environmental Policy Act (NEPA), DOE agreed to withdraw the [ED-3 proposal](#) until after undertaking a [comprehensive land-use planning process](#) for the Oak Ridge Reservation with community participation.

CROET officials are participating in DOE's [Land-Use Planning Focus Group](#), but the organization's actions suggest that they are not participating in good faith. Apparently, they see this process as nothing more than a temporary delay in their plans to control more of the ORR.

**CROET is representing ED-3 as available for lease.** [CROET's website](#) provides (at [www.saiceemg.com/ettp/lands.html](http://www.saiceemg.com/ettp/lands.html)) a map of "about 600 acres of land becoming available for lease." The map makes no distinction between the land that CROET has been authorized to lease for several years and ED-3, about which DOE still has not made a decision. Parcels 5 and 6 on the map (below) are part of ED-3. **CROET has a plan and a current-year budget for marketing ED-3.** The [CROET Strategic Plan](#) christens Parcel ED-3 with a fancy new name: the Gateway Center, and describes CROET's plans for selling it to developers.



Section 4.2.3 of the plan says:

The Gateway Center, also known as Parcel ED-3, is a 450-acre greenfield development. Linear in nature, the property fronts State Highway 58 and Blair Road (State Road 327). The location of this property, its topography, and its close proximity to infrastructure now being constructed by CROET as part of Horizon Center make it ideally suited for mixed use office, light industrial, and commercial development. It is an ideal complement to Horizon Center and Heritage Center, providing higher visibility office settings, commercial support facilities, and possibly smaller flex-space/light industrial sites.

The development of this property provides an opportunity to "amortize" the cost of developing infrastructure for Horizon Center across a broader property base. It also provides a significant opportunity for CROET to partner with a seasoned and successful property developer to effectuate the build out of the commercial development areas. This partnership

should provide an opportunity to defray much of the development costs of the remaining properties.

Section 7.2.5 outlines marketing strategies and tactics for the "Gateway Center" in fiscal years 2001-2002:

- Create awareness that additional governmental property exists that can be developed for a variety of uses, including mixed use office, light industrial and commercial development, including retail.
- Fully engage the Oak Ridge Industrial Development Board to highlight and utilize the "Center" as Oak Ridge's premier real estate venue for their type of occupancy.
- Create a marketing brochure for Gateway Center.
- Target real estate consultants and piggyback on efforts underway related to marketing Horizon Center and Heritage Center.
- Host real estate developers in one-on-one settings on an ongoing basis.

The current marketing budget for the "Gateway Center" (also listed in the [strategic plan](#)) is \$20,000, including \$8,000 for a marketing brochure and \$12,000 for "travel and miscellaneous" (presumably "miscellaneous" includes "hosting" real estate developers in "one-on-one" settings).

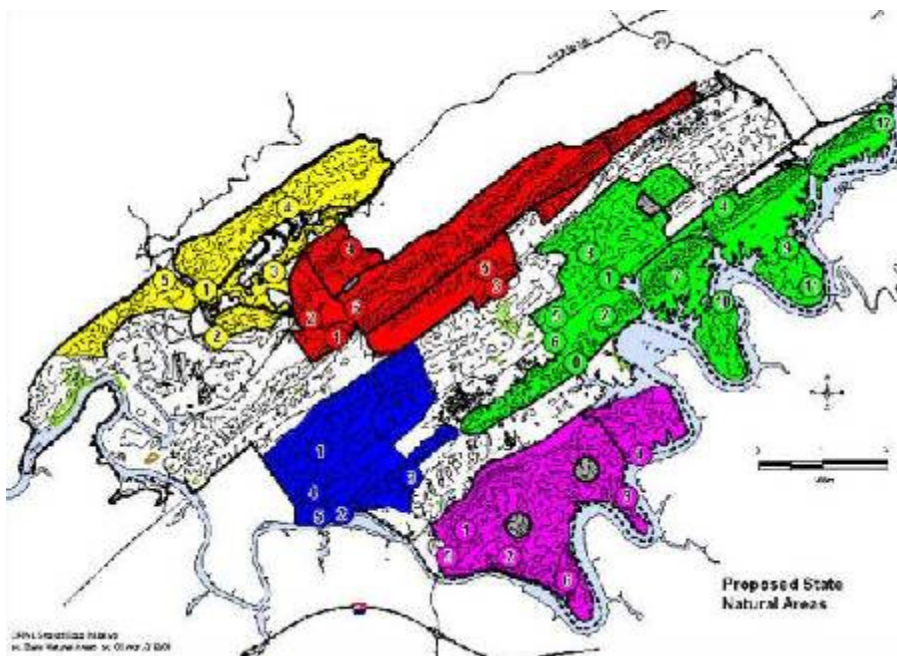
**Bought any nice bridges lately?** Probably not, but sometimes it seems like CROET is playing us all for suckers.

DOE has not made a decision to release Parcel ED-3 for leasing, so CROET's marketing program is premature (at best). Not only should CROET respect DOE's land-use planning process, but CROET has already been entrusted with plenty of DOE land and facilities that **are** available for leasing, including most of the area shown on the map above **plus** almost 500 acres on the 1000-acre Parcel ED-1 property (a.k.a. "the Horizon Center"). With millions of square feet of vacant industrial facilities on the old K-25 Site, only one tenant at the Horizon Center, and hundreds of acres of vacant land surrounding K-25 available for leasing, CROET has plenty to do without trying to market public land it does not have authority over.

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## **STATE NATURAL AREAS ON THE ORR**

**TDEC proposes designating much of the ORR as a state natural area** (letter to Leah Dever of DOE/ORO, June 18, 2001). The Tennessee Division of Natural Heritage (part of the Tennessee Department of Environment and Conservation) has requested that DOE allow designation of most of the Oak Ridge Reservation. DOE has responded (August 2, 2001) that the proposal will be considered as part of the ongoing comprehensive planning process. See small map of the area proposed for natural area designation below or [click here for a larger map linked to a comprehensive description](#).



All of the areas in color are included in the proposal. The proposed State Natural Area is composed of five subunits, each containing five to twelve sites of importance:

- Walker Branch-Three Bend Subunit (12 sites; shown in green)
- New Zion Subunit (5 sites; shown in blue)
- Copper Ridge Subunit (6 sites; shown in magenta)
- Blackoak Ridge (5 sites; shown in yellow)
- Pine Ridge-Bear Creek Valley (6 sites; shown in red)

The total proposed area comprises about 20,000 acres, and, according to TDEC, "represent the most contiguous ecological core areas that can be preserved at a landscape level at ORR." The report also notes that there are other isolated, disjunct sites not included that deserve special consideration for protection as State Botanical or Zoological Sites. The proposed area is similar to DOE's "core area" (see above) but also includes other portions of the ORR (e.g., Blackoak Ridge, north of Highway 95/58), and excludes others.

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### **THREE BEND UPDATE**

The TWRA is proceeding with wildlife management activities on the Three Bend Wildlife and Scenic Management Area (Three Bends). Approximately 200 acres of fescue on Freels and Solway Bends have been sprayed with herbicide. Approximately 110 acres have been bushhogged. Fire breaks are being cut in several areas for future prescribed burns. The areas around barn, structures, and roads are being cleared. Plans are being made and seed ordered for approximately 200 acres of native grasses and other crops. UT has used the area for wildlife classes.

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## **NOTES FROM THE DOE LAND USE PLANNING FOCUS GROUP**

**December 14, 2001**

**Steve Alexander**, a Focus Group member and representative of the US Fish and Wildlife Service from the Cookeville office, presented a regional overview of the general status and threats to various ecosystems in the southeastern US. He showed some aerial photos of the ORR and surrounding area emphasizing the differences in vegetative cover on and off the ORR. He pointed out that 11% of southern lands are in government ownership. He discussed the threats posed to forest species from chips mills, replacement of hardwood and mixed hardwood forests with pine monocultures (which are more susceptible to diseases and insect outbreaks). He discussed the southern pine beetle problem. He recommended more recent aerial photography be obtained if possible. He was especially concerned with habitat fragmentation and the ability of certain species to prosper or even survive as large tracts of habitat are broken into smaller and smaller pieces. He pointed out that the former Boeing property contains a cedar barrens community. There was a comment about several thousand (26,000 acres of the ORR) that had already been transferred from DOE ownership. Ray Evans pointed out that since 1959 the acreage transferred from DOE were very small. Steve indicated that the ORR contained the largest contiguous block of Ridge and Valley Province land in the southeastern US.

**Scott Davis**, also Focus Group member and representative of the Nature Conservancy indicated that the state of Tennessee has the richest (highest biodiversity) of any inland state in the nation. He stated that this makes the state a very special place and the ORR, being a very rich/biodiverse area of the state, likewise makes it a very special place. He mentioned that the ORR contained 10 aquatic and 8 terrestrial animal species, 4 plants, and cedar barrens of special importance.

Scott also discussed the status of neotropical birds (songbirds), noting that most species are in decline and some 60% of the breeding bird species in North America are migratory. Many of these species require interior forest habitat. Breeding bird decline by state shows that Tennessee and Missouri are highest (at 21-26%).

**David Buehler** is a professor in the UT School of Forestry, Wildlife and Fisheries. He is a noted ornithologist. He spoke on his and other avian research and in particular the importance of ORR as an area of high avian diversity. He noted that the ORR has a great deal of professional expertise and interest and that the ORR has large blocks of differing upland communities. He noted that major threats to many species are habitat fragmentation and contamination.

Dr. Buehler presented a habitat model addressing the adverse effects of "edge" for interior bird species. He noted that for wooded habitat patches, a 200-meter area from the woods edge back into the woods is a "sink" in which interior forest bird species are effectively excluded due to increased predation and nest parasitism.

He noted that the ORR is used as an outdoor classroom (Freels Bend has 75 species of birds his students identified in a 2-hour walkover). Thus the ORR is very valuable research and teaching resource.

In response to a question about what could be developed without harm, he noted that any development in large forested tracts (such as the SNS near ORNL) permanently removes habitat of interior forest species. Areas that are already developed or cut up by roads, right-of-ways, etc. into small pieces would not have the same impact as developing large forested tracts.

He also indicated that the ORR was a big component of the Valley and Ridge Province (as compared to the Smoky Mountains and Cumberland Plateau, which are different habitats).

**Dev Joslin**, a Focus Group member and president of AFORR, spoke about the importance of birds and bird watching. He stated that there are over 70 million bird watchers in the U.S. (1 in 3 adults). Over 100,000 "Watchable Wildlife" license plates are sold in Tennessee yearly resulting in \$2M in revenue to TWRA.

Dev spoke about the Partners in Flight Program, its membership and duties. He noted from data collected by this organization that 29 bird species have experienced a 30% decline over the past 30 years; the ORR has 28 of the 29 species and about half of these are common on the ORR. He spoke about bird surveys done on the ORR, how they were conducted, some of the routes used for surveying and some results along some of the routes.

**Jim Evans** of the Tennessee Wildlife Resources Agency discussed hunting on the ORR. The first known deer/vehicle collision occurred on the ORR in October 1969 and was an unusual event. Now deer/vehicle collisions are very common but are less than the peak (273) in 1985. He noted that the ORR public hunts are very popular with between 5,000 and 7,000 hunt days/year and 300 to 400 deer killed per year.

Also, wild turkeys were introduced in 1986 and the ORR is now a source of turkeys for several sites in east Tennessee. He noted the importance of bird walks at Freels Bend, the potential for small game hunting and waterfowl hunting, and the use of relatively undisturbed/undeveloped coves near Freels Bend as a use area by boaters.

**David McKinney**, a Focus Group member and also an employee of TWRA, discussed the economic importance of hunting and fishing in Tennessee (\$1.1 billion in direct expenditures with a 1.6 economic multiplier for indirect expenditures). He noted that the state was losing 100,000 acres of farmland/forest per year; thus, the value of undeveloped public land is increasing.

**Geoff Call** from Arnold Engineering Development Center discussed an ecosystem management approach implemented by the Air Force at AEDC. The AEDC has about 39,000 acres with about 6,000 leased to the Tennessee Army National Guard for training purposes. He noted the three-fold emphasis of the ecosystem management approach includes protection, restoration, and forest production. He indicated that the approach is goal driven, operates at multiple spatial and temporal scales, recognizes human communities, and encourages political partnerships. He discussed the core team and its functions. There was a question from a member of the public about sustainability plans and whether Tennessee had them.

**Steve Jenkins** of the City of Oak Ridge presented information about economic needs/values not fully explained last month. He discussed the City of Oak Ridge economic



conditions. He cited several problems the city faces, including a high property tax, a declining DOE employment (down from 23,000 in 1990 to 12,000 in 2001 with projections of a 9,000 person work force by 2004). Sales tax trends are down and housing starts are flat.

He cited an absolute decline in DOE payments to the city and noted that the lease arrangement on Horizon Center property is a problem (negates collection of city property taxes). He also stated that while Rarity Ridge (former Boeing property) is a major development, it would take several years to accomplish.

He noted that jobs and public relations were the two largest problems. Specifically, he noted that 80% of the people who work in Oak Ridge don't live here. In response to a question about other land (outside the ORR) available for expansion he stated the opportunities were very limited. He also pointed out that the Oak Ridge housing stock has some 6000 homes that are over 50 years old. He acknowledged that the health industry generated revenue for the city.

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## **NEWSWORTHY**

### **Pine Ridge Update**

The Pine Ridge project began as an "insider" sale of Oak Ridge City property at a price far below market value. At a time when City officials point out the difficult financial situation that faces the City, the subsidy to the developer from the below market sale price almost certainly exceeds 3 million dollars. The development has ignored or violated both City policy and State law from the beginning. This has continued until the present with TDEC issuing a notice of violation to the Pine Ridge development regarding its NPDES water pollution permit as recently as December 20, 2001.

Had the zoning classification of the land necessitated review by the Regional Planning Commission, the developer would have been required to obtain approved a Site Plan for the development before initiating significant site modification. The zoning classification of the Pine Ridge land, however, did not require Planning Commission review - supposedly because development on this land classification are less complex and less likely to be controversial. Thus, a loophole was born and the City has literally allowed the developer to drive enough machinery through that loophole to flatten a mountain.

Regardless of Pine Ridge zoning, best management practice would have called for the City to require an approved Site Plan before permitting massive grading. The City, however, has "assumed" that it has no authority to do so. Citizens have suggested to Council that if there is doubt concerning the City's authority to require an approved Site Plan, then the Council should direct the City Attorney to review the issue to determine exactly what authority the City does have. Council has not done this. In spite of the fact that within a two week period, more than 1400 Oak Ridge citizens signed a petition requesting action, City Council has chosen to remain "in the dark" about its authority on issues key to protecting the interests of the community. Whatever the reason, the City has permitted the clearing of the ridge and the initiation of a leveling process that will turn Pine Ridge into the visual equivalent of a landfill with absolutely no idea what the final disposition of the ridge will be. Nothing that the developer has submitted binds him in any way regarding the final form of the development.

Recent rain events have again produced sediment-laden discharge from the site into East Fork Poplar Creek. See the [Pine Ridge website](#) for photos and other details. Additionally, the earthen embankment at the west end of the Pine Ridge site (actually the end of the valley fill - from the development's bench at an elevation of 1050') has been observed topped by water with a flow cascading down its face. Substantial erosion was visible on the face of the embankment. For TDEC to follow up on its December 20, 2001 Notice of Violation to the developer will likely require telephone calls to TDEC's Nashville office:

- Dodd Galbreath, Policy: 615-532-8545
- Paul Davis, Water: 615-532-0625

The Pine Ridge website has additional [information](#), [photos](#), and an [archive of news stories](#) on this situation.

## **TVA Workshop**

### **Streambank Protection Workshop Thursday, February 28, 2002 in Oak Ridge**

On Thursday, February 28, 2002, TCWP and TVA's Melton Hill Watershed Team will sponsor a Streambank Protection Workshop in Oak Ridge. The workshop will begin at 7:00 PM in the Social Room at the Oak Ridge Civic Center and we should adjourn around 8:00 PM.

The workshop is open to anyone owning property along a stream or pond in Anderson County. The species in the seedling package were selected because they naturally grow along streambanks in this area.

To register or if you need more information or directions to the Oak Ridge Civic Center, please contact Marcy Reed (865/691-8807 or [marcyreed@aol.com](mailto:marcyreed@aol.com)) or Sandra Goss (865/522-3809 or [skgoss@esper.com](mailto:skgoss@esper.com)).

Refreshments will be provided.

## **DOE Releases EA**

DOE has released its environmental assessment (EA) on the Museum Transfer and Parcel G. It's on the internet at <http://www.oro.doe.gov/Foia/EAs/Draft%20EA%20011502.pdf> . Comment deadline is February 5th.

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## **IMPORTANT ADDRESSES FOR COMMENTS:**

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