
NEWSLETTER - March 2005

DOE Proposes Another Land Transfer: Parcel ED-6

The Department of Energy has set the wheels in motion to give more Oak Ridge Reservation land to the City of Oak Ridge, this time for residential development. Parcel ED-6 is about 362 acres on Black Oak Ridge west of Westover Drive (mostly west of Wisconsin Avenue; see map on page 2). On its west side this parcel adjoins the 3000-acre Black Oak Ridge Conservation Area (see article on page 3).

We were not surprised when, in August 2004, the City Council voted to ask DOE for 245 acres west of Westover Drive for residential development, but AFORR was surprised (and felt betrayed) when DOE responded with a plan to transfer 362 acres. The Land-Use Planning Focus Group that DOE concluded two years ago had discussed residential development for about 220 acres in this area. This particular land use was opposed by Focus Group members from AFORR and other conservation groups, but it was supported by many other Focus Group members. During the Focus Group process, development advocates proposed another part of the area (about 109 acres) for commercial development, but this was supported by only a small fraction of the Focus Group.

When the Black Oak Ridge conservation easement was announced, DOE agreed to hold land at the east end of the tract out of the easement in order to allow for future consideration of land transfers for development. DOE now proposes to transfer not just the land that the City requested, but most of the tract that was held out of the easement, with a total acreage that exceeds the total that the Focus Group discussed for possible development.

The land in question is mostly forested and may contain some small wetlands and plant species of concern. However, its most significant ecological value is as part of an unusually large stand of contiguous forest that provides rare forest-interior habitat (this is the habitat that some songbirds require for breeding, and it is rapidly disappearing from our landscape). Most of the contiguous forest tract is included in the Black Oak Ridge Conservation Area.

In November DOE held a public meeting to provide information about the proposal, which will be the subject of a NEPA environmental assessment that DOE intends to issue this spring. Discussion at that meeting between conservationists, development advocates, city officials, and nearby residents led to another informal meeting on December 18, where participants discussed possible compromises. Planners acknowledge that parts of the area

would not be suitable for development and could be dedicated as green space. Also, city officials gave assurance that the North Boundary Greenway would not be altered by the proposed development. AFORR and TCWP members asked that sensitive areas and high-quality vegetation communities (which DOE should identify in its environmental assessment) be protected. We also would like the westward extent of development on the ridge to be limited to the extent possible, so as to preserve as much of the contiguous forest as possible.

The total amount of development that the city is contemplating appears to be consistent with the spirit of the Focus Group recommendations, but measures are needed to ensure that the undeveloped portion of Parcel ED-6 would receive appropriate stewardship. Ravines and other steep areas surrounded by development probably would be held by the city as greenbelts. At first, City officials also suggested greenbelt status for undeveloped land on the west side of ED-6, but we believe that this land could be managed more effectively by the state as part of the Black Oak Ridge Conservation Area. This also would save money for the city.

At the December 18 meeting, city officials told us that they want DOE to give the entire 362 acres to the city to be considered for development, but they would sign a binding agreement to give reserved western portions of the parcel to the state, to be added to the Conservation Area. Ideally, DOE would redraw the land-transfer boundaries to retain ecologically valuable areas in federal ownership, to be added to the Conservation Area and managed by the state. However, the city's proposal should meet most of our objectives, if officials follow through on their oral agreements and if those agreements are ratified by the full City Council.

Public involvement: Express concerns about this proposal to Oak Ridge city officials. Comment on DOE's draft EA during the 30-day comment period expected to start in March.

Concerns for the Three Bend Scenic and Wildlife Management Refuge

The 5-year agreement that gives the Tennessee Wildlife Resource Agency (TWRA) authority to manage the 3000-acre Three Bend area for wildlife is scheduled to expire in January 2006. When former DOE Secretary Bill Richardson announced this arrangement in 1999 it was supposed to be permanent, but the term of the agreement was limited for legal reasons, so there is no legal assurance of its permanence. We would like the current 5-year

agreement to become a permanent arrangement.

In September 2003 Gerald Boyd, manager of the DOE Oak Ridge Office, assured AFORR that the Three Bend Scenic and Wildlife Refuge is a valued part of the DOE mission and that DOE would renew its agreement with TWRA to manage the Three Bend area as a wildlife refuge.

Since that time, Oak Ridge city officials have continued to state publicly that city economic development is thwarted by DOE's refusal to transfer land for development, including the Three Bend area. Oak Ridge officials cite an old legal arrangement (the self-sufficiency agreement, which

expired in 1985) under which 22 parcels of reservation land, totaling more than 10,000 acres, were identified as possible candidates for sale to the city if they became excess to DOE needs (see AFORR's November 2003 newsletter, on our website, for more about this arrangement). The Knoxville News-Sentinel quoted Oak Ridge Mayor David Bradshaw (May 31, 2004) as saying that there should be "room for discussion" about the city obtaining Solway Bend, the portion of the area most accessible to the rest of the city.

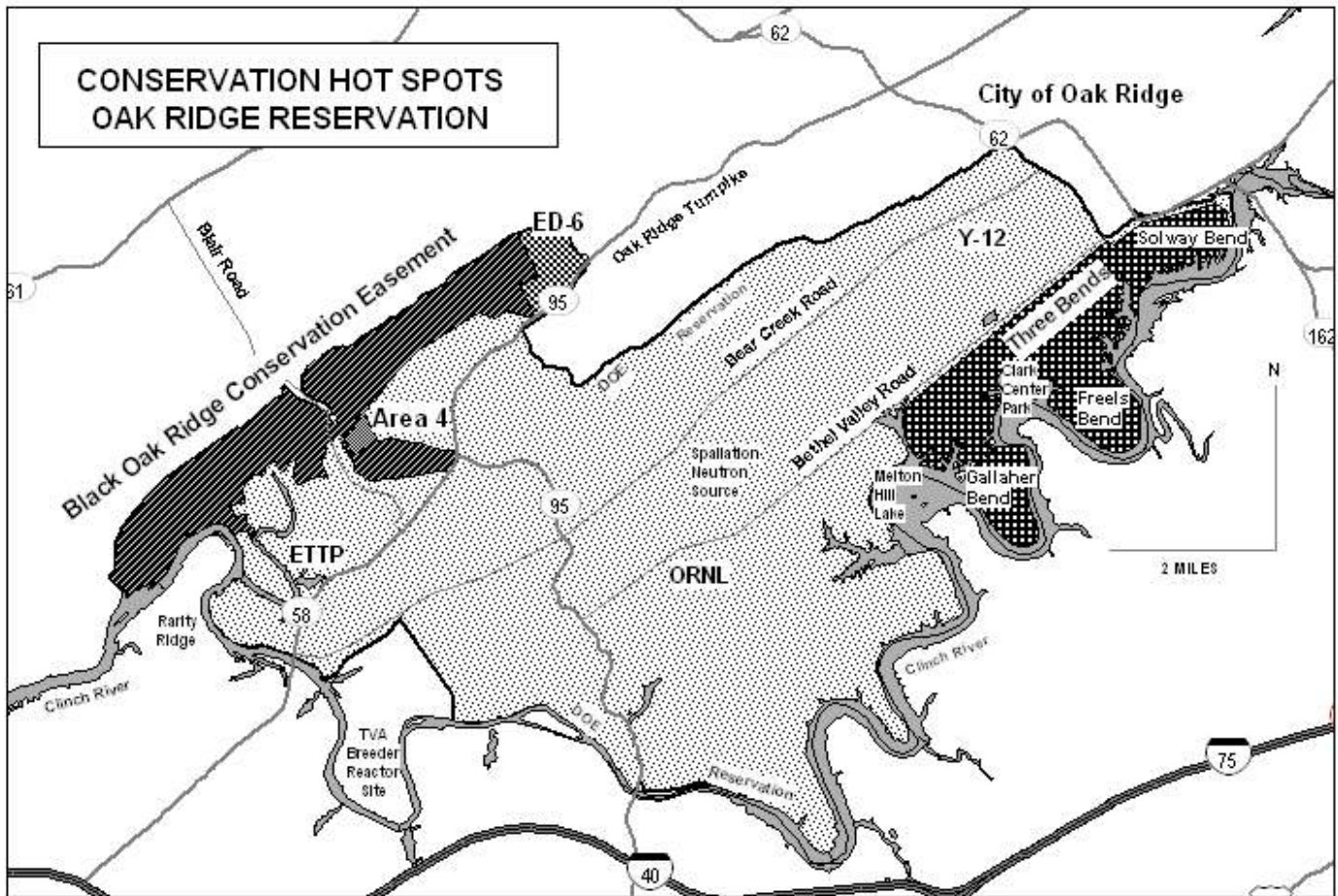


Figure: Map of the Oak Ridge Reservation, including areas discussed in this newsletter.

Background: Three Bend Scenic and Wildlife Management Refuge Area

The "Three Bends" are Solway, Freels, and Gallaher Bends, with 20 miles of shoreline on the Clinch River (Melton Hill Reservoir). Ecologists and conservationists consider this area to be extremely valuable for wildlife habitat, wildlife-oriented recreation (birding, deer hunting, etc.) and environmental education. These lands are a diverse mosaic of field, woodland, and shoreline with substantial value as habitat for songbirds, waterfowl, and upland game such as deer, turkey, and small game birds, as well as opportunities for enhancement of conservation values.

In June 1999 DOE Secretary Bill Richardson announced

that long-term management of 3,000 acres on the Oak Ridge Reservation would be granted to the Tennessee Wildlife Resource Agency (TWRA), which would manage it as the Three Bend Scenic and Wildlife Management Refuge Area. Richardson proclaimed: "From today on, 3,000 acres within the Oak Ridge Reservation's buffer zone will be committed to the pursuit of conservation and wildlife management." AFORR had no role in seeking this action, but we were very pleased by the announcement.

Since 2001 the TWRA has made progress with wildlife habitat improvement on the Three Bend area. Fescue grass

on Freels and Solway Bends has been sprayed with herbicide, other areas were bush hogged, prescribed burns were done, and land was reseeded with native grasses and other crops. Areas around barns, structures, and roads have been cleared.

The University of Tennessee has been using the area for wildlife classes and ecological research activities. UT faculty have appreciated being able to bring students to such a high-quality area for wildlife classes and ecological research located so close to the UT campus. ORNL continues to conduct K-12 educational activities, including a summer camp, at the historic Freels cabin.

Other public use is still limited, but the area is open for hunting during the controlled hunts on the Oak Ridge Reservation and the Gallaher Bend Greenway is open for public walking and bicycling at all other times. Access control on Solway Bend helps to protect the City of Oak Ridge's water supply intake.

Effective conservation management requires a long-term commitment. When the 5-year agreement with TWRA expires in 2006 it should be replaced with a permanent conservation agreement to prevent future development. AFORR is concerned that DOE may yield to pressure to cancel the agreement with TWRA or to carve off Solway Bend to give to developers, leaving just two bends. Even at the time of the announcement, there were complaints locally that these public lands should be available for private development. Although Richardson proclaimed that the area would be protected "from today on," there is a different administration in Washington now, and we cannot predict whether previous administrations' commitments will be honored.

In communicating with others about the Three Bend area, point out:

- The value of the area for wildlife, recreation, and continued wildlife/ecological education and research.
- The importance of long-term decision-making authority for TWRA. Also, TWRA needs to be able to implement habitat improvement measures such as prescribed burns without obstruction from DOE.
- Secretary Richardson's promise that the Three Bend area would be preserved forever. In response to a question at the announcement ceremony he said: "It's permanent. This is for the people of Oak Ridge, for the kids. It's a wildlife preserve."

Black Oak Ridge Conservation Easement

Much is riding upon the success of this outstanding public effort to preserve this particular piece of land, this conservation easement, for the people of Oak Ridge and the surrounding region. After a lifetime of federal land restrictions, of gated roads, fences, keys and locks, of coexisting without visiting, we now have the opportunity to

"play in our own back yard." We are ready to view it, touch it, walk upon it, explore it, learn from it, value it, make it our own, and yes preserve it permanently.

-- Jo Ann Thompson

Progress, albeit slow, is being made between DOE and the State to finalize the December 2002 "Agreement in Principle" that set aside 3000 acres of ORR land in a conservation easement for public use as a state-managed natural area. Identified as the Black Oak Ridge Conservation Easement (BORCE), the tract stretches from just west of Wisconsin Avenue behind the Horizon Center and ETPP (formerly K-25) to the Clinch River (see map, page 2). The area contains the largest block of contiguous forest on the reservation and is valued for the rare forest-interior-habitat that is home to wildlife species of concern and nesting migratory birds.

This particular area was selected for conservation because of the work of the DOE-sponsored Land Use Focus Group. The 20-member Focus Group included participants from AFORR and other conservation groups, city and state government, the Oak Ridge Chamber of Commerce and other economic development groups, TVA, Friends of ORNL, and the community at large. This group engaged in a year-long land planning process focused on the northwestern portion of the Oak Ridge Reservation. Group members unanimously agreed that the area later selected for the BORCE was unsuitable for development due to steep slopes and geology, but well suited for conservation.

The announcement of the Agreement in Principle was considered by most parties to be a win for all: (1) the state would receive oversight of a 3000-acre prime wildlife area in partial compensation for pollution damages to Watts Bar Reservoir from the ORR;(2) the DOE would get a reprieve from the people of Tennessee on a \$4 million to \$8 million debt resulting from ORR contaminants in Watts Bar Reservoir; (3) the city of Oak Ridge would continue to receive payment in-lieu-of-taxes from DOE on the 3000 acres; and (4) the citizens of Oak Ridge and surrounding region would have access to an ecologically rich and scenic natural area.

In the three years since DOE officials and then-Governor Sundquist signed the BORCE agreement, there were just two opportunities for the public to participate in the agreement process. The first, a "listening session" on August 5, 2003, was held by the Tennessee Department of Environment and Conservation (TDEC) to hear public views on the future management of the easement. Almost all who spoke expressed enthusiasm about the future possibilities for the easement and recommended that it be left in a natural state and that recreation be primarily hiking and nature observation. AFORR recommended that the easement be permanent, that it be designated as a State

Natural Area, that the interior forest be maintained, and that recreational uses be allowed such as hiking, birdwatching, regulated hunting, and bicycling on designated trails.

The second chance for public comment on the easement was the January 11, 2005 public hearing on the State's draft management plan for the BORCE. Omissions in the draft plan were a concern for many attendees since significant parts of the management plan were unavailable for review. Key elements of the agreement remained to be resolved, including the determination of boundaries and acreage, the ecological valuation of the property, as well as the level of DOE funding the state will receive for management of the easement.

The management plan reflects restrictions that DOE reportedly plans to include in the easement agreement. Oversight of the BORCE is to be a joint effort between DOE and the state. As the division of responsibilities between the two are negotiated, the rights of one party may become the restrictions of the other. The Tennessee Wildlife Resources Agency (TWRA) (in collaboration with TDEC) is the principal manager of the BORCE and would assume operations on a day-to-day basis for the "indefinite" term of the agreement. Ownership of the land, forest management, and fire control, would remain with the DOE, which reserves the right to revoke the conservation easement in case of a national emergency.

New TWRA projects and initiatives include areas for parking and public access with limited new hiking trails and guided walks for passive day-use recreation. However, any public access or TWRA improvement would be subject to DOE approval. All gates, locks, and keys to the easement would remain under DOE control, as well as the 18.5 miles of roads and the right to construct buildings.

The restrictions expected to be placed on the easement and management plan may prevent the State and people of Tennessee from realizing the full potential value of this area. The provisions of concern are the following:

- 1 - The easement will not be "permanent" because it could be terminated by the federal government in the event of national emergency.
- 2 - Although public access is contemplated, state agencies will lack the authority to make decisions on allowable access. Instead, it appears that state agencies will need to negotiate each permission separately with DOE.
- 3 - The state will not have the authority to direct the management of the area's forest or the prevention and control of wildfires. Instead, DOE reportedly intends to retain authority over timber management and fire control.

Still Aiming for Win-Win Land Swap

We continued our efforts to obtain conservation protection for the west end of Parcel ED-1 (the Horizon Center). Focus is on a 35-acre "development tract" (Area 4)

near East Fork Poplar Creek and the western portion of the North Boundary Greenway trail. DOE gave this land to the Community Reuse Organization of East Tennessee (CROET) in 2003. Development of this tract would require expanding the patrol road/greenway into a highway for a distance of more than a mile, including 3 new bridges. We contend that DOE failed to properly consider the environmental impacts of this development when it transferred the land to CROET. We asked DOE to reverse the transfer and instead place the 35 acres, the associated access road, and adjacent ecologically valuable areas excluded from development (more than 100 acres in total) in the Black Oak Ridge Conservation Area.

DOE told us informally that the agency might take the land back from CROET, but only if we could identify other ORR land to give to CROET instead. Considering the high cost to develop Area 4, we thought we could find a swap that would benefit AFORR's and CROET's interests (a "win-win"). We met regularly with Lawrence Young of CROET for well over a year, but without results. Possible swaps that we discussed included land behind ED-1, land near Oak Ridge Turnpike in the area recently being discussed for transfer to the City as parcel ED-6, and portions of ED-3 near K-25. All were rejected by one party or the other.

Most recently, CROET suggested land east of Blair Road between Highway 58 and the old Wheat Road. This is in the Wheat Historic District, so building on this land could harm cultural resource values that AFORR aims to protect and promote. However, the land has little ecological value in its current disturbed condition, and most cultural remains on the land were destroyed a few years ago when a DOE contractor bulldozed the area. Former Wheat residents want to be able to see the George Jones Memorial Church from the highway, and it appeared to us that a carefully controlled development actually could help ensure that the view would be maintained. However, former Wheat residents told DOE that they opposed any development of this land, and DOE took the extraordinary step of promising them that nothing would be done with this land without their express permission (DOE has never made this type of commitment regarding other valued ORR resources).

We will continue to try to find a "win-win" swap.

Bon Voyage to Dev Joslin

Dev Joslin and his wife Harriet left Oak Ridge in September 2004 for their new permanent home in Costa Rica. Both Dev and Harriet will be remembered for the years of service to the Oak Ridge community and will be greatly missed.

Dev was the principal founder of Advocates for the Oak Ridge Reservation (AFORR) as a community voice to

increase public awareness of the unique environmental assets of the Oak Ridge Reservation (ORR). Dev is an avid birder, and one of his motivations was protection of nesting habitat for migratory songbirds, whose numbers are declining due to habitat loss. He served as AFORR's president from its inception in 1999 until 2003, and continued to serve in a leadership capacity until his departure in September 2004.

Under his leadership, AFORR voiced concern about threats to the continued existence of the Oak Ridge Reservation Research Park, and actively challenged the DOE practice of piecemeal transfer of reservation land. AFORR continues to be guided by Dev's strong belief that DOE should not transfer more land without first engaging in comprehensive land-use planning that considers the entire reservation.

AFORR is grateful to Dev for his dedication to the ORR, including his active participation as a principal voice and initiator of the Oak Ridge Land Use Planning Focus Group whose work led to the agreement between the State of Tennessee and DOE to preserve about 3000 acres of reservation land in the Black Oak Ridge Conservation Easement.

In his new home in Costa Rica, Dev continues his interest in the migratory songbirds of the Americas, and he is still in touch with us by e-mail, but he will be missed locally.

2004 Highlights

Old Growth Forest on the Oak Ridge Reservation

Shortly before he left the country in September, Dev Joslin contributed to a reconnaissance study that confirmed that a patch of hardwood forest on DOE land in western Oak Ridge has not been cut or disturbed since before European settlement of this region, and thus represents "old growth" forest. Old growth forest is rare in the eastern United States, and seldom is found outside of hard-to-access mountainous areas.

Although public access is currently restricted, this unusual forest is close to a public highway and thus could become an attraction for ecologically minded visitors if access restrictions are relaxed. However, it is also in an area that local business people and city officials have targeted for future development, so we may have to fight to keep it.

Wheat Greenway

In August DOE and the City of Oak Ridge approved an agreement establishing a public greenway along the old Wheat Road, from North Boundary Greenway west to the former K-25 site. Only the section from Blair Road east to the Crawford Presbyterian Church monument is actually open to pedestrians, but the greenway was dedicated during

October's Secret City Hiking Days. Not only does this expand public access on the ORR, but it offers an opportunity to commemorate the ORR's pre-Manhattan Project history. AFORR officers have been in contact with the Wheat Alumni Association to discuss installing historical markers along the greenway.

Secret City Hiking Days, October 16–17

AFORR was one of several organizations cosponsoring the City of Oak Ridge's first Secret City Hiking Days event, when the community was invited to participate in guided walks on seven trails in the city's greenbelts and on the Oak Ridge Reservation. AFORR members participated in planning of the event and led hikes on Freels and Gallaher Bends and the new Wheat Greenway. Turnout was as high as 50 people (for the Saturday afternoon hikes), and there has been talk of making this a regular event.

Letters to TDEC Commissioner Child

In May 2004 AFORR and TCWP wrote a joint letter to Tennessee Department of Environment and Conservation Commissioner Betsy Child expressing concerns about delays in concluding the agreement between the state and DOE for the Black Oak Ridge Conservation Easement. This was followed by a second letter in September. We also expressed concern about lack of communication to the public on progress of the BORCE agreement. AFORR and TCWP formally requested that TDEC provide the public with information on the matter.

Lunch with State Legislators

AFORR board members met with State Senator Randy McNally and State Representative Jim Hackworth (other area legislators were invited) to acquaint them with our organization and its concerns, particularly our interest in finalizing the Black Oak Ridge Conservation Easement.

Solway Bend Hike

The Tennessee Citizens for Wilderness Planning and AFORR conducted a public hike at Solway Bend on September 26, 2004. This has the least public access of the "Three Bends", so this was a unique opportunity for the public to see the area. Botanist, Larry Pounds assisted hikers in exploring the bend as a natural area and experiencing first hand the ecological significance of the Three Bend area and the need for its protection.

AFORR Annual Meeting November 11, 2004

During the business meeting, William "Bill" Johnston was elected to fill an open position on the executive board of AFORR.

Guest speaker for the evening was Bobby Fulcher, TDEC Superintendent of the Cumberland Trail State Scenic Trail. Fulcher has worked for the Division of State Parks since 1976. He has a special interest in cultural

conservation and enjoys the exploration and documentation of traditional area culture and folk music. In 1979 he established the Tennessee State Parks Folk Life Project.

Fulcher told of how rural people in the Cumberland Plateau view the land as the public's domain, and he shared his experience as a participant in the remarkable 1993-1994 grassroots citizens movement in Fentress and Pickett counties that successfully secured public ownership of 5000 acres of valued, scenic land adjoining Pickett State Park

and Forest. Alarmed that the land had been sold to developers and not to the state, as expected, citizens of the two counties mobilized quickly to seek state protection of the land. Fulcher described the organizational methods, their goals, their on-going involvement with state and area legislators and officials, and their success in reaching out across the state for support. His step-by-step documentation of this outstanding public effort may give other grassroots groups a blueprint for success.

Get involved with the Oak Ridge Reservation!

Please join us. If you are receiving this newsletter but have not yet joined AFORR, please consider doing so, using the form provided below.

Please volunteer. If you have time to contribute (and even if you don't), your volunteer involvement on mailings, membership, research, organizing programs, and other areas could make a difference for the future of the Oak Ridge Reservation as a resource in East Tennessee.

Tell people about the ORR. Tell your friends and your elected officials that you value the Oak Ridge Reservation and want it to remain as a public resource. Use this newsletter or our website as sources of information.

Sign up for AFORR's e-mail notifications. Go to <http://www.kornet.org/mailman/listinfo/aforrlist> or use the membership form to add your e-mail address to our e-mail list (used only for announcements and other notifications).

Advocates for the Oak Ridge Reservation (AFORR) MEMBERSHIP FORM

Name(s): _____

Address: _____

Phone: Home: _____ Work: _____

E-mail: _____ Date: _____

Membership Level:
____ Individual - \$15/year
____ Family (2 people at same address) - \$20/year
____ Supporting - \$50/year

Additional Contribution _____

Total Amount Enclosed _____

Make checks payable to AFORR. Please mail completed form to:

AFORR
c/o Hensley
136 W. Revere Circle
Oak Ridge, Tennessee 37830

NOTE: Nothing of monetary value has been provided in consideration of these membership dues and additional contributions. AFORR is a nonprofit organization under Section 501(c)(3) of the Internal Revenue code, so donations are tax-deductible as contributions.

Are you a member of an Affiliated Organization (our affiliates include TCWP, Nature Conservancy, Tennessee Wildlife Federation, Foundation for Global Sustainability, and Tennessee Ornithological Society)? Please name:

Can you assist AFORR with any of the following? ___ PUBLICITY ___ MEMBERSHIP ___ EVENTS
___ RESEARCH ___ OTHER: _____