

Mr. Gerald Boyd
US Department of Energy
Oak Ridge Operations
etc.

Dear Mr. Boyd:

Advocates for the Oak Ridge Reservation (AFORR) has concerns about three different proposed, planned, or ongoing DOE actions affecting the management of the resources of Oak Ridge Reservation (ORR) lands. These actions are:

1. The proposed construction of a haul road to transport waste from the East Tennessee Technology Park to disposal sites near the Y-12 Site.
2. The upgrading of 90 miles of ORR roads for fire control purposes, apparently to serve as firebreaks and/or access roads for fire protection vehicles.
3. A proposal to transfer 200 to 400 acres of Black Oak Ridge land west of Wisconsin Avenue for economic development.

We are concerned that each of these actions may adversely affect (or has already adversely affected) the condition or effective management of resources that our members value. In addition, we are concerned about the cumulative effects of these actions. DOE's consideration of each of these actions as a separate stand-alone proposal represents the sort of piecemeal land-use decisionmaking that in 2001 led us to ask that DOE stop leasing and selling pieces of the publicly owned Oak Ridge Reservation without first conducting a full environmental impact statement that considers the combined, long-range impacts of land-use decisions on the Reservation as a whole. We continue to maintain that a comprehensive plan for the entire ORR, developed with full stakeholder involvement and full consideration of environmental and other factors, is needed to provide a sound basis for long-term management of this valuable public resource and to properly fulfill DOE's legal obligations under the National Environmental Policy Act.

*Comprehensive
Integrated
Land Use
Plan*

Our specific concerns about each of these actions are outlined below:

Haul road proposal

The DOE Environmental Management (EM) program and Bechtel Jacobs (BJC) are planning to construct a dedicated haul road that would include several miles of new road construction on the ORR. We applaud the responsible DOE and BJC personnel for working to select a route that would minimize impacts to forested lands, wetlands, and sensitive resources. However, we note that the preferred route would require several stream crossings, would encroach into forested lands on the flanks of Pine Ridge and in Bear Creek Valley, and would require extensive grading and filling in previously undisturbed areas in order to build a temporary overpass across State Highway 95. Also, the proposed road section between Highway 95 and the existing CAPCA Haul Road would bisect the ORNL-managed national Field Research Center for DOE's Natural and

Accelerated Bioremediation research program, possibly jeopardizing ongoing and planned research in this user facility by altering the hydrologic setting and potentially impeding access for local and guest researchers.

We are concerned that DOE apparently intends to bypass normal public scrutiny of this proposal by packaging it as a change to a CERCLA cleanup decision. We also question whether the expected benefits for the proposed haul road, which would be used for just three years, truly outweigh its long-term adverse effects to ORR ecosystems and research activities (not to mention the capital costs of the road). It appears to us that suitable haul routes already exist on lightly traveled Bear Creek Road or on State Highways 58 and 95, where a diverse variety of truck traffic (frequently including both dump trucks and radioactive shipments) already routinely shares the road with passenger vehicles. In a community where DOE and contractor officials have long maintained that it is safe to ship radioactive materials shipments on public highways all over the United States, it is distressing that a major justification for this road is to reduce radiological monitoring of shipments and reduce the potential for accidental contamination of public roads.

AFORR urges DOE to subject this proposal to the full -- and public -- scrutiny of a NEPA environmental assessment, rather than attempting to expedite it through a CERCLA "Explanation of Significant Differences." Further, we urge you to choose a waste transportation plan that uses existing roads.

Fire road system

AFORR was disappointed not to have learned about this initiative until it was mostly complete. It appears to us that the recent widening and overhead clearing on a large number of ORR roads has already effectively fragmented some contiguous forest habitats that we considered to be among the valuable conservation assets of the ORR.

It is our understanding that your ORO staff determined that this action was not discretionary, but was specifically mandated by DOE Wildland Fire Management Policy, and that it is categorically excluded from NEPA review because it is a type of maintenance action that has been found not to have the potential to cause significant adverse environmental impacts. We disagree with both conclusions. We heartily endorse the concept of a comprehensive wildland fire management program, but we believe that there were (and still are) alternative implementation approaches that should have been (and still could be) explored in consultation with the Tennessee Department of Environment and Conservation (TDEC) and Tennessee Wildlife Resources Agency (TWRA), both of which have extensive experience with wildland fire management in this area, as well as with other agencies and the public at large. Indeed the national DOE directive on wildfire management called for collaborative planning, such as we recommend, in concert with land-use planning. As for the NEPA categorical exclusion, we submit that this was not a routine maintenance action and that habitat fragmentation was a potentially significant environmental impact that should have been explored in a NEPA environmental assessment.

Please suspend the completion of this road-improvement initiative (we understand that a few miles of very narrow roads or trails remain to be widened) and conduct a public evaluation process on

alternatives for meeting the objectives of the national directive. Also, we urge you to enlist the best wildland fire expertise in this region by developing a mutual-aid agreement with TDEC for wildland fire response assistance.

West-end land transfer

In May of this year, the Oak Ridge City Council voted to instruct City staff to submit a request for 245 acres of land on Black Oak Ridge near Wisconsin Avenue. Although the acreage crept upward, this apparently is the same as the area of about 200 acres that the City asked DOE to hold back from the Black Oak Ridge Conservation Area conservation easement with TDEC. Now we hear rumors that DOE is considering giving the city as much as 400 acres in this area.

AFORR expects that DOE will conduct a thorough Environmental Assessment of this proposal, in keeping with the requirements of NEPA. This assessment must consider (among other topics) the presence of sensitive resources on the lands proposed for transfer, the effect of the transfer on the viability of the contiguous interior forest habitat that the Black Oak Ridge Conservation Area is supposed to protect, the effect of the proposed boundary on the state's ability to manage the conservation area effectively, and the cumulative impact of this action in combination with other transfers and conversions of ORR land that have occurred in recent years.

We have heard it said that the conservation community supports this proposed transfer, apparently as an agreed-upon measure in exchange for protection of the Black Oak Ridge area. Be advised that this is not correct. AFORR has been aware of the City's interest in this parcel since it was first announced during the Land-Use Focus Group discussions a couple of years back, but our representative did not endorse residential land use for the area, and we did not have details on the parcel's natural attributes or boundaries. We are concerned about the potential for development to undermine the purpose of the Black Oak Ridge Conservation Area. It is DOE's responsibility to make a thorough evaluation of the merits and impacts of this proposal before reaching a decision.