

November 7, 2004

Mr. Gerald Boyd, Manager
U.S. Department of Energy
Oak Ridge Operations
P. O. Box 2001
Oak Ridge, TN 37831

Dear Mr. Boyd:

Advocates for the Oak Ridge Reservation (AFORR) has significant 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 up to 362 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 decision-making that in 2001 led us to ask that DOE stop leasing and selling pieces of the publicly owned ORR 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 values 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 (NEPA).

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

1. 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. DOE should be demonstrating safe waste transportation on public roads, not communicating through its actions that problems are inevitable if public roads are used for waste transportation.

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.

2. Fire road system

AFORR was disappointed not to have learned about this initiative until it was mostly complete. It appears to us that the ongoing effort to widen a large number of ORR roads (including clearing of vegetation overhanging those 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 work on this road-improvement initiative (we understand that some roads have not yet been 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.

3. West-end land transfer

AFORR has been aware for some time that the City of Oak Ridge had an interest in acquiring some DOE land near Wisconsin Avenue for residential development. This was first announced during the Land-Use Focus Group discussions a couple of years back, when a City representative asked that 219 acres be considered for

possible future residential use. Later, the City asked DOE to hold back about 220 acres from the Black Oak Ridge Conservation Area conservation easement with TDEC. In 2003 the Oak Ridge City Council stated that the City was interested in about 245 acres, and in May of this year the City Council voted to instruct City staff to submit a request for 245 acres of land on Black Oak Ridge near Wisconsin Avenue.

Recently DOE announced that the department is proposing to give the city 362 acres of land in this area. AFORR is concerned about the continuing upward creep in the size of the proposed transfer. We are very disturbed that DOE is considering transferring substantially more land than (1) the Land-Use Focus Group considered for potential development or (2) the City's governing body authorized a request for.

Our members have "heard it said on the grapevine" that the local conservation community supports this proposed transfer, apparently as an agreed-upon measure in exchange for protection of the Black Oak Ridge area. Please be advised that this is not correct. AFORR agrees that residential land use on 219 acres was appropriately considered as an option in the Land-Use Focus Group land-use planning discussions. Furthermore, the designation of the Black Oak Ridge Conservation Area did not require any "compromise." All participants in the Focus Group agreed that conservation was the appropriate use for the Black Oak Ridge area. In contrast, Focus Group members disagreed regarding the tract near Wisconsin Avenue, with AFORR's representative among those who did not endorse residential land use for this tract. More recently, two AFORR officers did informally tell City officials that we would not raise legal objections to the transfer of about 219 acres, assuming that focused investigations of the property do not identify site-specific sensitive resource issues. At no time, however, did AFORR representatives say that we would acquiesce to a 362-acre transfer.

We note that the Focus Group's "high development" scenario, which was crafted by Focus Group members representing the local business community, also identified office use as a potential future land use for a 109-acre parcel west of Wisconsin Avenue. However, even this highest-development scenario (which we recall was the scenario with the least support from Focus Group members) did not identify nearly as large an area for private development as DOE is now considering, just two short years after the conclusion of the Focus Group process.

AFORR expects that before making any decision on this proposal DOE will fulfill its legal responsibility to carefully consider the proposal's merits and environmental impacts by conducting 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. This must include realistic evaluation of the economic benefits and costs to the local community, not an unquestioning acceptance of developers' optimistic projections. Note that DOE's past assessments of proposed land transfers have unquestioningly assumed that requested land transfers were needed and would benefit the community, but these land transfers have failed to yield the tax revenues and other positive economic results that were promised.

Conclusion

AFORR is disappointed to see DOE continue to make piecemeal decisions about the use and management of the Oak Ridge Reservation. We believe that these actions have important potential consequences that have not been effectively considered, in large part because each action is or was considered in isolation. This may be an inevitable result of conducting diverse programmatic activities on this large and valuable land resource

without an appropriate level of comprehensive planning for the site. We urge you to complete the land-use planning process for the entire Reservation that DOE committed to in 2001 and to honor the results of the limited planning that was done via the Land-Use Focus Group process in 2001 and 2002.

We are ready to meet with you at your convenience if you wish to discuss these concerns. Please contact Jo Ann Thompson (AFORR secretary) at 482-5660, Bill Johnston (board member) at 482-7663, or me at 574-7396 if you wish to arrange a meeting.

Sincerely,
For the AFORR Board

Ellen Smith, Vice President

cc: The Honorable Zach Wamp, US House of Representatives
Sandra Goss, Tennessee Citizens for Wilderness Planning
Jim Elmore, DOE
Steve McCracken, DOE
Gary Myers, TWRA
John Owsley, TDEC
Rick Parrish, Southern Environmental Law Center
Reggie Reeves, TDEC