

Bill Johnston

From: Virginia Dale [virginia.dale4@gmail.com]
Sent: Monday, July 29, 2013 8:41 AM
To: dewilson99@juno.com
Cc: mwatson@oakridgetn.gov; kellylc@oro.doe.gov; Shewairyjc@oro.doe.gov; Davis, Anne; Tim Myrick; Ellen Smith
Subject: Advocates for the Oak Ridge Reservation (AFORR) Statement on Horizon Center Electrical Upgrade Project

To: David Wilson, Board Chair, for distribution to the members of the Oak Ridge Industrial Development Board (IDB)

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IDB Board:

Thank you for the opportunity to provide a written statement of the AFORR's position on the current Horizon Center Electrical Upgrade project. We are disappointed in not being allowed to present our concerns at the upcoming IDB meeting but, at your suggestion, want to communicate to the Board our concerns.

We are very pleased that the IDB is now responsible for the development of the Horizon Center and applaud the countless hours that your Board members dedicate to finding tenants for this valuable economic resource. We do appreciate the past protection of some of the valuable natural areas within the Center. However, similar to your passion for looking at all areas and all ways to attract businesses for our community, AFORR's passion is to look at all areas and all ways to avoid unnecessary environmental damage within our community. Past successes (like the tenants brought onsite or past land protection) don't diminish your or our desire for the next action to be taken.

We are not bringing new electrical supply options to the table for you to consider, as we realize you are well down the road of making your decision on use of the DOE Easement to bring power to Area 5. But, we are asking you as a Board to consider the following few key points we think should be taken into account before any final decisions are made:

1. Use of the current DOE Easement to Area 5 appears to be the lowest cost approach to bringing additional power to the back portion of the site in the near-term. We do question, however, if that would still be considered the best option for investment if the follow-on request for an additional DOE Easement through the Horizon Area Exclusion Zone (Natural Area) to reach areas 6 and 7 were not to be granted. Our discussions with DOE indicate that they are not planning to grant the

continuation of that power line easement into those areas. And AFORR would certainly be against impacts to that natural area that are entailed in such action.

2. The DOE Easement is already approved for the Oak Ridge Electric Department to use in providing up to a 69kV line along the patrol road (although AFORR takes issue with DOE on the legal adequacy of NEPA review for that action). We understand you plan to limit this initial development to 13kV and that the Electric Department intends to stay within the 50 ft limits defined in that Easement. We question, considering the location of the Black Oak Ridge Conservation Easement (BORCE) boundary and the existing patrol road, whether it will be possible to avoid tree removal in the BORCE outside that 50 ft boundary. And you can be sure that we'll be watching that limitation as construction proceeds. The Board also needs to realize that the BORCE area now established, after the initial development of the Horizon Center, is becoming a huge asset to the community as a recreational area – and a reason for people to want to locate here. The patrol road trail is now a public greenway that is being used extensively for hiking, biking and running, and recreation is the key attribute considered by the Natural Resources Damage Assessment (NRDA) trustees in accepting the BORCE as DOE's repayment for environmental damage in the Clinch River. Questions about NEPA review of the Easement and impacts to the BORCE may put DOE in an awkward position. Impacts to the BORCE value are not just local issues, because the NRDA trustees (which include TDEC, TVA, and the US Fish and Wildlife Service) could reconsider the adequacy of NRDA settlement if they conclude that its value has been diminished. Furthermore, it is unclear whether the TVA Trustee's concern over BORCE impacts from the power line ROW damages might impact the other side of TVA's evaluation of your matching funds grant request. We don't know.

3. Finally, we also believe that the IDB consideration of options is being overly restricted by the current requirement for underground utilities within the Horizon Center property. This restriction seriously hampers your potential for development of the Center. Above-ground power along the streets and roads inside the Horizon Center could benefit all tenants by providing greater flexibility, and several of the other options in the Cannon and Cannon evaluation of power supplies would become very viable and cost-effective if that underground restriction were removed. And now would be the time to address that option before there are more tenants brought in under the more-expensive restrictions. We realize that the IDB is not yet free to make changes in the deed restrictions and that this option might require some renegotiations for the existing tenants, but that seems a much more reasonable cost approach than doubling the future power costs of potential big clients.

AFORR members want the Horizon Center to succeed. Having economic improvements for the community is important to all of us. An empty Horizon Center doesn't help our community

and provides no counter-balancing good for the environmental damage already done to this area. Therefore, we want to support the IDB in making the wisest decisions about development of this valuable resource. We suggest that our early involvement in your planning can help develop win-win approaches.

Feel free to contact me if the Board desires further clarification on any of the issues we raised in this letter or to begin dialogue on any topic.

Regards,

Virginia Dale,

President of Advocates for the Oak Ridge Reservation (AFORR)

CC

Anne Davis –Southern Environmental Law Center (SELC)

Larry Kelly and John Shewairy, DOE Oak Ridge Office

Mark Watson, Oak Ridge City Manager