

AFORR has several concerns about the way the environmental review process was handled for the recent transfer of Parcel ED-1 to the Community Reuse Organization of East Tennessee. To repair this situation, we seek your support for a revision to the transfer, to exclude a portion of the property that is particularly poorly suited for development and better suited for conservation.

Several of our concerns relate to “development area 4,” at the west end of the parcel.

**Inadequate Environmental Assessment.** The published environmental assessment addendum did not adequately address the impacts of developing this parcel. Horizon Center development plans that are consistent with the Finding of No Significant Impacts and Mitigation Action Plan do not include plans for access to this parcel, for either vehicles or utilities. Access to this parcel would require either an additional crossing of the “natural area” (which is required to be preserved to avoid adverse environmental impacts) or development of a new road along more than one mile of the route of the DOE patrol road on the western perimeter of the property. The final EA assumes that the latter route would be used, but does not assess the potential environmental impacts of this road. For example, it asserts, without explanation or support, that the nesting habitat for the cerulean warbler that would be destroyed is a “minimal amount of marginal” habitat, and states the speculative conclusion (supported only by a local newspaper article announcing the acquisition of conservation land in Campbell and Scott Counties) that this loss would not have a major adverse impact on the species because there are plans for ecosystem protection elsewhere in the region. Hopeful statements such as these should not substitute for assessment.

**Inadequate Floodplain Assessment.** The floodplain assessment offered to support the floodplain statement of findings for the action also did not meet requirements. It presented conclusions about the absence of impacts, but did not provide any information or analysis as a basis for those conclusions. AFORR submitted comments during the comment period on this item, but DOE chose not to consider our comments until after the action was completed. DOE’s after-the-fact responses to our comments included some of the information (such as estimated acreages of disturbance) that should have been in the actual assessment. This was tacky at best; we hope this will not be repeated. Analysis should be documented before a decision is made, not after the fact. Also, we are still not sure which part of the action would disturb the floodplain or where the disturbance would occur, since this was not reported in the floodplain assessment or elsewhere in the Environmental Assessment Addendum.

**Action Taken Violates the Legal Commitments in the FONSI and MAP.** Several weeks after the transfer of ED-1 occurred, AFORR discovered that the property deed and lease for the natural area (which is retained by DOE but leased to CROET) included the transfer of land that was supposed to be part of the natural area. The EA Addendum, FONSI, and MAP do not hint that DOE might transfer an additional access corridor across the natural area to connect development area 4 with the rest of the development (indeed, a DOE environmental review done before the EA addendum had specifically recommended against such a corridor), but such a corridor was transferred to CROET. This aspect of the transfer directly contravenes the legal commitments made by the FONSI and MAP, and thus renders these documents invalid. DOE must arrange to reverse the transfer of this access corridor.

**Requested Remedy.** AFORR believes that development area 4 is not environmentally suitable for development. Development of access to this area would have significant adverse impacts to environmental resources and would be impractical economically. Moreover, removal of this area and adjacent portions of the natural area would allow these areas to be added to the Black Oak Ridge natural area that is to be established in compensation for natural resource damages. Inclusion of this tract in the natural area would preserve valuable habitat and provide a good connection between two semi-isolated "chunks" of the natural area.

We request that development area 4 and the access corridor be returned to DOE ownership, and that CROET be provided with an equivalent land area near to the highway east of ED-1. We have discussed the possibility of such an exchange with CROET officials and staff in the ORO Reindustrialization program, and we believe that it would be in the best interest of all parties.

If this proposed exchange does not occur,