

Dear Mr. Allen:

We have been observing the recent ground clearing activities by Lockwood Greene in the so-called ED-1 tract of the Oak Ridge Reservation with great concern. Having examined carefully the Mitigation Action Plan developed in April, 1996 for the lease of Parcel ED-1 by the East Tennessee Economic Council, we find that these activities have violated this plan.

Since, this plan was created as a part of the Finding of No Significant Impact in accordance with DOE's National Environmental Policy Act (NEPA) regulations (10 CFR 1021.322), we believe that the encroachment on Natural Area 47, described in that plan, is in direct violation of NEPA regulations. As DOE's Oak Ridge Operations are responsible for supervising this activity, we conclude that DOE ORO is in violation of NEPA.

To quote from the Mitigation Action Plan, section 2.1.2:

"Some linear developments, such as construction of site access roads and installation of utilities that cross streams, may require unavoidable encroachment in floodplains, streams, and stream buffers. The impacts of such activities would be the subject of further environmental review, including NEPA. However, development and encroachment will not be allowed in Natural Areas 46 and 47(Fig. MAP-3)..." (our italics)

The enclosed copy of the Fig. MAP-3 clearly shows that Natural Area 47 includes the buffer zone around East Fork of Poplar Creek. At both development sites in ED-1, land clearing has clearly crossed into this buffer zone and extends right up to the banks of the creek on both sides of both developments.

We have been informed that at a recent meeting, a group of officials decided to modify the above-mentioned Mitigation Action Plan. However, this modification was apparently not provided to the appropriate agencies for review, nor was it signed by officials from the appropriate agencies prior to the clearing activity. This is, we believe, is a clear violation of NEPA regulations.

Furthermore, numerous individuals have requested a copy of this "modified plan" from DOE ORO officials, but DOE has failed to comply with the requests and no copies of the plan have been supplied. A copy of this "modified plan" has never been made available to the public. At two different visits to the DOE Reading Room in the Museum of Science and Energy subsequent to the land clearing activity, we found that no copy of the "modified plan" was on file.

We would like to state that we have no desire to embarrass DOE ORO, nor do we desire to give cause for negative publicity for the City of Oak Ridge. In fact, we are supportive of some of the efforts to increase the job base for the Oak Ridge Community. However, we cannot "turn a blind eye" to these violations. Nor can we help but express our deep concern about DOE ORO's apparent disregard for the environment in this specific case and their apparent general lack of concern for proper compliance with NEPA regulations. We hope that in the future DOE ORO will take more seriously concerns for the environment of the Oak Ridge Reservation. The filing of lawsuits for noncompliance is certainly one course of action being considered.

Sincerely,

Enclosure

Cc: Andrea Wargo Campbell, Technical Support Division
Earl Leming, TDEC, DOE Oak Ridge Oversight
Reginal Reeves, TDEC, Division of Natural Heritage
Bob Hatcher, TWRA