

ADVOCATES FOR THE OAK RIDGE RESERVATION

NEWSLETTER

JANUARY 2001

DOE PUBLIC MEETING ON LAND USE PLANNING

The U.S. Department of Energy will hold a public meeting on Oak Ridge Reservation land use planning. The meeting will be **Tuesday, January 30, 2001, at 6 p.m., at the Cumberland Room of the Oak Ridge Mall.** This will be an excellent opportunity for you to comment on your preferences for future use of Oak Ridge Reservation lands.

AFORR has repeatedly asked DOE Oak Ridge Operations to conduct comprehensive land use planning and to involve the public in the process. ORO's announcement of a public meeting on this subject appears to represent a response to our requests.

DOE's meeting notice says (in part): "Stakeholders will have an opportunity to offer comments on the type of activities they would like to see on the Reservation and to understand how their comments will be used in the land use planning process." This does not promise the kind of interactive planning that we would like to see, but supporters of the ORR need to attend to make sure our views are heard. We can be sure that the development interests who are eyeing this land are making their views heard.

WHAT YOU CAN DO: COME TO THE MEETING on January 30 at the Oak Ridge Mall and speak out and/or fill out comment cards. Also, write DOE/ORO expressing your views. Addresses are available below or at our website: <http://www.korrnet.org/aforr/aforrcontacts.htm>

STATUS OF ED-3 PROPOSAL

You may remember DOE's proposal to lease yet another parcel of ORR land, known as ED-3, for development. The proposal and AFORR's concerns were highlighted in our April, 2000 newsletter. AFORR sponsored a public meeting on the proposal and commented extensively on the subsequently prepared EA and its later revision. DOE has yet to take action on this proposal

Parcel ED-3 is about 450 acres of undeveloped land (mixed habitat types) near the former K-25 site. DOE's proposal is to lease this land for private industrial development through the Community Reuse Organization of East Tennessee (CROET).

Concerns include impacts to the former Wheat Community and removal of the area from TWRA wildlife management. For the former, we think development would virtually destroy what remains of the Wheat Community's legacy, including both the viewscape and the soundscape. Reduction in the wildlife area would compound a mistake made on parcel ED-1 and further decrease the area available for wildlife habitat and for hunting. Most of ED-3 is currently open to hunting as part of the Oak Ridge

Wildlife Management Area. If the land is developed, we can expect that the area will be closed to hunting and that its wildlife habitat value will be essentially eliminated. Elimination of hunting will likely produce an increase in deer/vehicle collisions along Highway 58 and Blair Road. The public comment period on a draft environmental assessment on the proposal ended on November 30, and DOE has not announced when the final EA is expected to be available.

AFORR has written to our public officials urging that the proposal be withdrawn. We oppose this proposal because we don't think DOE should be making decisions on Oak Ridge Reservation land use outside of a comprehensive planning process, we don't like to see development nibbling away at the ORR, and we don't think there is a valid economic justification for this proposal (there is plenty of available industrial land in the near vicinity and CROET does not have the resources to develop lands and facilities that DOE has already made available to them).

Leadership in the city of Oak Ridge seems to be divided over this proposal. At a City Council meeting in November, some City Council members spoke in opposition to the lease, but others expressed support, and the matter was dropped without the Council adopting an official city position. Also in November, the Oak Ridge Regional Planning Commission voted to recommend that a large portion of ED-3 be retained as a natural "greenbelt -- in order to maintain the aesthetically pleasing current entrance to the city along the K-25 corridor." In December, however, with a delegation of Chamber of Commerce and CROET officials in attendance at their meeting, they agreed to support development on part of this area. It is unusual for these bodies to show anything less than enthusiastic support for development.

WHAT YOU CAN DO: Although the formal comment period on the EA is over, you can still write to DOE/ORO to express your concerns. AFORR's web site has more information to use in your letter: <http://www.korrnet.org/aforr/>

Addresses are available below or at AFORR's web site: <http://www.korrnet.org/aforr/aforrcontacts.htm>

POSSIBLE LEGAL ACTION

AFORR, in concert with the Tennessee Conservation League (TCL) and the Foundation for Global Sustainability (FGS), has joined with the Southern Environmental Law Center (SELIC) to inform DOE that we believe the agency has not been properly following the National Environmental Policy Act. Specifically, we are concerned with DOE's piecemeal or segmented approach to Environmental Assessments (EAs) for both the proposed leasing of parcel ED-3 (450 acres) for industrial/commercial development and the proposed sale of the DOE-owned floodplain strip adjoining the Boeing Property (180 acres) for future development. DOE's

approach in these cases continues its habit of sub-dividing the Oak Ridge Reservation into small parcels, and then proceeding to perform EAs on them as individual segments. AFORR, TCL, FGS, and the SELC are prepared to take legal action if DOE continues to pursue its present course of action.

The SELC is a regional non-profit organization based in Virginia with a history of legal successes in protecting the South's public lands. SELC attorney Rick Parrish faxed a letter on Wednesday, January 17, to the Department of Energy stating that NEPA law requires that an EA or Environmental Impact Statement consider the impacts of each action on the entire tract of land surrounding such a parcel -- in this case, the entire Oak Ridge Reservation. The four parties are pressing DOE to drop the ED-3 proposal as unnecessary, economically unviable, and replete with negative outcomes with respect to recreational, wildlife, cultural, environmental, and aesthetic values, including disadvantages for future tourist development in the K-25/Wheat Community area. We are also insisting that DOE work with the public and TVA to develop a plan for the Boeing floodplain strip that will put under legal protection the state-listed rare plants growing along the shoreline and the 40% of the strip that is wetlands. Such a plan need not preclude the transfer of the land to Boeing for future sale and appropriate environmentally-sensitive development.

THREE BENDS AGREEMENT SIGNED!

Finally -- more than 18 months after the announcement that DOE was creating the 3000-acre Three Bend Scenic and Wildlife Management Refuge Area (Three Bends) on the ORR -- TWRA has signed an agreement with DOE/ORO. This area is widely recognized by ecologists and conservationists as extremely valuable for wildlife and wildlife-related activities. These Three Bends present a diverse mosaic of field and woodland with substantial opportunities for enhancement of conservation values and wildlife habitat. Details are sketchy at this writing, and much will have to be worked out as implementation of the agreement proceeds. Our understanding is that the agreement is for five years with expectation of continuation -- but there are also provisions for cancellation and who knows what might happen with the new administration. We understand also that the area is to be managed under the terms of a wildlife management plan provided by TWRA -- whether that differs substantively from the existing agreement with TWRA for the Oak Ridge Wildlife Management Area remains to be seen. A caution: the agreement does not signify a major and immediate change in public access. In any case, this is a step in the right direction. There remains the possibility that something will change down the road.

WHAT YOU CAN DO: Write DOE Oak Ridge Operations Manager Leah Dever, TWRA Region III Director Clarence Coffey, TWRA Director Gary Meyers, and your state and federal representatives expressing your support for this agreement and your hope that it will be continued.

BOEING PROPERTY FLOODPLAIN UPDATE

DOE is considering a proposal to sell 182 acres of Clinch River floodplain lands in the Campbell Bend area (west of the K-25 Site) to the owner of the adjacent inland property. The inland parcel (called Segment O) used to be part of the Oak Ridge Reservation, but was sold to Boeing in the late 1980s for a missile project that was later canceled. Now Boeing wants to sell this tract to a developer that is planning a major residential/commercial/industrial development, but the sale is "on hold" pending DOE's decision on the shoreline tract. DOE has announced that it intends to convey the floodplain strip to the developer in order to avoid a "situation which would result in an uneconomic encumbrance or devalued use of the Boeing parcel." This looks to us like one more case where DOE is placing private interests ahead of the public interest in its management of Oak Ridge Reservation land.

The floodplain strip is part of the National Environmental Research Park. It includes 69 acres of wetlands and supports several state-listed threatened and endangered plant species. In East Tennessee we have already lost many of our wetlands and it is practically impossible to effectively regulate wetland quality on a private shoreline. Even if the visual appearance of the vegetation from a distance appears to remain the same, experience has shown that nearby residential developments have significant negative impacts.

The Tennessee Valley Authority has formally asked DOE to convey the floodplain tract back to TVA in order to protect the valuable riparian zone, but DOE has not responded favorably to this or other TVA requests regarding this tract.

The prospective developer told DOE that it would leave the floodplain strip "virtually undeveloped," but that it might want to clear some vegetation and erect buildings, docks, walking trails, and a marina. These developments could have significant impacts, but in fact there would be few restrictions on floodplain development once the developer owns the land. (TVA could limit construction of docks and other shore structures, and it could place restrictions on other construction that could affect flood control. TVA cannot restrict vegetation removal and similar activities on privately owned land.) It is clear that the proposed development will not happen without the floodplain -- otherwise the sale of the upland property would not be on hold pending the floodplain transfer. The Oak Ridge Chamber of Commerce and other local business interests have been urging DOE to give the developer control over the floodplain, demonstrating to us that the floodplain is considered critical to the proposed development.

DOE published a draft EA on this proposal in November and allowed only 30 days for public comment, even though interested individuals and groups had a hard time getting copies of the document. AFORR submitted extensive comments on the EA. Our comments included criticism for grossly underestimating the impacts of development on habitats and for

of analyzing a "hybrid alternative": a compromise in which some areas would be zoned for development but other areas would remain in federal ownership to protect fragile habitats. Also, we see this as one case of inappropriate piecemeal decision-making regarding the PUBLIC lands of the ORR.

DOE held a public meeting on this EA, but the meeting was during the business day and the meeting was at the Oak Ridge Chamber of Commerce offices. The Chamber used the meeting to demonstrate business support for development, in opposition to environmental/conservation interests.

DOE seems to be in a hurry to issue the final EA and announce its decision. They can't do this until the U.S. Environmental Protection Agency makes a decision on whether or not to allow residential land use adjacent to the floodplain. (A preliminary environmental survey found evidence of possible radioactive contamination on part of the floodplain. Followup surveys reportedly indicate that the property is safe, but EPA still must weigh in on its safety.) In response to questions on the status of this proposal, DOE representatives keep saying they expect EPA's response any day, and that DOE will announce its decision shortly after they hear from EPA. Cost to the City of Oak Ridge to provide infrastructure (water and power) to the development has also become an issue.

WHAT YOU CAN DO: Although the formal comment period on the EA is over, you can still write your own personal letter to DOE/ORO to express your concerns. AFORR's web site has more information to use in your letter:
<http://www.korrnet.org/aforr/>.

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NEWSWORTHY

- **Ominous news:** Some time in the next couple of months, the Oak Ridge City Council is expected to consider a proposal to adopt zoning for the western part of the ORR. The Oak Ridge Regional Planning Commission is proposing zoning these lands in anticipation of DOE releasing the land for development. Oak Ridge residents can contact City

Council members to voice their opposition.

- **Good news:** Frank Munger supports protection for the ORR. The Knoxville News-Sentinel's veteran reporter for the DOE/Oak Ridge published an editorial stating his personal support for maintaining the Oak Ridge Reservation for environmental research. His editorial, "A precious resource could be lost forever," published November 15, 2000, is available on the AFORR website. It's good to have Munger on our side, since his voice has substantial influence in the region.
- **Hopeful News:** On January 10, 2001 President Clinton signed an Executive Order supporting the Migratory Bird Treaty Act (MBTA). The Order makes explicit some actions that federal agencies should undertake in support of the MBTA, including signing Memoranda of Understanding with federal agencies; these will apply to DOE/ORO in its proposals to make lands available for industrial development. The ORR is home to more than 200 breeding birds, at least 18 of which are migrants of concern. Many other species depend on the area during annual migrations. Several species are of concern due to continuing declines. A Fish and Wildlife Service list of species of concern is on the Internet at <http://migratorybirds.fws.gov/reports/speccon/tblconts.html>
We will be evaluating this Order for its implications for local DOE planning efforts. This is a topic that you can bring up at the public meeting on land use planning on January 30. Also, you can contact Leah Dever of DOE/ORO and the FWS in Cookville urging both parties to conclude a Memorandum of Understanding.

A SPECIAL PLEA . . .

We haven't been very assiduous about dues for our organization, but we assure you that we need your continued membership support. Please submit your annual dues to AFORR, 136 W Revere Circle, Oak Ridge, TN 37830. Dues are \$15 for a single member, \$20 for two or more at same address, or \$50 for a supporting member. Of course we appreciate any extra donation as well.