

Advocates for the Oak Ridge Reservation
Oak Ridge, Tennessee

September 15, 2005

Gary S. Hartman
Department of Energy
P.O. Box 2001, MS-SE-32
Oak Ridge, TN 37831-8541

Subject: Draft Environmental Assessment, U.S. Department of Energy Conveyance of
Parcel ED-6 To The City of Oak Ridge, Tennessee, DOE/EA-1514

Dear Mr. Hartman:

Advocates for the Oak Ridge Reservation (AFORR) appreciates the opportunity to comment on this document, which concerns a proposal to transfer about 360 acres in west Oak Ridge to the city for residential development. This letter presents our major comments. We have already requested additional time to transmit a more comprehensive set of comments.

AFORR continues to contend (as indicated in a January 2001 letter to DOE written on AFORR's behalf by the Southern Environmental Law Center) that DOE should not continue to consider land-transfer proposals such as this one on a piecemeal basis because the National Environmental Policy Act (NEPA) obligates DOE to prepare an environmental impact statement (EIS) that considers the combined, long-range impacts of land-use decisions on the Oak Ridge Reservation as a whole. However, the organization does not object in principle to this particular proposal because (1) it is an outgrowth of the Land-Use Planning Focus Group process that AFORR supported as the first stage of an EIS-like assessment process and (2) earlier we agreed to acquiesce to the city's plans for a residential development in this area in exchange for the city's agreement to accept the establishment of the adjacent Black Oak Ridge Conservation Easement (BORCE).

AFORR is, however, disappointed that the proposed transfer and development will reduce the conservation value of the BORCE, and our organization would like the proposal to be modified to reduce its adverse impacts. We have identified two major objections to the specifics of the land-transfer proposal as presented in the draft EA:

- (1) The land area proposed for transfer is much larger than had been discussed previously
- (2) The draft EA states that after the transfer DOE would build a new gravel road on the eastern edge of the BORCE, near the new federal boundary.

In addition, we believe that the draft EA is deficient in its assessment of impacts to deep forest-interior habitat.

The two aspects of the proposal to which we object increase the ED-6 transfer's adverse impact on the large stand of deep forest-interior habitat that is the most significant ecological value of this portion of Black Oak Ridge. This forest provides rare forest-interior habitat, a type of habitat that some songbirds require for breeding and that is rapidly disappearing from our landscape. According to the draft EA, ED-6 contains 174 acres of this habitat type, part of an 863-acre contiguous tract that is mostly in the BORCE. The actual loss of forest interior habitat would be much larger than 174 acres because the clearing of forest eliminates the "interior" attribute from remaining forest within a substantial distance of the new forest edge. To reduce the impacts of this proposal, DOE should withdraw plans for the road and reduce the size of the transfer area in keeping with the spirit of earlier discussions and agreements.

During the DOE Land-Use Focus Group process in 2001 and 2002, city officials indicated an interest in a total of about 220 acres for residential development, not the 362 acres that DOE now proposes to transfer. When DOE reserved this large area from the BORCE for consideration of a possible transfer to the city, AFORR understood that a larger area had been reserved in order to allow more detailed study and the crafting of a transfer proposal (for the acreage desired by the city) that was sensitive to the special features of the land. (AFORR also understands that some of the 362 acres consists of state highway right of way that is not suitable for either conservation or development.) During informal scoping for this EA, our members asked DOE to survey the ED-6 area for sensitive plants and other sensitive features, then present an additional alternative in which the western boundary of ED-6 was redrawn to follow natural topographic boundaries, excluding steep areas with little development potential and areas with sensitive vegetation, thus reducing the acreage of the transferred parcel and allowing some of the land to be added to the adjacent BORCE. We were disappointed to see that this option is not considered in the draft EA and, indeed, that the EA does not even mention that this issue was raised. City officials have told us informally that if DOE transfers the entire parcel, they would consider reserving western portions of the parcel and giving them to the State of Tennessee to be added to the Conservation Area. However, AFORR would prefer that DOE (as steward of this land on behalf of the people of the United States) assume the responsibility of identifying some land for conservation, thus respecting the basis for AFORR's and other groups' agreement not to object to a proposed transfer.

DOE's planned perimeter road does not appear to have any useful purpose. The draft EA states that DOE "would need" to build a road "to provide continued security and fire suppression for that portion of the ORR" and to "separate the proposed residential development from the BORCE area." The need for "continued security access" is not apparent, since the area to be secured has no DOE programmatic function other than conservation. Public roads nearby and intersecting the existing boundary patrol road (including Wisconsin Avenue and the new roads that would be built in the proposed residential development) should be more than ample to provide fire suppression access to the BORCE. Finally, it is difficult to conceive of why a residential development and a conservation area would need to be separated by a 20-foot-wide gravel road with 5 feet of cleared space on either side. The road would substantially extend the adverse ecological

impacts of the proposed ED-6 land transfer (by eliminating some habitat, extending the loss of forest interior habitat farther into the BORCE), would be considered an eyesore by adjacent residents, would increase DOE's management costs, and could increase trespasser access to both the conservation area and the residential area. This road should be deleted from DOE's proposal.

A serious flaw in the EA (one that must be corrected in the final EA) is its poor handling of impacts to "deep forest" (forest interior) habitat. In the final EA, please (1) explain the methodology used to identify forest interior habitat (how far must an area be from a forest edge in order to qualify as interior), (2) acknowledge that the actual loss of forest interior habitat would be much larger than 174 acres because of the introduction of new "edge," (3) provide a quantitative estimate of the amount of forest interior habitat that would be lost because of the new "edge" created by the residential development and perimeter road (if the boundary distance from "edge" to "interior" is 100 meters, the total interior habitat loss would increase by at least 40 acres, to about 214 acres), and (4) present the results in the context of the total amount of interior habitat in the adjacent BORCE and on the ORR as a whole. A 25% reduction in the 863-acre interior forest tract of which this area is a part may be a significant environmental impact, particularly considering the small total area of this habitat type on the ORR and the ongoing global decline in the songbird species that require this habitat type for nesting.

AFORR looks forward to your careful consideration of these comments. To help ensure that you understand our concerns and address them effectively, we would be happy to consult with you or your contractors during development of the final EA. Please feel free to contact Jo Ann Thompson at 482-5660 or Ellen Smith at 483-3068 (home phone number).

Sincerely,

/transmitted electronically/

Jo Ann Thompson for the AFORR Board