

September 28, 2005

Gerald Boyd
Director of Oak Ridge Operations
U.S. Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831

Dear Mr. Boyd:

The Tennessee Citizens for Wilderness Planning (TCWP) and the Advocates for the Oak Ridge Reservation (AFORR) are writing you today about a number of the unassessed environmental impacts of the proposed land transfer and patrol road addressed in the Department of Energy's recent ED-6 Draft Environmental Assessment. Of particular interest are effects on the Black Oak Ridge Conservation Easement (BORCE) State Natural Area.

The DOE is proposing to transfer 362 acres of land, identified as ED-6, to the City of Oak Ridge. The impacts of this transfer are supposed to be identified and assessed in the Environmental Assessment (DOE/EA-1514 Draft). In the belief that the environmental assessment (EA) would be thorough and that negative impacts on the adjacent BORCE State Natural Area would be mitigated, the local conservation community, represented by TCWP and AFORR, agreed to endorse the ED-6 proposal, although it encompassed more land than the Land-Use Focus Group discussed for residential development (220 acres) and was larger than the acreage initially requested by the City (Resolution 5-73-04, 245 acres). We also had been informed, by the Mayor and other City of Oak Ridge officials on two occasions (DOE ED-6 information meeting in November 2004 and a December 18, 2004, meeting with city officials), that the excess land (between 50 and 100 acres) would be transferred to the State to become a part of and contiguous with the BORCE State Natural Area.

The EA is not complete without having assessed the impacts of the ED-6 development and construction of the patrol road on the deep forest habitat which they would destroy. The additional loss of deep forest habitat as a result of creating the new edge around the 174 acres of destroyed deep forest has not been assessed in the EA.

The destruction of the deep forest habitat could be reduced by relocating the western ED-6 boundary line farther east and allowing it to follow the natural land contours. This could save an estimated 50 to 60 acres of deep forest habitat.

The construction of the proposed patrol road within the BORCE State Natural Area is a part of the ED-6 proposed action, but it has not been analyzed for any environmental impacts. This patrol road is not required for any DOE mission since this is supposed to be a State Natural Area. Fire protection should not be a problem since this area is accessible from roads in the proposed ED-6 development.

The unnamed stream affected by this patrol road drains approximately 100 acres of the BORCE State Natural Area. Approximately 50% of this unnamed stream traverses parcel ED-6, with the balance located within the BORCE State Natural Area. This unnamed stream has been treated as a "wet weather conveyance" in the ED-6 EA and this is an inaccurate description of this stream

The irreparable negative impacts of the proposed new patrol road are summarized:

1) It would severely degrade the ecological value of the unused ED-6 land (50 to 100) acres the City

would transfer to the BORCE State Natural Area because the acreage would not be contiguous with the primary State Natural Area acreage. The proposed patrol road cannot follow the arbitrarily drawn straight ED-6 boundary line because of steep terrain. It must meander through the BORCE, hence cutting off and isolating a portion of the BORCE State Natural Area. The excess City land would only be contiguous with this small cut-off portion.

2) It would have a negative environmental effect on the unnamed stream draining the valley within the BORCE State Natural Area because its undefined route must meander off the hill and down through the valley.

3) It would substantially increase the estimated loss of deep forest habitat by as much as 100 acres (in addition to the 174 acres of deep forest habitat loss within the proposed ED-6 boundary). Part of this 100-acre loss would be due to the eastern end of the BORCE State Natural Area being isolated by the road, and hence separated and not contiguous with the deep forest section of the BORCE State Natural Area (see #1 above).

4) It would reduce the monetary value of the BORCE State Natural Area as compensation from DOE for pollution of Watts Bar Lake under the Natural Resource Damage Assessment (NRDA).

5) New residential lots that back up on an unpaved gravel road would have less value than lots that back up on a natural area.

TCWP and AFORR request the following changes to the ED-6 EA:

1) The additional loss of deep forest habitat, due to the new edge created around the proposed ED-6, should be assessed.

2) The proposed new patrol road should be deleted from the project.

3) The straight-line western boundary of ED-6 should be redrawn to follow the natural land contours, hence reducing the total acreage and allowing 50 to 60 acres of the deep forest to be left in the BORCE State Natural Area.

4) A complete plant survey should be done to determine if and where there are rare and endangered plants on the property.

5) The DOE should provide a comprehensive analysis of cumulative impacts of past, present and reasonably foreseeable DOE proposed land use changes on the Oak Ridge Reservation.

6) The overall effect of ED-6 on the BORCE State Natural Area should be assessed.

Although we have provided official comments on the ED-6 EA, it is our obligation to alert you to serious deficiencies that could bring about legal challenges to this process and thus delay the ED-6 land transfer to the City of Oak Ridge. Our purpose is to see that DOE fulfills its responsibilities for the environment; we do not want to delay the proposal.

We appreciate your continuing interest in protecting this unique and irreplaceable Oak Ridge Reservation. Please contact one of us if you wish to discuss our concerns further.

Sincerely,
For the TCWP and AFORR Boards

Frank Hensley, TCWP Board Member

Jo Ann Thompson, AFORR Board Member

cc: David Bradshaw, Mayor of Oak Ridge
Jim Fyke, TDEC Commissioner
Gary Hartman, DOE Oak Ridge Office
Reggie Reeves, TDEC Division of Natural Heritage
Charlie Tate, Tennessee State Parks
Zach Wamp, U.S House of Representatives