

**Advocates for the Oak Ridge Reservation**  
**112 Newcrest Lane**  
**Oak Ridge, Tennessee 37830**

April 28, 2000

Mr. Larry Clark  
U.S. Department of Energy  
PO Box 2001  
Oak Ridge, Tennessee 37831

Dear Mr. Clark:

Re: DOE EA on Proposed Lease of Parcel ED-3 to CROET

On behalf of Advocates for the Oak Ridge Reservation (AFORR), I would like to express some general concerns about the proposed lease of Parcel ED-3 to the Community Reuse Organization of East Tennessee (CROET) and offer some general comments on the pre-approval draft environmental assessment for this proposal.

1. Actions such as this one should not be implemented outside the context of a comprehensive Oak Ridge Reservation land use plan developed with full and open public involvement.

AFORR is concerned that this proposed action is just one in a continuing series of piecemeal decisions regarding Oak Ridge Reservation land use. This year it is ED-3, a year or two back it was leasing of undeveloped parts of the K-25 site, in 1997 it was Parcel ED-1, and before these came Parcel A and other controversial transfers. Each one of these was proposed as a stand-alone action uniquely needed to foster economic development. However, it is not evident that some of these actions have had the desired benefits, and together they have resulted in a substantial reduction of the public lands of the Oak Ridge Reservation.

We believe that the Oak Ridge Reservation as a whole has significant value for scientific research, for conservation, as a health and safety buffer, as an educational resource, as a recreational resource, and for its historical significance. As a result of these values, we think the ORR in its present form has significant potential economic value for the region. When proposed transfers of portions of the ORR are considered in isolation, these values -- and the public's overriding interest in this publicly owned land resource -- do not receive full consideration. Therefore, we ask that no decision be made to lease ED-3 or transfer other ORR parcels unless they are consistent with a comprehensive land use plan developed in full view of the public.

We understand that under the National Environmental Policy Act it is illegal to divide an action into small segments in order to avoid environmental scrutiny for the overall action, but this seems to be exactly what DOE is doing for decisions about ORR land use. Please end this piecemeal decision-making pattern by initiating a public planning process for the Oak Ridge Reservation.

2. The benefits of the proposed action are questionable. This proposal is based on a questionable premise -- that making more land available for development will create many jobs to help offset the impacts of DOE downsizing. The EA does not critically assess the beneficial impact of the proposal, but simply assumes that there would be about 1000 direct jobs in businesses locating on the 450-acre site, plus another 3000 indirect jobs in the region. The community has little to show in the way of benefits from several past transfers of ORR land, so we have good reason to question the validity of optimistic assumptions about the benefits of this lease.

Please revise the EA to include a rigorous assessment of the benefits from this proposal, including realistic evaluation of the number of direct and indirect jobs generated under likely land uses (not a "best" or "worst" case land use scenario). Also, please do a realistic evaluation of costs and benefits to the local governments as a result of this development (including (1) costs of providing infrastructure and public services such as police and fire protection outside the existing service areas, (2) losses due to diversion of business from other local commercial and industrial areas, and (3) realistic estimates of property and sales tax collections from "improvements" built on leased land that is not itself subject to property taxation). Without such an assessment, we think it is too early to conclude whether or not the proposed action would benefit the community and region economically. A realistic assessment of benefits should consider that (1) zoning would not be as permissive as assumed in the draft EA (for example, the IND-2 zoning provisions assumed in the EA are no longer in effect), (2) parcel geometry would restrict uses of much of ED-3, (3) the presence of wetlands and historic features (subject to stringent protections under DOE regulation 10 CRR 1022 and the National Historic Preservation Act, respectively) would further constrain land use, and (4) the ED-3 site would be in competition with other industrial and commercial districts in Oak Ridge, Roane County, and the surrounding area. Also, the taxability of the property should be discussed and evaluated realistically. Although we understand that local governments have authority to collect property taxes from businesses on leased federal land, the fact that no taxes have yet been collected from tenants at the former K-25 Site or Parcel ED-1 leads us to think that the community cannot count on this revenue source.

3. Would development of Parcel ED-3 divert resources from K-25 reindustrialization? At K-25 and parcel ED-1 the CROET controls large areas that are available for development and redevelopment right now. Progress at these sites is limited by lack of money to upgrade and extend utilities, clean up contamination, and demolish older buildings to make way for new construction. We are concerned that adding ED-3 to CROET's portfolio would divert CROET's limited resources away from reindustrializing K-25. AFORR believes that reuse and redevelopment of the K-25 site, which is a brownfield, should be DOE's and CROET's highest priority in the area of community economic transition. We particularly oppose any action that diverts resources from reindustrialization in order to open another greenfield area for development. (ED-3 should be considered a greenfield because it has substantially recovered from the disturbances that occurred more than 50 years ago.)

4. The EA overlooks some potential adverse ecological effects on biodiversity and wildlife habitat.

The EA treats the proposed lease areas as if they were isolated in space, failing to acknowledge that several of the various pieces of ED-3 are parts of much larger tracts of forested land. The EA should assess the extent to which the proposed development would continue the cumulative loss of natural habitat in this area and increase habitat fragmentation.

Also, the EA largely ignores the presence of wetlands, floodplain, and stream habitats. The EA should evaluate how the development might impact these habitats and should discuss measures to avoid or otherwise mitigate adverse impacts, including the requirements of DOE regulation 10 CFR 1022.

5. Historical and cultural impacts are not fully considered. The EA does not fully consider how the proposed lease would affect the Wheat District -- the remnants of the thriving community that stood in this area before lands and homes were taken to build Oak Ridge. A particular concern is the visual and noise impacts at the George Jones Memorial Church and nearby cemetery if factories or strip malls are built next door. Former residents of Wheat are particularly concerned that their view of the church from the public highway not be obstructed, and we think that DOE should honor this request.

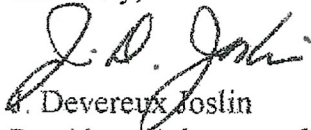
6. The EA needs to realistically assess the potential adverse impacts of commercial development on this property. Assessment in the EA is based solely on "worst-case" assumptions about industrial development. However, considering the location and configuration of the sites that would be leased, highway-oriented commercial businesses are the most likely tenants for much of the parcel. In some respects the impacts of commercial development could be worse than the impacts of industry. The EA does not say anything about the environmental impacts of strip malls and convenience stores along Highway 58 and Blair Road, including effects on traffic volumes and patterns. An additional concern is that this type of commercial development typically has no net positive impact on the local economy (because it simply diverts business from other commercial areas, it does not generate new jobs). DOE needs to evaluate the adverse impacts and limited benefits of this type of development. If the impacts of this type of development are found to be unacceptable (as we expect they will be), any lease of transfer of this land should be done with restrictions to prevent its use for these purposes.

7. If this land is leased, we question whether the CROET is the right entity to be put in charge. CROET has been entrusted with public lands and public funds in order to foster economic development of the region, but the organization has not won the public's confidence for its performance in the areas of public openness, accountability, and environmental responsibility. For example, many members of our organization and others in the region have expressed concern that CROET's development of Parcel ED-1 has not been in accordance with the mitigation requirements included in the NEPA Finding of No Significant Impact (FONSI) for lease of that parcel.

8. The draft EA did not consider any alternatives to the proposed action (other than no action) because it asserts that there are no reasonable alternatives available to DOE. AFORR is convinced that there are other alternatives. We can think of quite a few other actions that would help further the goal of community economic development and that probably would be more effective than this proposal. DOE also needs to consider and assess alternatives that do not involve transferring additional land (such as accelerated cleanup of K-25 to permit more rapid progress in reindustrialization, or financial assistance to the community to aid in upgrading and expanding infrastructure in the K-25 and ED-1 area), as well as the alternative of leasing or selling land to an entity other than CROET (an alternative that was suggested publicly in the scoping process for this EA, but was not assessed in the draft). The fact that DOE does not currently have funds or authority to implement one of these alternatives should not preclude DOE from considering it in the EA, since a well-supported analysis could form the basis for making a case to Congress to authorize an action that is found to be in the community's best interest.

As stated in our first comment, AFORR asks that DOE not transfer this parcel or any other ORR lands until a comprehensive, public land planning process has been completed. Subsequently, DOE should transfer lands only if the transfer is consistent with the existing plan. In view of the serious shortcomings we found in the analysis provided in the draft EA, no decision should be made on the current proposal until after the public has had an opportunity to review and comment upon a thoroughly revised assessment of the proposal.

Sincerely,



A. Devereux Joslin  
President, Advocates for the Oak Ridge Reservation

cc: G. Leah Dever, DOE  
A. J. Kuhaida, Mayor, City of Oak Ridge  
Secretary of Energy Bill Richardson  
L. Young, CROET