



BELOWGROUND FOREST RESEARCH
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May 17, 2004

DATE 482-6536

FAX NUMBER: _____

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TOTAL PAGES (including cover page): 3

SUBJECT: Letter to Commissioner child

COMMENTS: _____

~~Here's the letter - Frank has
only copy with Cindy's
signature on it.~~
Dev

Here's one with a date (first page)
and a signature (last page) please combine
with other pages.
Can't get Cindy's a this
Short notice - Dev

Advocates for the Oak Ridge Reservation
136 W. Revere Circle
Oak Ridge, TN 37830

May 14, 2004

Commissioner Betsy Child
Department of Environment and Conservation
401 Church Street
Nashville, TN 37243

Dear Commissioner Child:

On behalf of the Advocates for the Oak Ridge Reservation (AFORR) and Tennessee Citizens for Wilderness Planning (TCWP), we are writing to request your assistance in concluding the establishment of a conservation easement on the 3,000-plus-acre Black Oak Ridge tract on U. S. Department of Energy (DOE) land in Oak Ridge, Tennessee. In December 2002 then-Governor Sundquist formally announced (at a large public ceremony in Oak Ridge) an Agreement in Principle between the State of Tennessee and DOE to place this tract under a conservation easement. The Governor declared that the area would be preserved forever as part of the work of the Natural Resources Damages Assessment (NRDA) Trustee Council.

Seventeen months later we are concerned that no legal agreement has been signed. Based upon information provided separately by several members of the NRDA Trustee Council, we understand that the process has bogged down and is currently in the hands of the DOE realty office in Oak Ridge. We have been informed that the Trustee Council has decided to defer the discussion of other details until after an agreement between DOE and the state has been signed. We understand that the NRDA Trustee Council has not met for several months, awaiting a draft agreement from that office for TDEC's legal counsel to review.

We realize that economic valuation of the property and details of its future management issues will take some time to work out, but we also understand that neither of these matters affects the signing of the legal agreement. We request that TDEC and the State of Tennessee work persistently with DOE to hasten completion of the draft and signing of that agreement promptly and in a manner consistent with the NRDA process and the Agreement in Principle. This is vital in its own right, but also in order that the process of completing the details of this arrangement can move forward. Such an agreement, in order to be consistent with Governor's

Sundquist announcement, should include a permanent conservation easement, not a temporary or indefinite one.

We also find that it is very difficult to get any information on the status of progress on this matter. Approximately 75 citizens attended the public meeting hosted by TDEC in Oak Ridge on Aug. 5, 2003, chaired by Mr. Dodd Galbreath. The purpose of that meeting was to allow the public to comment and discuss the future of this 3,000+-acre area. All but one of the people who spoke or commented at that meeting strongly supported protection of the 3,000+ acres as a natural area. In the eight months since that meeting, there have been no public announcements or releases on information on progress. The impact of this delay and absence of communication was demonstrated at a recent meeting of Oak Ridgers interested in development of tourism in the surrounding area. Most of the attendees had nearly forgotten that the Black Oak Ridge conservation easement was still "in the works," and that this area might become an important recreational area and tourist attraction. An uninformed public apparently has a short memory.

The history behind the NRDA Trustee Council's decision to place a conservation easement on this particular 3,000+-acre forested tract strongly demonstrates the public's support behind moving forward with this action. In 2001 DOE's Oak Ridge office formed a Land Use Planning Focus Group consisting of stakeholders, to provide input on the future of approximately 5,000 acres on the western end of the DOE Oak Ridge Reservation. This area included the Black Oak Ridge tract. The twenty-member Focus Group represented a broad cross-section of community stakeholders, including agencies and organizations having an interest in the future of the Oak Ridge Reservation. The City of Oak Ridge was represented by the City Manager, two City Council members, a Planning Commission member, and three representatives of the Oak Ridge Chamber of Commerce. Also represented were the Tennessee Department of Economic and Community Development, U. S. Fish and Wildlife Service, the Community Re-use Organization of East Tennessee, The Nature Conservancy of Tennessee, AFORR, Friends of Oak Ridge National Laboratory, the Tennessee Conservation League, the Tennessee Valley Authority, the Tennessee Wildlife Resources Agency, and the Oak Ridge Convention and Visitors Bureau.

After spending a year evaluating the potential uses and various values of the 5,000+ acres in question, the Focus Group unanimously endorsed the idea of permanent preservation for this particular 3,000+ acres. During this year-long process, there were 13 Focus Group meetings (open to the public) and four public hearings. Verbal and written statements from the public strongly supported preservation for this particular tract of land.

Considering the overwhelming and near-unanimous public support from the local community and organizations across the state, it seems clear that it would behoove the state of Tennessee to bring the completion of this agreement to closure. The ability to use this area as soon as possible for recreational tourism and to attract people to visit or live in Oak Ridge is important to this community's future. As we write, a tourism/heritage council has been meeting to decide on means of attracting more tourism to this area. Furthermore, completion of the momentous transfer of this important area for the preservation of wildlife and native plants in the Ridge and Valley of East Tennessee would seem to be an excellent opportunity for positive public relations for both Oak Ridge and for State government.

Thousands of hours of stakeholder time in the Land Use Focus Group and in the NRDA Trustee Council have been expended to determine the appropriate use for this land. Now that all of this work has been completed, Governor Sundquist has made his announcement, and a TDEC public hearing has been held, it is time for action. But since that hearing eight months ago, there has been no communication updating stakeholders on the status of the preservation process. When help was requested from the public they overwhelmingly provided it, and now we would appreciate your help in finalizing the preservation of this tract and informing us as to what is, or is not, going on. We are requesting that TDEC keep the public better informed on progress in this matter. We also are ready to assist your organization in any way that might expedite this process.

Finally, we would like to request to meet with you, or one of your representatives, to discuss this important issue on the occasion of your next visit to east Tennessee. We would greatly appreciate it if you would contact either Dev Joslin or Cindy Kendrick by email or telephone (please see contact information below) as soon as possible to schedule such a meeting. We will gladly try to adjust our schedules in order to meet with you personally.

Sincerely,



Dev Joslin, Acting President, Advocates for the Oak Ridge Reservation

(865) 482-7591; jdjoslin@esper.com

Cindy Kendrick, President, Tennessee Citizens for Wilderness Planning

CC:

Steven Alexander, U. S. Fish and Wildlife Service

Mark Hastings, Tennessee Valley Authority

David McKinney, Tennessee Wildlife Resources Agency

Joe Sanders, Tennessee State Attorney General's Office

Barry Turner, Tennessee Department of Environment and Conservation

Marsha White, Tennessee Department of Environment and Conservation

Reggie Reeves, Natural Heritage Program, Tennessee Department of Environment and
Conservation

Patrick Parker, Tennessee Department of Environment and Conservation

Mike Butler, Director, Tennessee Conservation League

Scott Davis, Director, The Nature Conservancy of Tennessee