

June 4, 2008

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

via email and U.S. Mail

Re: Parcel ED-3 environmental assessment (DOE/EA-1316) and  
Oak Ridge Reservation land use planning

Dear Mr. Boyd:

I am writing on behalf of the Advocates for the Oak Ridge  
Reservation (AFORR) ((? and the Tennessee Wildlife Federation  
(formerly Tennessee Conservation League) (TCL) and TCWP ?? ))  
to urge you to refrain from making individual land use decisions  
that would effectively dispose of separate, discrete parcels of  
the Oak Ridge Reservation (ORR) prior to completing a  
comprehensive environmental impact statement (EIS) that  
considers the impacts of these and other land-use actions on the  
Reservation as a whole, as required by the National  
Environmental Policy Act (NEPA).

*Tennessee Citizens for  
Wilderness planning*

In particular, it appears that DOE is preparing to dispose  
of Parcel ED-3 upon completion of an ecological assessment that  
would supplement an environmental assessment first drafted back  
in 2000 ... still without ever undertaking the kind of  
comprehensive environmental analysis of land use planning and  
disposition at ORR that we believe is clearly required by NEPA.

AFORR, TWF and <sup>TCWP</sup> ~~others~~ have repeatedly requested preparation  
of a comprehensive EIS for land management decisions at ORR. A  
series of stakeholder meetings starting in 2001 as part of the  
Oak Ridge Reservation Land Use Planning Process served members  
of the public reasonably well, but that process still fell short

of the comprehensive analysis required by NEPA to inform agency decisions.

We would like to request, once again, that DOE commit to preparing a comprehensive EIS for the Oak Ridge land use planning process before proceeding with any further sales or exchanges of public land. We would be happy to meet with you at a time of your convenience to explore the role for interested members of the public in the NEPA process. We look forward to your prompt response.

Sincerely,

Richard A. Parrish  
Senior Attorney

cc via email:

Carol Borgstrom, DOE Office of NEPA Policy and Compliance  
Paul Bosco, DOE Office of Engineering and Construction Mgmt  
Susan Cange, DOE ORO Reindustrialization and Technical

Assistance Team

Cindy Finn, DOE ORO Realty Officer

Gary Hartman, DOE ORO NEPA Compliance

Donald F. Thress, DOE ORO Chief Counsel

Virginia H. Dale, Advocates for the Oak Ridge Reservation

Michael Butler, Tennessee Wildlife Federation

---, Tennessee Citizens for Wilderness Planning

~~Jimmy Groves,~~

- other legal verbage from Jan 2001 letter ...

The Supreme Court recognized the necessity of considering such cumulative impacts even in the absence of a program or plan in Kleppe v. Sierra Club, 427 U.S. 390 (1976). "Thus, when several proposals for ... actions that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together." Id. At 409.

As you know, NEPA requires federal agencies such as DOE to prepare an environmental impact statement on any "major Federal action significantly affecting the quality of the human environment." 42 U.S.C. §4332(2)(c). There can be no doubt that preparation of a comprehensive integrated land use plan for federal lands such as the Oak Ridge Reservation constitutes such a major federal action. Council on Environmental Quality (CEQ) regulations interpreting NEPA note that the following agency actions are subject to NEPA analysis: adoption of formal plans which guide alternative uses of federal resources or upon which future agency actions will be based; adoption of programs, such as a group of concerted actions to implement a specific policy or plan; approval of specific projects such as management activities located in a defined geographic area. 40 CFR Section 1508.18(b).

Yet, as far as we can tell, the existing comprehensive integrated plan for ORR was prepared without the benefit of public participation envisioned by NEPA. Until that comprehensive NEPA analysis is concluded, we believe it is improper to isolate individual parcels or segments of ORR for environmental analysis, unless they are afforded the same level of detailed review that would be contained in a comprehensive EIS. NEPA was fundamentally intended to "foster both informed decisionmaking and informed public participation." State of California v. Block, 690 F.2d 753, 761 (9th Cir. 1982). A comprehensive EIS would serve both goals in this instance.

Furthermore, we believe comments submitted by AFORR on both EAs and TCL on the Parcel ED-3 EA demonstrate that decisions to dispose of or develop those parcels warrant site-specific EISs, especially in the absence of a comprehensive EIS to which those analyses could be tiered, because of their potentially significant impacts on the quality of the human environment (especially wildlife values, recreation and preservation opportunities). Segmentation of proposals or plans for NEPA purposes is particularly problematic when cumulative impacts are of concern, such as when land disposition decisions threaten cumulative impacts on natural areas and wildlife resources. Such cumulative impacts should be evaluated and discussed in a single NEPA document or EIS. 40 CFR Section 1508.25(a)(2).

We appreciate your past and ongoing efforts to develop a comprehensive land use plan for the Oak Ridge Reservation, but we strongly encourage you to complete the NEPA analysis which should accompany that process before proceeding with individual

land use decisions that should be governed by that comprehensive plan. We would appreciate the opportunity to discuss these issues with you at your earliest convenience, certainly before finalizing the two EAs referenced above, and we look forward to working with DOE on the development of a comprehensive EIS for land management on the Oak Ridge Reservation.