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June 7, 1999

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JUN 10 1999
DOE/RL

Thomas W. Ferns, HRA-EIS Document Manager
U.S. Department of Energy, Richland Operations Office
P.O. Box 550, MSN HO-12
Richland WA 99352

Re: Comments on HRA/EIS Public Draft

Dear Mr. Ferns:

Please accept the following comments on the public draft of the HRAEIS and CLUP.

At the outset, the county wishes to commend those representatives of DOE-RL management and staff, as well as contract employees, and representatives of cooperating agencies and Tribes who, for the last two years, have helped refocus and move forward our 9 year quest to cooperatively prepare a Comprehensive Land Use Plan for the Hanford Site. Over the past 2 years these individuals and others have worked hard to bring about this draft, which is about as close to a product of consensus as can be achieved, given the varied, complex, and passionate interests it incorporates.

Unfortunately, as you will read in comment # 1, below, local governments and citizens feel strongly that this cooperative regional effort to engage upon an objective and equitable process for determining future land use on the Site has been significantly undermined and prejudiced in its 11th hour by power politics from the usual distant quarter. That aside however, the effort from RL is appreciated, and should be viewed as a model for DOE cooperation with local and regional interests -were it not so easily nullified by political interests.

Since Benton County is a cooperating agency in the preparation of this draft document, and therefore it's staff has reviewed and either affirmed, or abstained from objection to its contents, (up until the administrative draft went to DOE

headquarters for review and edit) the comments below generally refer to macro rather than micro issues. They relate to process; to our expectations from the ROD on this document; to what is not in the draft but should be included in order for it to be useful at the point of selecting a Preferred Land Use Map in the ROD.

1. Procedural Requirements

From a NEPA procedural standpoint, Secretary Richardson's recent announcement that the future land use of the Wahluke Slope will be as a wildlife refuge under management by USFWS, prior to even the release of the public draft of the HRA-EIS, is directly and flagrantly prejudicial to the HRA-EIS and CLUP process. Besides making a mockery of the NEPA public comment requirement, and discounting the local effort of the past years, the announcement's legality is questionable. Never mind that the "Preferred Alternative" within the HRA-EIS document was manipulated at headquarters to reflect the Secretary's announcement, the decision should be a product of the ROD (rather than the ROD being a product of the decision) -unless NEPA review was not required in the first place, in which case why were we doing land use planning for the Wahluke in the EIS? This decision should be revoked and held in abeyance until comments on the EIS have been taken and responded to, and the ROD for the HRAEIS and CLUP is issued.

2. Environmental Justice

The environmental justice section of the document needs to be augmented with an analysis of the socio-economic impacts of the alternatives on the residents of south Grant County and Mattawa. The loss of tax base to a low income rural community from the permanent lock up of lands with income potential, and for which reasonable expectations of a return of those lands to the tax base have existed for years, must be assessed.

3. Incomplete analysis

The analyses within the draft fail to assess discretely each of the Alternatives' consistency with identified missions of DOE at the Site, and to compare the Alternatives in that regard. This is a serious omission. To the extent that DOE missions are embodied in existing Site or DOE Complex Policy, this is a legitimate and required element of the EIS. For example, how do each of the Alternatives forward the objectives of economic diversification, privatization and reuse? A cursory review would indicate that Alternatives 1 and 2 are counter-productive to this objective. They offer little land outside the Preservation designation for future federal missions or private sector uses; the small areas designated for development are surrounded by the Preservation designation, making access and service very difficult. These Alternative maps would exclude even a benign use such as LIGO if one were to be proposed. Alternative 4, the Preferred Alternative, and Alternative 3, in that order, increasingly meet the objectives of reuse and diversification.

Additionally, a review of the land use designations of all the alternatives would indicate that to varying degrees, each has designations that are inconsistent with,

or not justified by, the identified values and resource inventories of the underlying land. The result of such disconnects between inventoried resource value and land use designation is lost opportunities to realize other values and policy objectives, such as privatization, multiple uses, and sustainable development. For example, Alternatives 1, 2, and 4 grossly apply the Preservation or Conservation designations to areas of the site where the Biological Resources Inventory and Management Plan for the Site (BRMaP), as well as other data including cultural resources, indicate little or no significant biological or cultural resources to be preserved (i.e., to areas indicated as Level I or II in BRMaP). The Preferred Alternative does this to a lesser extent than Alternatives 1, 2, and 4. Of all the maps, Alternative 3, south of the Columbia River matches the land use designations most closely to the underlying resources values indicated in site-wide data bases. In doing this, Alternative 3 both protects the high value biological and cultural resources on the site, and provides the greatest opportunity for multiple land uses and to satisfy Site policy and objectives relating to future federal missions and economic diversification and privatization. The EIS should provide an analysis for this issue.

On the issue of diversification and multiple use: only Alternative 3 provides opportunities for more than token non-industrial related land uses (high intensity and low intensity recreation, and a trails system that connects regional points of access and recreation). Only Alternative 3 contains a range of land use designations that integrates with regional land use activities. The limited development area on Alternatives 1 and 2, and the narrow range of land use designations on Alternatives 1, 2, 4, 5, and the Preferred Alternative, merely perpetuate the Hanford driven mono-industrial land uses of the past 50 years on the Site. Unless the objective of DOE is to keep the whole site as a federal industrial land bank separated from the socio-economic fabric of the larger region, the Alternative ultimately selected as "Preferred" (in the ROD) has to provide a viable mix and acreage of future land use opportunities that enable a break from the past and integration with regional land uses.

4. Change the Name of the Document

The acronym "HRA" is an irrelevant vestige of a more confused time. After eight years and millions of dollars there should be a little more clarity as to what the document is about. Suggestion: per page nine of the Preamble in the draft, change the title to Hanford Comprehensive Land Use plan/EIS (HCLUP/EIS)

5. Institutional Controls

Add "Institutional Control Plan" (ICP) to the list of Implementing Controls (to be prepared) in Table 6-4, page 6-13. There should be some discussion as to the appropriateness of the site Planning Advisory Board reviewing the Implementation Plan (it may or may not be appropriate), but that aside, an ICP will be necessary, and since ICs are essentially land use restrictions that will integrate with land use designations, policies and implementation procedures, and site development review, all of which come together in or around the Hanford Comprehensive Plan, then the Plan would seem the appropriate point of residence for the ICP.

6. Difference Between the role of a Cooperating Agency's Alternative Land Use Map and Public Perception of the Alternative Maps.

As a Cooperating Agency, Benton County participated in the HRA-EIS/CLUP Public Meetings held by the DOE over the past few weeks. At those meetings it has come to our attention that a significant number of the general public that provided comments and concerns on the Draft EIS do not fully understand the role that the land use alternatives play in this EIS process and what the intent of the Cooperating Agencies involvement was in the development of this EIS. For example, a number of people believe that the alternative land use maps, excluding the Preferred Alternative, call for a transfer of DOE lands to the sponsoring agency of that particular alternative map. This is not the case.

The Final EIS needs to clarify that the Alternative Land Use Maps are the DOE's Alternatives for NEPA review, and that the Alternative Maps are not about transferring land use authority but rather they are land use options to be reviewed and considered by DOE for Site use over the next 50 years.

7. The Meaning of "Local Control" of Hanford Lands in the HRA-EIS/CLUP

Relative to the above comment, and in light of the concerns expressed by a large number of the public at the DOE public meetings, there is a misconception as to the role that local governments have relative to land use authority on Hanford lands. The EIS/CLUP also must make it clear that on Hanford lands, land use activities that are not a part of the federal mission, e.g., non-federal or private developments not related to cleanup, are subject to review and/or approval by the local jurisdiction of authority (i.e., the underlying local county or city)

For example, the LIGO facility, the Energy Northwest (WPPSS) complex, and perhaps the proposed B-Reactor Museum, are subject to the jurisdictional authority of Benton County relative to the use of land and structures. The proposed boat launch near the Vernita Rest Stop is subject to the requirements of the Shoreline Management Act implemented by local government. The regulatory permit authority of local government exists within all of the alternative maps for non-federal or private activities. The Final EIS document needs to clarify this circumstance.

8. A Vision For The Preferred Alternative

The Preferred Alternative is without explicitly stated land use Vision, goals or objectives. It relies on the Strategic Plan and remediation objectives for reference, however the Strategic Plan goals and objectives do not refer to or include land use, and remediation is land use neutral, at least without an adopted land use plan. An example of a land use Vision and goals and objectives is found on page 3-38 of

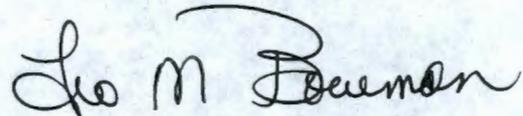
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Alternative 3. The Preferred Alternative land use map should be based upon a clear land use Vision with goals and objectives sufficient to help DOE achieve that vision over time.

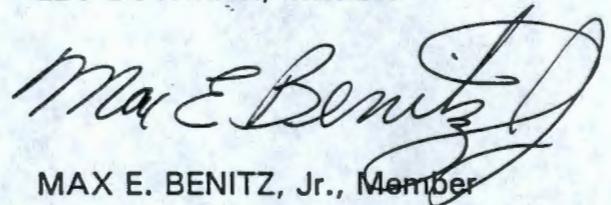
Sincerely



CLAUDE L. OLIVER, Chairman



LEO BOWMAN, Member



MAX E. BENITZ, Jr., Member

cc: Mr. Keith Klien, Hanford Site Manager,
Mr. Lloyd Piper, Deputy Manager DOE-RL
See attached list

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