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Supplement Analysis

Hanford Comprehensive Land-Use Plan Environmental Impact Statement

DRAFT

U.S. Department of Energy
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SUMMARY

In September 1999 the U.S. Department of Energy (DOE) issued the Final Hanford Comprehensive Land-Use Plan (HCP) Environmental Impact Statement (EIS) (DOE/EIS-0222-F). The HCP EIS analyzed the impacts of alternatives for implementing a land-use plan for the DOE's Hanford Site for at least the next 50-year planning period and lasting for as long as DOE retains legal control of some portion of the real estate. In November 1999 DOE issued its Record of Decision (ROD), establishing the Comprehensive Land Use Plan (CLUP), which consisted of four key elements:

- A land-use map that addressed the Hanford Site as five geographic areas;
- A set of nine land-use designations that define the permissible uses for each area of the site;
- The planning policies, and,
- The implementing procedures that would govern the review and approval of future land uses.

The CLUP is considered an ongoing program that should be reviewed, per the recommendations in the HCP EIS as well as Council on Environmental Quality guidance, every five years. As stated in the HCP EIS this *National Environmental Policy Act of 1969* (NEPA) review would be in the form of a Supplement Analysis (SA). This SA will help inform DOE's determination of whether the existing HCP EIS remains adequate, or whether a new EIS, or a supplement to the existing EIS, should be prepared. This SA will determine whether further NEPA review is needed due to potential changes in the aforementioned 4 key CLUP elements, as adopted in the ROD.

A qualitative process was developed to identify and evaluate decision documents, actions and reasonably foreseeable actions (e.g., Notice of Intent to prepare the Tank Closure and Waste Management EIS) from 1999 through September 2007. Documents considered in this assessment included existing NEPA, *Comprehensive Environmental Response, Compensations and Liability Act of 1980* and *Resource Conservation and Recovery Act of 1976* documents; DOE Orders, policies, guidelines; DOE real estate licenses, permits, easements, deed notices; Executive Orders and laws and regulations addressing land use; and cultural/historical documents. In addition, DOE solicited input from tribal nations and other interested stakeholders through meetings and a fact sheet as to what other documents should be reviewed/evaluated in this process. Examples of documents identified through this outreach effort include the Nez Perce *Hanford End State Vision*, *Preliminary Redevelopment Potential for the Hanford 300 Area Final Report,* the DOE *Risk-Based End State* document, and the *City of Richland Comprehensive Land-Use Plan.* More than 280 documents were initially identified. More than 200 of those candidate documents were reviewed and evaluated to determine if CLUP policies were followed.

The evaluation process started with an initial review of documents using a key word search to verify the candidate document had some relationship to Hanford activities. Key words (e.g., CLUP, land use, residential) were selected because they captured key elements of the CLUP. Documents identified as pertaining to or potentially affecting land-use issues at Hanford were then put through a multi-level, eight-stage evaluation process. For those documents which presented insufficient information for determining a potential land use effect (such as the *Tank Closure and Waste Management EIS Notice of Intent),* or where it was not possible to effectively evaluate how the 4 key CLUP elements would be affected because no decision had been reached (e.g., the *Draft Hanford Reach National Monument Comprehensive Conservation Plan and Environmental Impact Statement*), the most current publicly available information was evaluated. Also, these potential actions were identified and flagged for re-evaluation in the next five-year HCP EIS SA review.

As a result of the document evaluation process, DOE found that other regulatory processes have been used in addition to the CLUP implementing procedures adopted by the ROD in determining whether proposed activities at the Hanford Site would be consistent with the CLUP. Due to the increased focus and attention on Hanford Site cleanup and waste management activities, regulatory processes have been followed under the CERCLA and RCRA/*Hazardous Waste Management Act* (HWMA) Corrective Action in accordance with the *Hanford Federal Facility Agreement and Consent Order* (Tri-Party Agreement or TPA); or for RCRA/HWMA permitting actions; or using independent NEPA reviews. These processes involve the same or expanded representation of Federal, state, and local agencies, American Indian Tribes, stakeholders, and members of the public to what was contemplated using the CLUP implementing procedures. Consideration of land use and consistency with the CLUP is actively considered and documented using these other processes. DOE considers these other processes to be acceptable and complementary methods for purposes of evaluating whether land-use is being implemented at the Hanford Site consistent with the CLUP.

The active development and implementation of resource management plans have maintained appropriate environmental controls, despite minor changes and evolution in terms of which specific plan now documents these controls. DOE also has found that the scope of some planned resource management plans that were identified by the HCP EIS for purposes of implementing controls may be merged with or are being covered by other plans (for example, the Aesthetics/Visual Resources Plan scope is being merged with the Hanford Cultural Resources Management Plan (HCRMP); the Fire Management and Noxious Weed Plans are now sub-components of the Biological Resources Management Plan). Other plans (e.g., Watershed Management Plan, South 600 Area Management Plan) have not been prepared due to higher priority work. In addition, two plans (addressing Gable Mountain and Gable Butte; and Rattlesnake Mountain) have recently been developed as subsets of the HCRMP. However, these changes and evolution have not affected the CLUP land-use designations or the land-use map, and continue to support DOE's efforts to streamline and integrate environmental planning at the Hanford Site consistent with the CLUP policies.

DOE has considered the results of the document evaluation process, the information that has been developed since 1999 concerning land use, and the procedures and processes that have been used at the Hanford Site to consider land uses. The use of other complementary processes is consistent with the intent of the CLUP policies and implementing procedures. The information that has been developed concerning land use since issuance of the HCP EIS continues to support the land use designations and stated policies of the CLUP. DOE continues to improve and enhance resource management planning to ensure appropriate controls are implemented at the Hanford Site consistent with the CLUP.

DOE has not identified significant changes in circumstances or substantial new information that have evolved since 1999 that would affect the basis for its decision as documented in the HCP EIS ROD. DOE proposes that preparation of a new EIS, or a supplement to the existing EIS, is not warranted at this time. DOE is considering publishing an amended ROD to clarify that other regulatory processes, additional implementation controls, and stakeholder involvement processes are acceptable methods for addressing whether proposed activities at the Hanford Site are consistent with the CLUP land use designations, map, and policies.

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TERMS

ACHP	Advisory Council on Historic Preservation
ALE	Fitzner/Eberhardt Arid Lands Ecology
AMP	area management plan
BLM	Bureau of Land Management
BoR	Bureau of Reclamation
BRMaP	Hanford Biological Resource Management Plan
BRMiS	Hanford Site Biological Resources Mitigation Strategy
CBRMP	Cultural and Biological Resources Management Plan
CCP EIS	Draft Hanford Reach National Monument (Monument) Comprehensive Conservation Plan and Environmental Impact Statement
CEQ	Council on Environmental Quality
CERCLA	*Comprehensive Environmental Response, Compensation, and Liability Act of 1980*
CFR	Code of Federal Regulations
CLUP	comprehensive land-use plan
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
DOE	U.S. Department of Energy
EA	Environmental Assessment
Ecology	Washington State Department of Ecology
EIS	Environmental Impact Statement
EM	DOE Office of Environmental Management
EPA	U.S. Environmental Protection Agency
ERDF	Environmental Restoration Disposal Facility
EUZ	exclusive use zone
FAR	Federal Acquisition Regulations
FFTF	Fast Flux Test Facility
FH	Fluor Hanford
FPMR	Federal Property Management Regulations
FR	Federal Register
GNEP	Global Nuclear Energy Partnership
GTCC	Greater-Than-Class-C
HAB	Hanford Advisory Board
HCP EIS	Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement
HCRMP	Hanford Cultural Resources Management Plan
HSW EIS	Hanford Solid Waste Environmental Impact Statement
HWMA	*Hazardous Waste Management Act*
INL	Idaho National Laboratory
LANL	Los Alamos National Laboratory
LLW	low-level waste
MLLW	mixed low-level waste
MOA	Memorandum of Agreement
Monument	Hanford Reach National Monument
MOU	Memorandum of Understanding
NEPA	*National Environmental Policy Act of 1969*
NHPA	*National Historic Preservation Act*
NRC	Nuclear Regulatory Commission
NTS	Nevada Test Site
ORR	Oak Ridge Reservation

PHMC	Project Hanford Management Contract
PNNL	Pacific Northwest National Laboratory
PNSO	Pacific Northwest Site Office
PSF	Physical Sciences Facility
RCRA	*Resource Conservation and Recovery Act of 1976*
RL	U.S. Department of Energy, Richland Operations Office
RMP	resource management plan
ROD	Record of Decision
SA	Supplement Analysis
SC	DOE Office of Science
SEPA	*State Environmental Policy Act of 1971*
SHPO	State Historic Preservation Officer
SPAB	Site Planning Advisory Board
SRS	Savannah River Site
TC&WM EIS	Tank Closure and Waste Management Environmental Impact Statement
TGD	technical guidance document
Tri-Party Agreement or TPA	*Hanford Federal Facility Agreement and Consent Order*
USFWS	U.S. Fish and Wildlife Service
WIPP	Waste Isolation Pilot Plant

COMPREHENSIVE LAND-USE PLAN SUPPLEMENT ANALYSIS (DOE/EIS-0222-F-SA1)

1.0 INTRODUCTION

In September 1999 the U.S. Department of Energy (DOE) issued the Final Hanford Comprehensive Land-Use Plan (HCP) Environmental Impact Statement (EIS) (DOE/EIS-0222-F). The HCP EIS analyzed the impacts of alternatives for implementing a land-use plan for the DOE's Hanford Site for at least the next 50-year planning period and lasting for as long as DOE retains legal control of some portion of the real estate. In November 1999 DOE issued its Record of Decision (ROD), establishing the Comprehensive Land Use Plan (CLUP), which consisted of four key elements:

- A land-use map that addressed the Hanford Site as five geographic areas;
- A set of nine land-use designations that define the permissible uses for each area of the site;
- The planning policies, and,
- The implementing procedures that would govern the review and approval of future land uses.

The HCP EIS states that,

> "The CLUP is a living document designed to hold a chosen course over an extended period of development and management of resources, yet the plan is flexible enough to accommodate a wide spectrum of both anticipated and unforeseen mission conditions. A fundamentally good plan can do this for a relatively short period of time (five years), during which monitoring, data gathering, and analysis for the purposes of "fine tuning" and improving the plan by Amendment should be an ongoing program. It is recommended that a reassessment of the CLUP should occur every 5 years, in the form of a NEPA Supplemental Analysis per 10 CFR 1021" (Section 6.6.5, Amendments to the Comprehensive Land-Use Plan).

The Council on Environmental Quality (CEQ) Regulations for Implementing the NEPA (*National Environmental Policy Act of 1969)* [40 Code of Federal Regulations (CFR) Part 1500, Section 1502.9(c)] state that an agency shall prepare supplements to a final EIS if (a) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (b) there are significant new circumstances or information relevant to environmental concerns bearing on the proposed action or its impacts. Further, the CEQ in their response to the question "Under what circumstances do old EISs have to be supplemented before taking action on a proposal?" states that "As a rule of thumb, if the proposal has not yet been implemented, or if the EIS concerns an ongoing program, EISs that are more than 5 years old should be carefully reexamined to determine if the criteria in Section 1502.9 compel preparation of an EIS supplement." [40 Most Asked Questions About Compliance with the National Environmental Policy Act (NEPA), Question and Response No. 32," Vol. 46 Federal Register (FR) Page 18026, March 23, 1981; as amended, 51 FR 15618, April 25, 1986.]. The CEQ goes on to state that, "If an agency has made a substantial change in a proposed action that is relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, a supplemental EIS must be prepared for an old EIS so that the agency has the best possible information to make any necessary substantive changes in its decisions regarding the proposal. Section 1502.9(c)."

The CLUP is considered an ongoing program that should be reviewed, per the recommendations in the HCP EIS as well as CEQ guidance, every five years. As stated in the HCP EIS this review would be in the

form of a Supplement Analysis (SA). DOE's implementing procedures for NEPA (10 CFR Part 1021, Section 1021.314(c)) state that "When it is unclear whether or not an EIS supplement is required, DOE shall prepare a Supplement Analysis" that shall discuss the circumstances that are pertinent to deciding whether to prepare a supplemental EIS, pursuant to CEQ regulations at 40 CFR Section 1502.9(c). Based on the SA, DOE will determine whether there have been substantial changes in the CLUP; or there have been significant changes in circumstances or new information since the issuance of the CLUP in 1999 that are relevant to environmental concerns bearing on the CLUP or its impacts. This SA will help inform DOE's determination of whether the existing HCP EIS remains adequate, or whether a new EIS, or a supplement to the existing EIS, should be prepared. This SA will determine whether further NEPA review is needed due to potential changes in the aforementioned 4 key CLUP elements, as adopted in the ROD: (1) the land-use designations; (2) the land-use map, depicting the desired future patterns of land use on the Hanford Site; (3) CLUP land-use planning policies; or (4) CLUP implementing procedures described in Chapter 6 of the final HCP EIS, as well as (5) impacts of the changes in items 1 through 4.

Since the issuance of the Final HCP EIS and ROD there have been numerous actions taken and decision documents issued pertaining to the Hanford Site that potentially could impact the CLUP. For this SA the analysis focuses on a qualitative evaluation of those actions, decisions, and "reasonably foreseeable activities" that have the potential to affect the 4 key CLUP elements (i.e., the land-use map, land-use designation, CLUP policies, and CLUP implementing procedures) since issuance of the HCP EIS ROD in September 1999 through the end of fiscal year 2007 (September 30, 2007).

Changes in circumstances and new information and their potential impacts on the CLUP are assessed through a review of the universe of potential actions and decisions presented in various Hanford Site documents and analyses. This SA assumes that any significant actions or decisions implemented on lands under the authority of DOE at the Hanford Site that pertain or potentially affect the CLUP, would be documented and publicly available. The implementation of the actions/decisions identified in these Hanford Site documents is verified by management walk-throughs, surveillances, and other reviews conducted by field representatives. Documents considered in this assessment include:

- Existing NEPA documentation directly related to, or generally pertaining to, the Hanford Site;
- Existing *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* (CERCLA) documentation directly related to the Hanford Site;
- Existing *Resource Conservation and Recovery Act of 1976* (RCRA) documentation directly related to the Hanford Site;
- Resource management plans and area management plans (and revisions) that were originally identified in Chapter 6 of the Final HCP EIS and any developed since 1999;
- DOE Orders, policies, guidelines (as referenced in the HCP EIS) pertaining to land use and their updates;
- DOE real estate licenses, permits, easements, deed notices;
- Executive Orders and laws and regulations addressing land use; and
- Cultural/historical documents.

Although not required by the NEPA regulations discussed above, documents suggested in stakeholder comments were included in the review of the universe of candidate documents that could implicate or affect the CLUP land-use designations.

More than 280 candidate documents were initially identified. More than 200 of those documents were reviewed further and evaluated to determine if CLUP policies and procedures were followed. The evaluation process started with an initial review of documents using a key word search to verify the document had some relationship to Hanford activities. Key words (e.g., CLUP, land use, residential) were selected because they

captured fundamental elements of the CLUP. Documents identified as pertaining to or implicating land-use at Hanford were then put through a multi-level, eight-stage evaluation process. The review process followed a logic sequence for evaluating each candidate document. Each successive step in the review subjected the action or decision described in the document to a more rigorous evaluation relative to its impacts or effect on the land-use map, land-use designation, CLUP planning policy and CLUP implementing procedures. A description of the evaluation process is provided in Appendix B; the details of this evaluation process are described fully in *Document Evaluation Process Supporting Preparation of a National Environmental Policy Act of 1969 Supplement Analysis to the Hanford Comprehensive Land-Use Plan Environmental Impact Statement* (HNF-36772).

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2.0 HCP EIS BACKGROUND

The DOE prepared the Final HCP EIS to evaluate the potential environmental impacts associated with implementing a comprehensive land-use plan for the Hanford Site for an extended timeframe. With the exception of the required No-Action Alternative, each of the six alternatives presented represented a Tribal, Federal, state, or local agency's Preferred Alternative. The DOE's Preferred Alternative anticipated multiple uses of the Hanford Site, including: consolidating Waste Management operations in the Central Plateau, allowing industrial development in the eastern and southern portions of the Site, increasing recreational access to the Columbia River, and expanding the Saddle Mountain National Wildlife Refuge to include all of the Wahluke Slope and Fitzner/Eberhardt Arid Lands Ecology (ALE) [managed by the U.S. Fish and Wildlife Service (USFWS)].

The nine cooperating agencies and consulting Tribal governments that participated in the preparation of the Final HCP EIS are: the U.S. Department of the Interior [Bureau of Land Management (BLM), Bureau of Reclamation (BoR), and the USFWS)]; the City of Richland, Washington; Benton, Franklin, and Grant counties; the Nez Perce Tribe, Department of Environmental Restoration and Waste Management; and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

The HCP EIS ROD which established the CLUP was signed on November 2, 1999, and published in the Federal Register (64 FR 61615, November 12, 1999). This section briefly addresses the decisions set forth in the HCP EIS ROD; the ROD in its entirety is provided in Appendix A.

2.1 The 1999 HCP EIS ROD

DOE's decision was to adopt the Preferred Alternative land-use map as shown in the HCP EIS and to implement the DOE Preferred Alternative using the planning policies and implementing procedures described in Chapter 6 of the HCP EIS. DOE selected the Preferred Alternative over the other alternatives, including the Environmentally Preferable Alternative (Alternative One) because it offered the best balance between DOE's mission needs and the need to protect environmental resources. In response to comments received during the public review of the Revised Draft HCP EIS, DOE modified its Preferred Alternative in the Final EIS, bringing it closer to the Environmentally Preferable Alternative by increasing natural resource protection while still providing for anticipated DOE mission needs. These modifications included changing all Conservation (Mining and Grazing) designations to Conservation (Mining), and extending the national wildlife refuge designation (from the Environmentally Preferable Alternative, which was Alternative One) to include the entire geographic areas of the Wahluke Slope, the Columbia River islands not in Benton County, the Riverlands, the McGee Ranch, and the ALE Reserve. As stated in the "Decision" section of the ROD:

> "Future individual project land-use requirements would be irreversible and irretrievable committed using other existing regulatory processes (e.g., CERCLA/Tri-Party Agreement) at the Hanford Site."

The ROD established the CLUP and required that its implementation occur through the processes described in Chapter 6 of the HCP EIS. There are four key elements to the CLUP's implementation:

1. The DOE Preferred Alternative land-use map (refer to Section 2.1.1, Figure 2-1), that depicts land uses for areas of the Hanford site, including the Wahluke Slope, Columbia River Corridor, Central Plateau, ALE Reserve, and All Other Areas of the Hanford Site. The Preferred Alternative land-use map also allows full implementation of DOE mission elements assigned to Hanford, and will allow expansion of operations at Hanford as the need arises.

2. The land-use designations (refer to Section 2.1.2, Figure 2-2 and Table 2-1) that define the purpose, intent, and principal use(s) of each of the land-use designations on the CLUP Preferred Alternative land-use map.

3. The land-use policies that direct land-use actions (refer to Section 2.2). The policies will help to ensure that individual land-use actions collectively advance the CLUP Preferred Alternative map, goals, and objectives over time.

4. The land-use plan implementing procedures that include administrative procedures for reviewing and approving use requests; a Site Planning Advisory Board (SPAB) consisting of representatives of DOE, cooperating agencies of the HCP EIS, and affected Tribal governments; and actions to be undertaken under the land-use plan to align and coordinate Hanford Site management plans.

2.1.1 HCP EIS ROD, CLUP Land-Use Map

Figure 2-1. DOE's Preferred Alternative.

2.1.2 HCP EIS ROD, CLUP Land-Use Designations

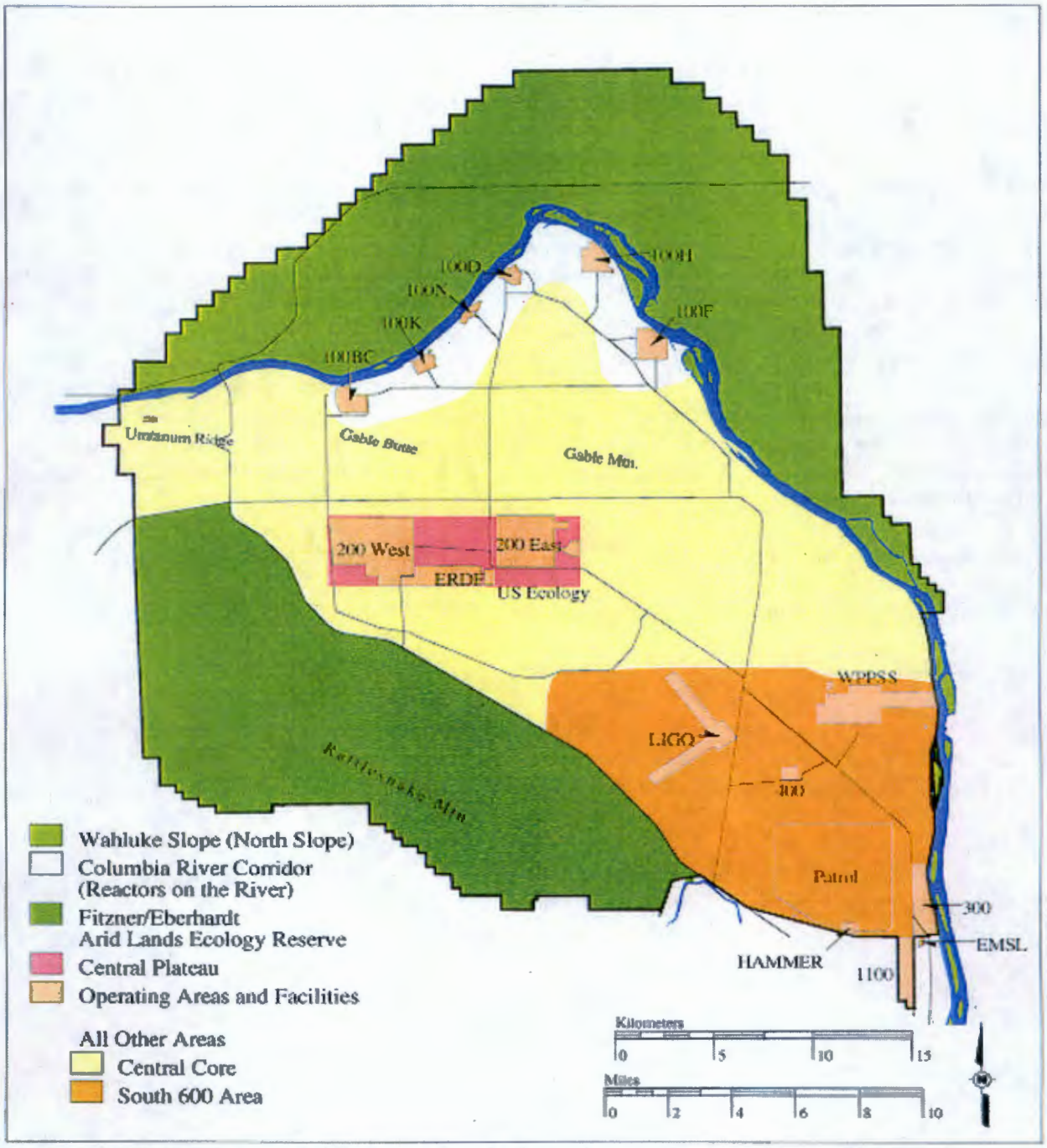
Land-use designations and associated definitions are presented in Table 2-1.

Table 2-1. Hanford Site Land-Use Designations.

Land-Use Designation	Definition
Industrial-Exclusive	An area suitable and desirable for treatment, storage, and disposal of hazardous, dangerous, radioactive, and Nonradioactive wastes. Includes related activities consistent with Industrial-Exclusive uses.
Industrial	An area suitable and desirable for activities, such as reactor operations, rail, barge transport facilities, mining, manufacturing, food processing, assembly, warehouse, and distribution operations. Includes related activities consistent with Industrial uses.
Agricultural	An area designated for the tilling of soil, raising of crops and livestock, and horticulture for commercial purposes along with all those activities normally and routinely involved in horticulture and the production of crops and livestock. Includes related activities consistent with Agricultural uses.
Research and Development	An area designated for conducting basic or applied research that requires the use of a large-scale or isolated facility, or smaller scale time-limited research conducted in the field or within facilities that consume limited resources. Includes scientific, engineering, technology development, technology transfer, and technology deployment activities to meet regional and national needs. Includes related activities consistent with Research and Development.
High-Intensity Recreation	An area allocated for high-intensity, visitor-serving activities and facilities (commercial and governmental), such as golf courses, recreational vehicle parks, boat launching facilities, Tribal fishing facilities, destination resorts, cultural centers, and museums. Includes related activities consistent with High-Intensity Recreation.
Low-Intensity Recreation	An area allocated for low-intensity, visitor-serving activities and facilities, such as improved recreational trails, primitive boat launching facilities, and permitted campgrounds. Includes related activities consistent with Low-Intensity Recreation.
Conservation (Mining and Grazing)	An area reserved for the management and protection of archaeological, cultural, ecological, and natural resources. Limited and managed mining (e.g., quarrying for sand, gravel, basalt, and topsoil for governmental purposes) and grazing could occur as a special use (i.e., a permit would be required) within appropriate areas. Limited public access would be consistent with resource conservation. Includes activities related to Conservation (Mining and Grazing), consistent with the protection of archaeological, cultural, ecological, and natural resources.
Conservation (Mining)	An area reserved for the management and protection of archaeological, cultural, ecological, and natural resources. Limited and managed mining (e.g., quarrying for sand, gravel, basalt, and topsoil for governmental purposes) could occur as a special use (i.e., a permit would be required) within appropriate areas. Limited public access would be consistent with resource conservation. Includes activities related to Conservation (Mining), consistent with the protection of archaeological, cultural, ecological, and natural resources.
Preservation	An area managed for the preservation of archaeological, cultural, ecological, and natural resources. No new consumptive uses (i.e., mining or extraction of non-renewable resources) would be allowed within this area. Limited public access would be consistent with resource preservation. Includes activities related to Preservation uses.

Five geographic areas of the Hanford Site formed the basis for the environmental impacts analysis and land-use plan (see Figure 2-2):

1. Wahluke Slope;
2. Columbia River Corridor;
3. Central Plateau;
4. All Other Areas; and
5. ALE Reserve.



Note: WPPSS (Washington Public Power Supply System) currently named Energy Northwest.

Figure 2-2. DOE's Land-Use Planning Areas, as presented in the HCP EIS.

2.1.3 CLUP Planning Policies

CLUP land-use policies as adopted by DOE in the ROD govern land-use actions at the Hanford Site. These CLUP policies will help to ensure that individual actions of successive managers consistently advance the adopted CLUP map, goals, and objectives over time. The overall CLUP planning policy as adopted by the ROD is to accomplish the following for the Hanford Site: (1) protect the Columbia River and associated natural and cultural resources and water quality; (2) wherever possible, locate new development, including cleanup and remediation related projects, in previously disturbed areas; (3) protect and preserve the natural and cultural resources of the Site for the enjoyment, education, study, and use of future generations; (4) honor treaties with American Indian Tribes as they relate to land uses and resource uses; (5) reduce exclusive use zone areas to maximize the amount of land available for alternate uses while still protecting the public from inherently hazardous operations; (6) allow access for other uses (e.g., recreation) outside of active waste management areas, consistent with the land-use designation; (7) ensure that a public involvement process is used for amending the CLUP and land-use designations to respond to changing conditions; (8) as feasible and practical, remove pre-existing, nonconforming uses; and (9) facilitate cleanup and Waste Management. These CLUP planning policies are intended to provide for protection of environmental resources, protection of cultural resources, siting of new development, utility and transportation corridors, and economic development.

2.1.4 CLUP Implementing Procedures

The CLUP Land-Use Implementing Procedures as adopted by DOE in the ROD include:

- Administrative procedures for reviewing and approving requests for use of Hanford Site lands.

- A SPAB, consisting of representatives from DOE, the cooperating agencies with land-use authority, and the affected American Indian Tribes, to support the DOE Real Estate Officer and NEPA Compliance Officer, as appropriate, evaluating and making recommendations on development proposals and land-use requests.

- "Area" and "resource" management plans (AMPs and RMPs, refer to Section 5.2) for the Site that align and coordinate with the land-use maps, policies and procedures of the CLUP.

3.0 ENVIRONMENTAL DISCIPLINE ANALYSIS

The environmental consequence analyses in the HCP EIS focused on the environmental resource categories in Chapter 4, "Affected Environment." The resource categories were land use, geologic resources, water resources, air resources, biological resources, cultural resources, the socioeconomic environment, visual and aesthetic resources, noise, environmental monitoring programs, and contamination. DOE has proposed, and in many instances implemented, many actions at the Hanford Site since issuance of the HCP EIS in November 1999. Through a series of analyses and decisions supported by extensive public involvement, DOE has continued to manage land use at the Hanford Site consistent with the descriptions and analyses in the HCP EIS. Documentation has been prepared by DOE using other regulatory processes [including NEPA, CERCLA, RCRA, *Hazardous Waste Management Act* (HWMA), and the *National Historic Preservation Act* (NHPA)]; licenses, permits, deed notices, easements; resource management plans; findings, determinations, and memoranda of agreement), which identify actions that involve consideration of land use at the Hanford Site. Additionally, these processes involve documented proposals and activities by other DOE organizations, American Indian Tribes, State and local governments and stakeholders pertaining to or potentially affecting land-use issues at Hanford.

This SA evaluates whether actions/decisions [as identified in the universe of candidate documents reviewed (HNF-36772)] in the intervening years since issuance of the HCP EIS ROD have affected those same resource categories as they relate to the 4 key elements of the CLUP (i.e., land-use designation, land-use map, use of CLUP policies, and CLUP implementing procedures). The following sections address those action/decision documents in the context of land use, geologic resources, water resources, biological resources, cultural resources, visual and aesthetic resources, and contamination. The document evaluation process (refer to Section 1.1 and Appendix B) identified no actions/decisions presenting land-use considerations or impacts associated with air resources, the socioeconomic environment, noise, and environmental monitoring programs; as a result no additional discussion on those categories is provided in this SA.

Based upon the evaluations, DOE has not found actions or decisions made since 1999 that affected the resource categories as they relate to CLUP land-use designations or the land-use map. There were instances where actions did have an impact on Hanford lands (e.g., the 2000 "24 Command Fire" and the 2007 "Wautoma Fire"); however, no change in land-use designations or the land-use map resulted. Current and/or updated revisions to resource management plans [e.g., *Hanford Biological Resource Management Plan* (BRMaP, DOE/RL-96-32, 2001) and *Hanford Site Biological Resources Mitigation Strategy* (BRMiS, DOE/RL-96-88, 2003)] continue to be evaluated and modified (as appropriate), and used as guidelines in protecting and sustaining native species and their habitats on the Hanford Site, consistent with the CLUP. These updates and revisions to resource management plans also have not resulted in changes to the land-use designations or the land-use map.

3.1 Land Use

Since 1999, DOE land-use related planning documentation (refer to HNF-36772) has remained consistent with the land-use map/designations established by the CLUP. To illustrate developments that have transpired since 1999 and address or potentially affect land use at the Hanford Site, some examples are discussed briefly below.

- On June 9, 2000, the Hanford Reach National Monument (Monument) was established by Presidential Proclamation (http://clinton5.nara.gov/CEQ/hanford_reach_proclamation.html.) The 195,000-acre Monument, encompassing one of the last free-flowing stretches of the Columbia River, is administered by the USFWS under agreement with DOE. The USFWS and DOE could extend such agreements in the

future to lands in the Monument not now managed by USFWS when appropriate cleanup has been completed. The Monument would not affect cleanup of surrounding lands, the operations of Bureau of Reclamation's Columbia Basin Project or the Federal Columbia River Transmission System facilities already located with the Monument. Figure 3-2 depicts the Monument along with current Hanford Site land-use designations.

The Presidential Proclamation establishing the Monument, in some cases, mandated more restrictive uses within the Monument than what DOE had adopted in the HCP EIS ROD in order to protect the resources for which the Monument was established. Figure 3-1 shows the Monument overlay on the CLUP as established by the ROD.

- The Industrial-Exclusive designation for the Central Plateau was established by the CLUP to allow for continued waste management operations within the Central Plateau geographic area. Figure 3-1 shows the Industrial-Exclusive area established by the CLUP within the Central Plateau. As stated in the Final HCP EIS [Section 3.3.2.3.3],

> "This [Industrial-Exclusive] designation would allow expansion of existing facilities or development of new compatible facilities. Designating the Central Plateau as Industrial-Exclusive would be consistent with the Working Group's recommendations, current DOE management practice, other governments' recommendations, and many public stakeholder values throughout the region."

The "Working Group" refers to the Hanford Future Site Uses Working Group, which provided an important contribution to the EIS analysis in the form of six geographic study areas for planning purposes. The Central Plateau was one of these original geographic areas, but was slightly modified for purposes of the EIS analysis to focus only on the central waste management area, not the buffer area. The nine Hanford Site land-use designations and their definitions as described in the Final HCP EIS were partly drawn from the final 1992 Report of the Working Group, and were co-written by the cooperating agencies and consulting Tribal governments. [Final HCP EIS, Sections 3.2.2 and 3.2.5]. The existing CERCLA RODS were also considered in developing the land use alternatives evaluated in the HCP EIS. [Final HCP EIS, Section 1.3]. One of DOE's underlying assumptions for the Industrial-Exclusive land-use designation within the Central Plateau was that remediation activities at the Hanford Site would continue and, where necessary, require institutional controls and deed restrictions for at least the next 50 years. [Final HCP EIS, Section 3.3.2.2].

As confirmed in DOE's responses to public comments received on the EIS, the cleanup mission at Hanford is DOE's primary mission, and the land-use planning effort complements that mission. It is the cleanup mission that provides the reason to implement a land-use plan that does not address individual cleanup sites, but looks at the entire Hanford Site instead. The evaluation of impacts associated with individual remedial actions, including groundwater impacts, would be deferred to the CERCLA/*Hanford Federal Facility Agreement and Consent Order* (Tri-Party Agreement) process. [Final HCP EIS, pgs. 1-11, F-6, F-12, F-20].

Since the Final HCP EIS and ROD were issued in 1999, the CLUP has been used in many different analytical contexts at the Hanford Site. One of these analytical contexts is the development of cleanup goals that are then incorporated into cleanup decisions under the Tri-Party Agreement. With respect to the Tri-Party Agreement, CERCLA risk analyses are the primary analytical tool used to evaluate potential exposure scenarios to determine human health risks associated with an individual unit or site being studied. These analyses are based on the anticipated future land use associated with the site.

Figure 3-1. Hanford Site, Showing Land-Use Designations Including the Hanford Reach National Monument.

This is the CLUP designated land use, which lasts for as long as DOE retains control of the land. At the Central Plateau, CERCLA risk analyses have also considered other risk exposure scenarios associated with other land uses besides Industrial-Exclusive as established by the CLUP.

Figure 3-2 shows the areas in the Central Plateau that have been included in these other CERCLA risk analyses for purposes of comparison to the risks based on an Industrial-Exclusive land use. This does not mean that the land use designation under the CLUP is being changed as a result of the CERCLA/Tri-Party Agreement analysis; rather, these other risk analyses are being done to better inform the determination of cleanup levels and the remedy selection decision process. As the HCP EIS observes,

> "[I]f the remediation process cannot support the proposed land use within the National Contingency Plan's (NCP's) 10^{-4} to 10^{-6} risk range, then this EIS contains a proposed process for changing the "highest and best use" of the land while maintaining institutional controls (see Chapter 6)." [HCP EIS, Section 1.0, pg. 1-2, lines 24-28].

And as stated in the response to comments on the HCP EIS,

> ". . .The restrictions posed by approved CERCLA RODS were taken into consideration in the development of the land-use alternatives in this Final HCP EIS. Conversely, the land-use alternative selected for implementation in the ROD for this EIS would be useful for remediation decisions yet to be made in other areas of the Hanford Site. The EPA, Ecology, and DOE consider land-use designations in a given area when determining cleanup levels. If the desired "highest and best use" land use cannot be attained because of remediation-linked technical or economic constraints, or if the remedial action required to achieve that land use would cause unacceptable-unavoidable impacts, then the land use designation of this EIS would be amended using the policies and implementing procedures in Chapter 6 to the next "highest and best use" land use. If required by the CERCLA ROD/RCRA Permit, a deed restriction would be filed with the local land-use jurisdictional agency to conditionally implement the land use." [Final HCP EIS, CR-53; bold-face words in original; underlining added for emphasis]

Thus, the CLUP's forward-looking vision for land use at the Hanford Site anticipated that the ongoing remediation process could require adjustments to land use designations. In the ROD, DOE adopted a NEPA process to accomplish such changes to the existing land use designations, using the policies and implementing procedures identified in Chapter 6 of the Final HCP EIS (CLUP ROD, "Decision"; see Appendix A). No formal changes to the CLUP land use designations have been proposed or occurred, despite ongoing CERCLA remedial action decision-making processes.

Another analytical context where the CLUP is being used is in the calculation of potential impacts from the proposed action and alternatives under evaluation in the Tank Closure & Waste Management EIS (TC&WM EIS). Although the Draft TC&WM EIS is still under development, a Technical Guidance Document (TGD) was issued in 2005 to help guide the vadose zone and groundwater impact analyses in the TCEIS (now known as the TC&WM EIS). This document identifies the points of calculation and locations at which analysis results will be reported in the EIS. These locations coincide with the Central Plateau Industrial-Exclusive geographic area established by the CLUP, as shown in Figure 3-2. This is a comprehensive EIS being prepared by DOE with the participation of the Washington State Department of Ecology (Ecology) as a cooperating agency, in order to satisfy counterpart *State Environmental Policy Act of 1971* (SEPA) requirements. The EIS will include analysis of associated impacts to Hanford Site land uses and identify any mitigations that may be taken to offset these impacts.

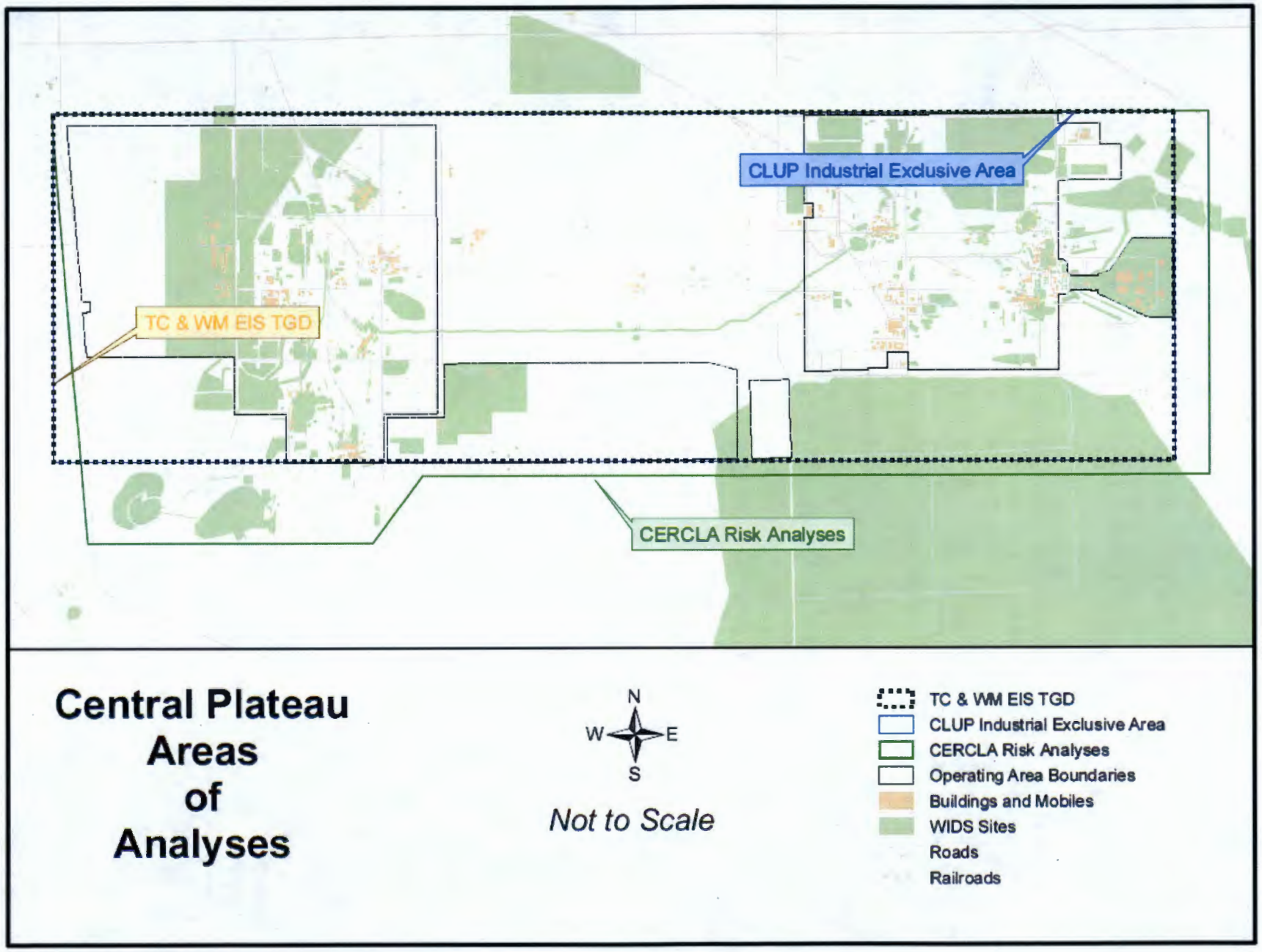


Figure 3-2. Central Plateau Areas of Analyses.

Additional land-use related developments since 1999 include:

- There have been real estate licenses, permits and easements issued by DOE between 1999 and 2007. The associated activities dealt with proposals such as installing telecommunications equipment and conducting research. The issuance of the aforementioned documents has been conducted consistent with the existing land-use plans and policies set forth in the CLUP, and has not altered current land-use designations for specific locations.

- There have been land transfers by DOE between 1999 and 2007. Examples of land transfers include transfer of a fragment of an old railroad right-of-way (28,500 square feet) located in downtown Richland to a private owner[1]; and transfer of land (approximately 75 acres) near the HAMMER Training Center to the National Utility Training Services[2]. Under the CLUP these lands were designated "Industrial." Land transfers have been conducted consistent with the existing land-use plans and policies set forth in the CLUP, and have not altered current land-use designations for specific locations.

- As an example of land reassignment that has occurred since 1999, DOE-RL continues to work with the Pacific Northwest Site Office (PNSO) regarding activities related to the construction of new laboratory space on PNSO-assigned land and the proposed continued use of four buildings located in the 300 Area. In August 2004, approximately 130 acres of land in the southern most portion of Hanford, designated as "Industrial" under the CLUP, was reassigned from DOE Office of Environmental Management (EM) to the DOE Office of Science (SC). This land was subsequently annexed into the City of Richland (City of Richland Ordinance No. 09-07A, dated May 1, 2007). The purpose of the re-assignment was to establish a federal SC Site to be managed separately from the EM-managed portion of the Hanford Site that would support SC's long-term goals of a continuing science and technology mission at Pacific Northwest National Laboratory (PNNL). Soon thereafter, 230 acres adjacent to the 130 acres (also designated "Industrial" under the CLUP) was reassigned from EM to PNSO to further expand the PNNL Site. Prior to construction on the Physical Science Facility (PSF), an Environmental Assessment (EA) was completed (DOE/EA-1562, January 2007). A Finding of No Significant Impact was issued on January 29, 2007. Additional buildings are planned for the future within the 130 acre parcel; however, no construction is planned for the 230-acre parcel. As stated in DOE/EA-1562, "...establishing [research and development] operations at the proposed site would be consistent with the intent of the Industrial designation for that land, as provided for in the [HCP EIS] ROD." Further, in January 2008, DOE clarified that the land, although reassigned to SC's PNSO, is still part of the Hanford Site and is subject to the same consultations and environmental protection requirements as when it was under the responsibility of EM's Richland Operations Office[3]. A draft *Cultural and Biological Resources Management Plan* (CBRMP) is being prepared by PNSO for these reassigned lands. The CBRMP is to identify the actions that will be taken to ensure that important cultural and biological resources are protected. The CBRMP incorporates all relevant sections of the Hanford Cultural and Historic Resources Management Plan and the Hanford Biological Resources management Plan that pertained to the PNSO Site prior to reassignment from the Richland Operations Office. As part of managing these reassigned lands, PNSO is working with the City of Richland to provide a utility corridor easement and services to the new and existing buildings to be used by PNSO, and providing additional right-of-way along Horn Rapids for the city to widen/realign the road, construct sidewalks and intersection traffic lights, and upgrade the railroad crossing signal. This land reassignment was conducted consistent with the existing land-use plans and policies set forth in the CLUP, and have not altered current land-use designations for specific locations.

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[1] Letter, # 9-D-WA-1197, R. Holm, GSA, to R. G. Grant, dated September 10, 2002.

[2] Letter, M. Hughes, U.S. Department of Education, to R. Holm, U.S. General Services Administration, dated April 11, 2005.

[3] Letter, R. Orbach and J. Rispoli, DOE, to A. Minthorn, CTUIR, dated January 10, 2008.

- In 2001, a Memorandum of Understanding (MOU) between DOE and the USFWS was signed (*Memorandum of Understanding between the U.S. Department of the Interior, Fish and Wildlife Service and the U.S. Department of Energy, Richland Operations Office for the Fitzner-Eberhart Arid Lands Ecology Reserve at the Hanford Site and the Wahluke Slope Permit*, 2001). This MOU and accompanying permit clarified the relationship between DOE and the USFWS. USFWS manages land for DOE; the MOU did not change any land-use designations under the CLUP. The ALE Reserve real estate remains under DOE's ownership and control. Despite the change in managing agency, the lands would still be managed consistent with the current CLUP land-use map and designations, and DOE retained authority to approve the USFWS' CCP.

- CERCLA decisions under the Tri-Party Agreement have resulted in determinations to clean up various locations on the Hanford Site to specified clean-up level(s). These specified clean-up level(s) are established based on reviewing legally applicable, relevant and appropriate requirements of Federal and more stringent state laws, regulations, and criteria and meeting other statutory decision factors under CERCLA. Land-use designations under the CLUP for the locations being cleaned up have not been changed despite analysis of various risk assessment exposure scenarios which may include other hypothetical future uses. DOE does not agree that all of these hypothetical scenarios are reasonable in terms of future anticipated uses of the Hanford Site, but does not object to using the scenarios for purposes of better informing the remedy selection decision process.

  Selected remedies may result in cleanup to more restrictive standards than the levels that would be associated with existing CLUP land use designations. This does not mean the land use designation has changed or should be changed. In the future, if cleanup decisions cause DOE to revisit applicable land use designations for a particular geographic area on the Hanford Site, such proposals would be addressed using the implementing procedures in Chapter 6 of the HCP EIS. At this time, DOE has not determined any formal changes in land-use designations for areas of the Hanford Site are warranted.

- New information including land use considerations pertaining to the ongoing Hanford Site cleanup under the Tri-Party Agreement is continually assessed against existing decision bases. As the information is received, it is evaluated for potential impacts on the ongoing cleanup and whether an amended decision document is needed. For example, in 2002, expansion of the Environmental Restoration Disposal Facility (ERDF) was considered for projected disposal of Hanford Site remediation waste. DOE, U.S. Environmental Protection Agency (EPA), and Ecology concurred on the *Amended Record of Decision, Decision Summary and Responsiveness Summary, U.S. Department of Energy, Environmental Restoration Disposal Facility, Hanford Site-200 Area, Benton County, Washington* (January 2002). If the assessment of the new information indicates that it could trigger a reconsideration of requirements in an existing decision document, it is recognized through the CERCLA five-year review process (refer to DOE/RL-2006-20).

- The *Draft Hanford Reach National Monument* (Monument) *Comprehensive Conservation Plan and Environmental Impact Statement* (CCP EIS, refer to Appendix B), prepared by the USFWS with DOE as a cooperating agency will provide direction to the USFWS on management of the Monument. The approved plan will provide the framework for managing the protection of natural, cultural and recreational resources; visitor use; development of facilities; and day-to-day operations of the Monument. The draft CCP EIS acknowledges that the CLUP is still the active plan for DOE-controlled portions of the Hanford Site (including USFWS-managed portions of the Monument), and will remain in effect until such time as jurisdiction is transferred to another entity or is superseded by another DOE plan. The USFWS may have different access controls and management philosophy, but the land-use designations remain consistent with the CLUP.

- A 300 Area industrial re-use study conducted by the City of Richland (*Preliminary Assessment of Redevelopment Potential for the Hanford 300 Area*, Final Report, March 2005) was assessed by DOE to determine if it would affect any of the CERCLA remedial action decisions that have been established in RODs. DOE concluded that the recommendations from the study would be one of the factors that would be taken into consideration if DOE re-evaluates its CLUP land-use designations for the Hanford Site in the future (Letter, K. Klein, RL, to J. Darrington, City of Richland, "300 Area Reuse Proposals Report," 05-AMRC-0175, dated April 12, 2005). Until then, DOE recognized the City of Richland study does not warrant a change to the current or reasonably anticipated future land uses for the 300 Area as established in the Hanford CLUP. Because DOE anticipates the possibility of future missions for the 300 Area, there is no plan to transfer this parcel of land out of DOE's management control for the foreseeable future.

3.2 Geological Resources

Actions and decisions that have occurred associated with Hanford Site geological issues include:

- DOE evaluated proposals to address use of geological materials for new facility construction, maintenance of existing facilities and transportation corridors, and fill and capping material for remediation and other sites [e.g., Environmental Assessment; Use of Existing Borrow Areas, Hanford Site, Richland Washington (DOE/EA-1403, October 2001) and Environmental Assessment; Reactivation and Use of Three Former Borrow Sites in the 100-F, 100-H, and 100-N Areas (DOE/EA-1454, March 2003)]. These proposals did not affect or change CLUP land-use designations or land-use map.

- DOE has engaged in continuing discussions on use of Area C borrow materials. Area C has been included in several NEPA reviews beginning with the HCP EIS in 1999. The HCP EIS set aside a portion of the ALE Reserve (including Area C) as a quarry site. This was subsequently acknowledged by the USFWS in its Monument CCP/EIS (refer to Appendix B, Table B-2). Two project-specific EAs were prepared by DOE (as discussed in the preceding bullet); and the Hanford Site Solid Waste (HSW) EIS, issued in January 2004 (DOE/EIS-0286F) analyzed the impacts of removing borrow materials for use in ongoing Hanford Site cleanup actions. Use of Area C borrow materials also is being evaluated in the pending Tank Closure and Waste Management EIS (TC&WM EIS, DOE/EIS-0391). Area C is also the subject of ongoing consultations with local American Indian Tribes under the NHPA Section 106 process (see discussion below in Section 3.5). None of these proposals or discussions concerning the use of materials from Area C have led to changes in the land-use designation or land-use map established by the CLUP for Area C, and DOE will continue to implement the policies described in the HCP EIS ROD.

3.3 Water Resources

Examples of actions and decisions that have occurred associated with Hanford Site water issues include:

- On January 9, 2006, DOE and the State of Washington entered into a settlement agreement (*Settlement Agreement re: Washington v. Bodman, Civil No. 2:03_cv-05018-AAM*, January 6, 2006) leading to a final order and dismissal of the challenge to the HSW EIS (DOE/EIS-0286F). Under the terms of the settlement agreement, DOE committed to combining the original scope of the HSW EIS with the pending Tank Closure EIS scope (now called the TC&WM EIS) and updating or revising various analyses, including groundwater. Both the HSW EIS and the TC&WM EIS include evaluation of potential impacts to land use at the Hanford Site from the proposed action(s) and alternatives. However, the proposed actions and alternatives under evaluation in the TC&WM EIS do not include making changes to the CLUP land-use designations or land-use map.

- Wastewater discharges from Hanford Site operations continue to be allowed under the provisions of *State Waste Discharge Permit Number ST 4511* (issued by Ecology on February 16, 2005; expires February 16, 2010). These continued land application wastewater discharges and shoreline discharges have not led to changes in the land-use designation or land-use map established by the CLUP.

- At this time, potential impacts to the Hanford Site unconfined aquifer from the proposed Black Rock Reservoir are being evaluated. A draft EIS (*Draft Planning Report/Environmental Impact Statement, Yakima River Basin Water Storage Feasibility Study, Yakima Project, Washington*, January 2008) is being prepared by the Bureau of Reclamation with DOE as a cooperating agency. This EIS (refer to Appendix B, Table B-2) will continue to be evaluated by DOE for potential implications or impacts to the CLUP land-use designations, map, policies, and procedures.

3.4 Biological Resources

Examples of actions and decisions that have occurred associated with Hanford Site biological resources include:

- From June 27, 2000, through July 1, 2000, the 24 Command Wildland Fire burned nearly 300 square miles of both public and private lands, including portions of the ALE Reserve and the Hanford Reach National Monument (*U.S. DOE Response to the 24 Command Wildland Fire on the Hanford Site – June 27-July1 1, 2000*, DOE/RL-2000-63).

- From August 16, 2007, through August 18, 2007, the Wautoma Fire damaged approximately 67,000 acres, burning parts of the ALE Reserve, the Hanford Reach National Monument, Benton City, and parts of the Hanford Site (*Wautoma Wildland Fire*, PHMC Lessons Learned, FHI, 2007-RL-HNF-0039, dated October 23, 2007).

- On June 28, 2007, the U.S. Department of the Interior took the American bald eagle off the Federal List of Endangered and Threatened Wildlife and Plants. The bald eagle will still be protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

While the two fires resulted in impacts to the land itself and may affect or modify DOE's ongoing management of biological and ecological resources on these lands, the CLUP land-use designations and map did not change. Removal of the bald eagle from the Endangered Species List also did not affect land-use designations. DOE will continue to apply the CLUP policies for protection and management of these lands and associated resources.

3.5 Cultural Resources

The *National Historic Preservation Act of 1966*, as amended (16 U.S.C. 470 *et seq.*) provides that sites with significant national historic value be placed on the National Register of Historic Places, which is maintained by the Secretary of the Interior. The implementing regulations for this act are located in 36 CFR 800, "Protection of Historic and Cultural Properties." The major provisions of the act that affect DOE are Sections 106 and 110. Both sections aim to ensure that historic properties are appropriately considered and preserved in planning Federal initiatives and actions. No permits or certifications are required under the act; however, consultation with the State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), American Indian tribes, and the public is required if a Federal undertaking might impact a historic property resource. This consultation might result in a memorandum of agreement that includes stipulations to minimize adverse impacts on the historic resource. Coordination with the SHPO is undertaken to ensure that potentially significant sites are properly identified and appropriate mitigation measures are implemented.

Examples of actions/decisions that have occurred concerning Hanford Site cultural issues include:

- In the land reassignment from DOE-RL to PNSO (DOE/EA-1562), the proposed expansion area includes a section designated as "Preservation" to protect a historic Native American cemetery. As discussed previously (refer to Section 3.1), the PNSO is preparing a draft *Cultural and Biological Resources Management Plan* (CBRMP) to identify the actions that will be taken to ensure that important cultural and biological resources continue to be protected, including this culturally sensitive site.

- DOE has completed development of the *Gable Mountain and Gable Butte Resource Management Plan* (DOE/RL-2008-17, Revision 0, February 2008) that addresses cultural issues associated with Gable Mountain and Gable Butte. DOE has initiated a similar plan for Rattlesnake Mountain. These plans continue to implement environmental and resource controls consistent with CLUP policies and implementing procedures.

- DOE has engaged local American Indian Tribes, through the NHPA Section 106 consultation process, to address DOE's proposed use of borrow materials from the entire 2,280 acres of Area C (refer to Section 3.2). This process is being conducted in coordination with the TC&WM EIS.

3.6 Visual and Aesthetic Resources

Construction and demolition activities at the Hanford Site consider visual and aesthetic resources in work planning. Project activities associated with Area C may affect the viewshed of Rattlesnake Mountain. Appropriate documentation and mitigation measures are being developed in consultation with the SHPO and local American Indian Tribes. The Visual and Aesthetics Management Plan (a resource management plan referred to in Chapter 6 of the HCP EIS), is still under development and may be merged into the scope of the Hanford Cultural Resources Management Plan (HCRMP), which also includes the proposed Rattlesnake Mountain Management Plan and the new Gable Mountain Management Plan (for the latter two plans refer to Sections 3.5 and 5.2). These plans continue to implement the policies and controls established by the CLUP, as described in the final HCP EIS Chapter 6. Given the actions and decisions that have taken place since issuance of the ROD in 1999, no changes to land-use designations, the land-use map, or CLUP policies have occurred.

3.7 Contamination

There have been substantial reductions in Hanford Site contamination levels since the HCP EIS ROD. These reductions have resulted primarily from ongoing cleanup activities via Tri-Party Agreement remediation activities to specified clean-up level(s), including cleanup at major facilities (such as K Basins and Plutonium Finishing Plant) and remediation of waste sites. As noted in Section 3.1, land-use designations under the CLUP for the locations being cleaned up have not been changed despite analysis of various risk assessment exposure scenarios which may include other hypothetical future uses. As the clean-up progresses over the foreseeable future, DOE will continue to monitor those decisions and actions for consistency with the CLUP and report that information in appropriate forums (including future HCP EIS SAs).

4.0 COMPARISON OF CLUP POLICIES WITH CURRENT POLICIES

The following sections present a summary of CLUP policies. These sections follow the outline of policy topics addressed in Chapter 6 of the HCP EIS.

4.1 Overall Policy and Changes

The policies adopted by the ROD for the Hanford Site are:

- Establish land-use mitigation procedures
- Establish hierarchies, priorities, and standards relating to land use, resource use, and values
- Integrate competing land and resource goals and objectives
- Provide reference points for addressing unanticipated circumstances and making actual Amendments to the CLUP when necessary
- Identify which Resource Management Plans (RMPs) or Area Management Plans (AMPs) will be considered for development or revision as part of the CLUP implementation.

The following elements are integrated into the CLUP policy for the Hanford Site:

1. Protect the Columbia River and associated natural and cultural resources and water quality.
2. Wherever possible, locate new development, including cleanup and remediation related projects in previously disturbed areas.
3. Protect and preserve the natural and cultural resources of the Site for the enjoyment, education, study, and use of future generations.
4. Honor treaties with American Indian Tribes as they relate to land uses and resource uses.
5. Reduce exclusive use zone (EUZ) areas to maximize the amount of land available for alternate uses while still protecting the public from inherently hazardous operations.
6. Allow access for other uses (e.g., recreation) outside of active waste management areas, consistent with the land-use designation.
7. Ensure that a public involvement process is used for amending the CLUP and land-use designations to respond to changing conditions.

DOE's overall land-use policy at the Hanford Site has not changed since the 1999 HCP EIS ROD. DOE has repeatedly restated its position on land-use and real property controls and the attendant role of the CLUP. A recent example is found in Section 3.2.4.1 of *Sitewide Institutional Controls Plan for Hanford CERCLA Response Actions* (DOE/RL-2001-41, Revision 2, June 2007):

> "...The land-use management process and the real property management process are integrated and managed together. They comply with DOE P 430.1, *Land and Facility Use Planning;* DOE P 580.1,

Management Policy for Planning, Programming, Budgeting, Operation Maintenance and disposal of Real Property; and DOE) 430.1B, *Real Property Asset Management.*

The land-use policies, real property management process, and implementing procedure requirements are integrated into the DOE Integrated Management System and contractor procedures. The comprehensive land-use plan for the Site is presented in DOE/EIS-0222-F, *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement,* and contains the land-use map, land-use definitions, and the land-use policies that the DOE uses to manage land use and its interactions with the local governments.

The DOE manages changes to land use and the use requests through a process involving the local stakeholders, Tribal Nations, and affected local governments. Chapter 6.0 of DOE/EIS-0222-F describes how the cooperating agencies with land-use authority and affected Tribal governments, advise the DOE on land-use and resource-management issues such as considering proposals for changes to land-use requests that are not in conformance with DOE/EIS-0222-F.

The review process for site-specific land use and use requests is defined in Chapter 6.0 of DOE/EIS-0222-F. To ensure compatibility with DOE/EIS-0222-F, any proposed changes in land use must be submitted to the DOE Real Estate Office.

The DOE-RL Site Realty Office reviews and approves the disposition of land. Before the transfer, sale, or lease of any property subject to cleanup under CERCLA is conducted, the DOE assesses whether the property is subject to institutional controls requirements based on the corresponding CERCLA decision documents. The DOE will notify the EPA and the state before any such transaction in accordance with the Sitewide institutional controls requirements and applicable requirements in the CERCLA decision documents and work plans. Notification of a land-use action or a real property action occurs in accordance with Tri-Party Agreement requirements."

The SA's evaluation of actions/decisions and supporting documents considered that land-use and resource-related decisions, actions, and programs should neither conflict with, nor be inconsistent with the adopted CLUP map and policies. Actions related to policies should be feasible and practical, and policies should be consistently applied on a continuous basis.

4.1.1 Protection of Environmental Resources and Changes

The CLUP policy for protection of environmental resources is:

- Implement DOE's *Land- and Facility-Use Policy* (DOE P 430.1), which is to protect and sustain native species and their habitats on the Site.
- Within land-use designations other than Conservation and Preservation, mitigate significant unavoidable (residual) impacts at locations by enhancing habitats within the Conservation or Preservation designations.
- Require that projects have reasonable setbacks from the Preservation and Conservation features of importance.

The Conservation and Preservation land-use designations remain the primary land-use controls to accomplish protection of environmental resources and changes, as implemented through DOE P 430.1. Current and/or updated revisions to resource management plans (e.g., BRMaP and BRMiS; refer to Section 5.2) continue to be evaluated and modified (as appropriate), and used as guidelines in protecting and sustaining native species

and their habitats on the Hanford Site. This continues to implement the CLUP policies as set forth in the HCP EIS ROD (refer to Appendix A).

4.1.2 Protection of Cultural Resources and Changes

The CLUP policy for protection of cultural resources is:

- Implement DOE P 430.1 which is to protect and sustain cultural resources on the Site. The Conservation and Preservation land-use designations are the primary land-use controls to accomplish this policy. The *Hanford Cultural Resource Management Plan* (HCRMP) (DOE/RL-98-10, Revision 0, February 2003) addresses those actions where land-use controls are not the appropriate mitigation (i.e., if a cultural resource is found in an Industrial designation, provisions of the HCRMP would be applied to mitigate impacts to the resource). Within the Conservation and Preservation designations, land uses shall be consistent with the purpose of the designation and significant impacts mitigated. Implementation mechanisms such as the HCRMP, and habitat management plans augment these designations for sitewide reviewing and approving proposed development. Developments for public access and recreation should be according to adopted AMPs depicting management of use, and siting of support facilities.

- Proposed developments within all areas should be reviewed consistent with the BRMaP and the HCRMP, and reflected in the applicable AMP.

Protection of cultural resources and changes on the Hanford Site is implemented through the HCRMP. The HCRMP (or the PNSO's CBRMP when finalized for land areas now managed by SC) provides guidance and strategies for protecting cultural resources specific to Hanford. The guidelines and strategies have been developed based on Hanford's unique cultural resources and in consultation with local American Indian Tribes; interested public; and state, local, and other federal agencies that have a desire to ensure the protection of resources that are intimately linked to our shared heritage. Activities include periodic consultations with Tribal Councils and regularly-scheduled staff-to-staff interactions with local American Indian Tribal cultural representatives regarding Hanford Site projects. This is consistent with the policy set forth in the HCP EIS ROD (refer to Appendix A), and the terms of the HCRMP which indicate the document is guidance.

4.1.3 Siting New Development and Changes

The CLUP policy for siting new development is:

- Locate and approve new developments in areas consistent with the adopted Hanford CLUP.

- Locate proposed projects, as feasible and practical, in those areas of the Hanford Site where the adopted CLUP and the local cities' and counties' land-use maps are consistent.

- Within all land-use designations, previously disturbed areas (as identified by the BRMaP and HCRMP) should be developed first, followed by the acreages with the least sensitive biological and cultural resources. Within the site plan of any proposed new development, the acreages with the most sensitive biological and cultural resources should be worked into natural open space for landscaping, buffers, natural drainage areas, etc.

DOE focuses on existing infrastructure and developed areas for new projects within a land-use designation, and where extensions of infrastructure are necessary those extensions are minimized. This policy is consistent with the CLUP policy as set forth in the HCP EIS ROD (refer to Appendix A).

4.1.4 Utility and Transportation Corridors and Changes

The CLUP policy for utility and transportation corridors is:

- With to-be-identified exception(s), existing utility and transportation corridor right-of ways are the preferred routes for expanded capacity and new infrastructure.

- Existing utility corridors that are in actual service, clearly delineated, and of defined width, are not considered "nonconforming" uses in any land-use designation.

- Utility corridors and systems that are not clearly delineated or of defined width are considered to be nonconforming uses and shall be identified in the applicable RMP or AMP.

- Avoid the establishment of new utility corridors within the Conservation and Preservation designations unless the use of an existing corridor(s) is infeasible or impractical.

- Avoid the location of new above-ground utility corridors and systems in the immediate viewshed of an American Indian sacred site. Prioritize for removal, as funding is available, existing nonconforming utility corridors and systems in such areas.

DOE continues to avoid, where possible, establishment of new utility corridors within the Conservation and Preservation designations. Existing utility and transportation corridor right-of-ways are always considered preferentially for expanded capacity and new infrastructure. This policy is consistent with the CLUP policy as set forth in the HCP EIS ROD (refer to Appendix A).

4.1.5 Economic Development and Changes

The CLUP policy for economic development is:

- Multiple land uses for both the private and public sector.

- Protection and maintenance of existing functional infrastructure and utilities for use in economic development and Site transition.

- Future Federal missions and programs, consistent with the provisions of the CLUP.

- Protection of natural, historic, and cultural resources to assure continued biodiversity and cultural values as essential elements of a recreation and tourism economy.

- Reduction or elimination of existing conditions which are impediments to the realization of the land-use designations (e.g., scattered withdrawn Public Domain land, contamination, and nonconforming and abandoned developments).

DOE policy continues to promote additional missions/programs; for example, the reassignment of lands in the 300 Area from EM to SC to better support PNSO research missions (refer to Section 3.1). The economic development policy also provides for protection of natural, historic, and cultural resources (refer to PNSO CBRMP).which also is consistent with the CLUP policy as set forth in the HCP EIS ROD (refer to Appendix A).

5.0 COMPARISON OF CLUP IMPLEMENTING PROCEDURES WITH CURRENT PROCEDURES

The implementation of the CLUP, as established by the HCP EIS ROD, consisting of a land-use map, land-use designations, land-use policies, and land-use plan implementation procedures, is integrated across the Hanford Site. DOE's program implementation at Hanford is described in the "Federal Trust Asset Program" and "Federal Trust Assets" cross-cutting process and is integrated with DOE's NEPA compliance, described in the "NEPA Analysis at Hanford" cross-cutting process, and DOE real property management, described in the "Real Estate and Real Property" cross-cutting process. In addition, the "Environmental Management System Program" provides a systematic and structured set of management crosscutting processes that include land management and resource programs, such as "Hanford Cultural and Historical Resources".

The ROD adopted the EIS Chapter 6 implementing procedures, requiring consideration of the CLUP at the threshold decision points of all authorizations) operational plans (e.g., the current *Hanford Strategic Plan*), and actions. This includes contracts and budget proposals that directly or indirectly affect land use on the Site so they will not create conflicts with the CLUP, or fail to follow its map and policy objectives where the opportunity and ability to do so exists.

The following actions are taken to ensure that the CLUP is implemented consistently:

- Streamline and integrate procedures for project review, including ensuring project consistency with the CLUP, pre-planning for large areas, siting new developments, providing and using infrastructure and utilities, managing resources, notifying the public, and conducting environmental review.

- Make decisions on the use of lands and resources on the Site within the frame work of existing DOE legal and administrative procedures, with an implementation process that parallels, and efficiently coordinates with local land-use regulatory processes, and provides similar accountability and tracking.

- Make adjustments in existing DOE administrative structures as necessary to efficiently implement the CLUP.

These objectives are carried out through the following requirements which include use of implementing procedures, implementing controls, and appropriate management stakeholder organization input.

5.1 Description of Integrated Implementation Procedures

DOE's land-use implementation procedures are integrated with the CLUP, such that Hanford Site project activities are consistent with, and carry out, the CLUP over time.

DOE's real estate and real property crosscutting process is intended to meet requirements in DOE Order 430.1B, *Real Property Asset Management*; the Federal Property Management Regulations (FPMR), 41 CFR 101; the Federal Acquisition Regulations (FAR); and other requirements in managing real property at the Hanford Site. The future management of DOE facilities must meet the Site Strategic Plan while managing to these requirements. Certified Realty Officers are responsible for the acquisition (in-grant only), management, disposition, and disposal of all site facilities including identification, movement, and use of real government property, according to this process.

DOE's long-term stewardship mission at Hanford is to manage DOE's post-closure responsibilities and ensure the future protection of human health and the environment for those lands that have been cleaned up on the Hanford Site. DOE has control and custody for that land (as well as structures and facilities)

and is responsible for maintaining the land at levels suitable for its long-term use, which currently is designated in the CLUP and shown in the land-use map. Long-term stewardship is implemented through DOE Orders (DOE O 200.1, *Information Management Program;* DOE O 430.1B, *Real Property Asset Management;* DOE O 413.3A, *Program and Project Management for the Acquisition of Capital Assets*), Policies (DOE P430.1, *Land and Facility Use Planning;* DOE P 454.1, *Use of Institutional Controls*), and DOE Guidelines (DOE G 430.1-2, *Implementation Guide for Surveillance and Maintenance during Facility Transition and Disposition;* DOE G 430.1-3, *Deactivation Implementation Guide;* DOE G 430.1-4, *Decommissioning Implementation Guide;* and DOE G 430.1-5, *Transition Implementation Guide*).

Public involvement is a key component to reaching decisions at Hanford that may potentially affect public health, safety, and the environment. This includes involving Tribal representatives, Federal, State and local officials, interest groups, and members of the general public. As part of the overall CLUP policy identified in Chapter 6 of the final HCP EIS, representatives of the cooperating agencies with land-use authority and area Tribal governments (including the Yakama Nation, CTUIR, Wanapum, and the Nez Perce Tribe), otherwise called the SPAB would be involved in review of proposed activities potentially affecting land management. Whether this occurs using the HCP EIS Chapter 6 procedures (e.g., convening the SPAB) or through involvement in other stakeholder and regulatory processes at Hanford, the Real Estate Officer, and the NEPA Compliance Officer as appropriate ensure review by these entities.

At the same time, public and stakeholder forums and processes implemented under (i) CERCLA/Tri-Party Agreement for cleanup activities, (ii) RCRA/HWMA for ongoing waste management including permits and closure, and (iii) NEPA to address proposals for new or modified activities, remain important to Hanford stakeholders. These processes are broader in scope and complexity and address numerous issues potentially relevant to a proposed activity at Hanford. These forums have evolved into important vehicles for airing relevant issues and considerations, including land use, with stakeholders and the public as DOE proceeds with the cleanup program at Hanford.

DOE considers that these other regulatory processes and stakeholder forums are consistent with the intent of the CLUP policies and procedures and achieve a similar level of review of consistency with CLUP land-use designations and policies.

5.2 Current Status of CLUP Implementing Controls (Resource Management Plans and Area Management Plans)

CLUP Implementing Controls identified in Chapter 6 of the HCP EIS and their statuses are provided in Table 5-1. Table 5-1 depicts the RMPs and AMPs as they were shown in the HCP EIS (as 'To Be Prepared', 'Current Draft,' 'Current Final,' and 'Revision Planned') and their 2007 status. The identified RMPs and AMPs vary in their level of completeness implementation. Two of the key plans implemented at the Hanford Site, the *Hanford Biological Resource Management Plan* and *Hanford Cultural Resources Management Plan*, are used for all DOE and Contractor activities on the Hanford Site. DOE staff and Contractors work closely with the NEPA Compliance Officer and Realty Officer, which includes working with assigned resource plan Subject Matter Experts to assure that adequate resource review and consultation are achieved. The Realty Officer, NEPA Compliance Officer, Subject Matter Experts and Environmental Management System Program steward work together and consult with each other as required to ensure respective Hanford Site processes and activities are consistent with the CLUP land-use map, land-use designations, and land-use policies. This approach has supported DOE's oversight with the goal of ensuring the CLUP is implemented and carried out consistent with the ROD.

Table 5-1. CLUP Implementing Controls (RMPs and AMPs).

	Original Status shown in 1999 HCP EIS				2007 Status
	To Be Prepared	Current Draft	Current Final	Revision Planned	
Resource Management Plans (RMPs)					
Hanford Cultural Resources Management Plan		X		X	DOE/RL-98-10, Revision 0, February 2003 [revision planned for 2008]
Hanford Biological Resources Management Plan		X		X	DOE/RL-96-32, Revision 0, August 2001 [revision planned for 2009]
Hanford Bald Eagle Management Plan			X	X	*Bald Eagle Site Management Plan for the Hanford Site, South-Central Washington; Final 2003* [revision planned for 2008]
Fire Management Plan			X	X	Addressed in DOE/RL-96-32.
Noxious Weed Management Plan			X	X	Addressed in DOE/RL-96-32.
Chinook Salmon-Upper Columbia River Spring run Hanford Management Plan	X				Addressed in DOE/RL-2000-27, *Threatened and Endangered Species Management Plan, Salmon and Steelhead*
Steelhead-Middle Columbia River run Hanford Management Plan	X				Addressed in DOE/RL-2000-27.
Steelhead Upper Columbia River run Hanford Management Plan		X			Addressed in DOE/RL-2000-27.
Aesthetic and Visual Resources Management Plan	X				DOE/RL-2001-61, Revision 0, *Aesthetic and Visual Resources Management Plan*, Draft 2001
Facility and Infrastructure Assessment and Strategy		X			HNF-25939, Revision 0, *Hanford Infrastructure Closure Alignment Plan*, Draft November 2005
Mineral Resources Management Plan (i.e., soils, sand, gravel, and basalt)	X				DOE/RL-2001-xx, Industrial Resources Management Plan, Final, 2001
Hanford Site Watershed Management Plan	X				Not prepared due to higher priority work.
Hanford Site Ground-Water Protection Management Plan			X		DOE/RL-2002-68, *Hanford's Groundwater Management Plan: Accelerated Cleanup and Protection*, March 2003.

Table 5-1. CLUP Implementing Controls (RMPs and AMPs).

	Original Status shown in 1999 HCP EIS				2007 Status
	To Be Prepared	Current Draft	Current Final	Revision Planned	
Groundwater Vadose Zone Integration Project Summary Description			X		DOE/RL-2007-20, *Hanford Integrated Groundwater and Vadose Zone Management Plan*, Draft June 2007.
Hanford Institutional Control Plan (i.e., long-term stewardship plan)	X				DOE/RL-2001-41, Revision 2, *Sitewide Institutional Controls Plan for Hanford CERCLA Response Actions*, Final June 2007
Area Management Plans (AMPs)					
ALE Reserve Comprehensive Conservation Plan			X	X	*Draft Hanford Reach National Monument* (Monument) *Comprehensive Conservation Plan and Environmental Impact Statement* (CCP/EIS), December 2006 (refer to Table 1).
Wahluke Slope Comprehensive Conservation Plan	X				CCP/EIS
Columbia River Corridor Area Management Plan	X				CCP/EIS
South 600 Area Management Plan (includes 300 Area)	X				Not prepared due to higher priority work.
New Management Plans and Policies Since 1999					
Hanford Site Biological Resources Mitigation Strategy					DOE/RL-96-88, draft issued in 1996; Final 2003 [revision planned for 2010]
Hanford Long-Term Stewardship Program and Transition: Preparing for Environmental Cleanup Completion					DOE/RL-2003-39, Revision 0, August 2003
Ecological Compliance Assessment Management Plan					DOE/RL-95-11, Revision 2, September 2006.
Gable Mountain and Gable Butte Resource Management Plan					DOE/RL-2008-17, Revision 0, February 2008
Rattlesnake Mountain Resource Management Plan					Currently under development

5.3 Mission-Related Program and Contractor Integration – Status

There is a flowdown of land use management requirements from DOE to the Hanford Site Contractors via incorporation into prime contracts, such as implementation of DOE Order 430.1B (Real Property Asset

Management); the FPMR, 41 CFR 101and 102; the FAR; DOE Order 451.1, National Environmental Policy Act Compliance Program; and DOE Order 450.1 Environmental Protection Program. Each DOE Contractor is required to implement the CLUP as part of its scope of work. For example, Fluor Hanford (FH) manages the Project Hanford Management Contract (PHMC) and is assigned the responsibility for assisting DOE with the implementation of the CLUP. The Contractor follows the internal process developed consistent with the CLUP to manage proposed land-use requests at the Hanford Site. In addition, FH administers and manages the Site Selection and Excavation Permit processes across the Hanford Site as a streamlined and integrated procedure for project review, ensuring consistency with the CLUP and its objectives. A formal site evaluation is required for all land development, disturbances, or improvements including new facilities, structures, and infrastructure systems both permanent and temporary on the Hanford Site. A Site Selection Team comprised of the DOE Realty Officer (in an oversight role), and representatives from the Contractors ensures active reviewing, approving and documenting propose land uses. NEPA reviews for proposed land uses are conducted to provide an additional level of review, normally in the form of a NEPA environmental checklist that is then forwarded to the DOE NEPA Compliance Officer for review to determine what level of NEPA review is appropriate.

The CLUP envisioned that the land-use policies and map would be considered early on in project planning, and be taken into account at the threshold decision points of developing all authorizations, operation plans, and actions associated with Hanford Site activities. This includes contracts and budget proposals that directly or indirectly affect land use on the Hanford Site. This practice of early consideration is consistent with the policy adopted in the ROD.

5.4 Site Planning Advisory Board – Status

During the SA document review and evaluation process it was determined that the SPAB as described in Chapter 6 of the HCP EIS was never convened. DOE formally solicited interest in convening the SPAB from the cooperating agencies[4], but received limited response[5]. Therefore, as an entity, the SPAB does not exist. However, DOE has continued to meet the intent of the SPAB by keeping regulators, American Indian Tribal representatives, local agencies and other stakeholders informed on land use issues through other formal and informal public and stakeholder involvement processes at Hanford. Such processes include NEPA/*State Environmental Policy Act of 1971*, CERCLA, RCRA/HWMA, Tri-Party Agreement, and NHPA, public involvement reviews, as well as consultations and meetings with American Indian Tribal representatives and scheduled briefings with the Hanford Advisory Board (HAB), which can result in formal exchanges of comments and responses on Hanford-related issues. DOE considers that these other processes are acceptable and compatible with the CLUP land use procedures described in the HCP EIS, and help to ensure consistent implementation of the CLUP at the Hanford Site.

5.5 Amendments to the CLUP - Status

There have been no amendments to the CLUP since the ROD was issued. The CLUP contains procedures to address any amendments that may be proposed (refer to Chapter 6 of the HCP EIS). The CLUP continues to be a living document designed to hold a chosen course over an extended period of development and management of Hanford Site resources. In keeping with DOE's commitment in the HCP EIS Chapter 6, and current NEPA guidance (refer to Section 1.0), it is expected that another SA for the HCP EIS would occur in

[4] Letter, K. Klein, RL, to Addressees, "Invitation to Participate as a Member on the Hanford Governmental Site Planning Advisory Board," 00-MSD-027, dated December 30, 1999.

[5] Two responses: Letter, R. Jim, Yakama Nation, to K. Klein, RL, "Re: Invitation to Participate as a Member of the Hanford Governmental Site Planning Advisory Board (SPAB)," dated January 25, 2000; and Letter, M. Benitz, Benton County Board of County Commissioners, to K. Klein, RL, no subject, dated February 8, 2000.

approximately 5 years. That period could be shorter if (a) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (b) there are significant new circumstances or information relevant to environmental concerns bearing on the proposed action or its impacts.

6.0 FINDINGS

DOE has found that other regulatory processes have been used in addition to the CLUP implementing procedures adopted by the ROD in determining whether proposed activities at the Hanford Site would be consistent with the CLUP. Due to the increased focus and attention on Hanford Site cleanup and waste management activities, regulatory processes have been followed under the CERCLA and RCRA/HWMA Corrective Action in accordance with the Tri-Party Agreement; or for RCRA/HWMA permitting actions; or using independent NEPA reviews. These processes involve the same or expanded representation of Federal, state, and local agencies, American Indian Tribes, stakeholders, and members of the public to what was contemplated using the implementing procedures. Consideration of land use and consistency with the CLUP is actively considered and documented using these other processes. DOE considers these other processes to be acceptable and complementary methods for purposes of evaluating whether land-use is being implemented at the Hanford Site consistent with the CLUP.

The active development and implementation of resource management plans have maintained appropriate environmental controls, despite minor changes and evolution in terms of which specific plan now documents these controls. DOE also has found that the scope of some planned resource management plans that were identified by the HCP EIS for purposes of implementing controls have since been merged into or are being covered by other plans (for example, the Aesthetics/Visual Resources Plan scope is being merged with the HCRMP; the Fire Management and Noxious Weed Plans are now addressed in the Biological Resources Management Plan). Other plans (e.g., Watershed Management plan, South 600 Area Management Plan) have not been prepared due to higher priority work. In addition, two plans (addressing Gable Mountain and Gable Butte; and Rattlesnake Mountain) have recently been developed as subsets of the HCRMP. However, these changes and evolution have not affected the CLUP land-use designations or the land-use map, and continue to support DOE's efforts to streamline and integrate environmental planning at the Hanford Site consistent with the CLUP policies.

DOE has considered the results of the document evaluation process, the information that has been developed since 1999 concerning land use, and the procedures and processes that have been used at the Hanford Site to consider land uses. The use of other complementary processes is consistent with the intent of the CLUP policies and implementing procedures. The information that has been developed concerning land use since issuance of the HCP EIS continues to support the land use designations and stated policies of the CLUP. DOE continues to improve and enhance resource management planning to ensure appropriate controls are implemented at the Hanford Site consistent with the CLUP.

DOE has not identified significant changes in circumstances or substantial new information that have evolved since 1999 that would affect the basis for its decision as documented in the HCP EIS ROD. DOE proposes that preparation of a new EIS, or a supplement to the existing EIS, is not warranted at this time. DOE is considering publishing an amended ROD to clarify that other regulatory processes, additional implementation controls, and stakeholder involvement processes are acceptable methods for addressing whether proposed activities at the Hanford Site are consistent with the CLUP land use designations, map, and policies.

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APPENDIX A

RECORD OF DECISION FOR HANFORD COMPREHENSIVE LAND-USE PLAN ENVIRONMENTAL IMPACT STATEMENT

Extracted from Federal Register 64 FR 61615-61625, November 12, 1999

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proactive approach in evaluating the status of the nation's schools after January 1st through a random sample survey of 1,200 elementary/secondary school districts and 1,950 postsecondary institutions located in the 50 states, Puerto Rico, Virgin Islands, and the District of Columbia. Information obtained from this survey will help assess the status of the nation's schools after the year 2000 transition. Survey results will be reported not only to ED's management, but also to The President's Council on Year 2000 Conversion's Information Coordination Center, Office of Management and Budget, major education associations, and other Year 2000 oversight authorities, as well as the public.

Additional Information: This survey is being submitted for emergency clearance, as it is a year 2000 related data collection assessment effort. The year 2000 is less than two months away and recent surveys have raised major concerns about the Y2K readiness of the nation's schools. In order to best prepare the school districts and postsecondary institutions selected in the random sample, notifications and survey instructions need to be mailed in early December to ensure there is sufficient time for the surveys to be completed and results reported in January. Based on these circumstances, we are requesting the 60-day and 30-day waiver for **Federal Register** Notices. This waiver is requested per emergency clearance of year 2000 surveys under the Paperwork Reduction Act. Clearance is requested no later than November 24, 1999.

Frequency: One-time data collection conducted in January 2000.

Affected Public: State, local or Tribal government, SEAs or LEAs; business or other for-profit; not-for-profit institutions (elementary/secondary school districts and postsecondary education institutions).

Reporting and Recordkeeping Burden: Responses: 2,520 Burden Hours: 1,470

Requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651, or should be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov, or should be faxed to 202-708-9346.

Written comments or questions regarding burden and/or the collection activity requirements should be directed to Kathy Axt at 703-426-9692 or by e-mail at kathy_axt@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 99-29536 Filed 11-10-99; 8:45 am]

BILLING CODE 4000-1-P

DEPARTMENT OF ENERGY

[Docket No. EA-153-A]

Application to Export Electric Energy: Citizens Power Sales

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Citizens Power Sales (CP Sales) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before December 13, 1999.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0350 (FAX 202-287-5736).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202-586-9624 or Michael Skinker (Program Attorney) 202-586-6667.

SUPPLEMENTARY INFORMATION: On October 1, 1997, the Office of Fossil Energy (FE) of the Department of Energy (DOE) authorized CP Sales to transmit electric energy from the United States to Canada as a power marketer using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Co., Inc., Minnkota Power, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That two-year authorization expired on October 1, 1999. On October 28, 1999, CP Sales filed an application with FE for renewal of this export authority and requested that the Order be issued for an additional five-year term.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the CP Sales request to export to Canada should be clearly marked with Docket EA-153-A. Additional copies are to be filed directly with Mr. Joseph C. Bell, Jolanta Sterbenz, Hogan & Hartson L.L.P., 555 Thirteenth Street, NW, Washington, DC 20004-1109, and Geoffrey Mathews, Esq., Associate Counsel, Electricity Trading, Citizens Power Sales, 160 Federal Street, Boston, Massachusetts 02110.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order EA-153. Consequently, DOE believes that its has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA-153-A proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select "Regulatory Programs," then "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on November 5, 1999.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 99-29568 Filed 11-10-99; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Record of Decision: Hanford Comprehensive Land-Use Plan Environmental Impact Statement (HCP EIS)

AGENCY: Department of Energy.

ACTION: Record of Decision.

SUMMARY: The Department of Energy (DOE) is issuing this Record of Decision (ROD) to adopt a Comprehensive Land-Use Plan (CLUP) for its Hanford Site in Washington. The purpose of this land-use plan and its implementing policies

and procedures is to facilitate decision-making about the site's uses and facilities over at least the next 50 years. The Department's decision seeks to balance the Department's continuing land-use needs at Hanford with its desire to preserve important ecological and cultural values of the site and allow for economic development in the area. This land-use plan consists of several key elements which are included in the Department's Preferred Alternative in the Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement (HCP EIS). These elements are a land-use map that addresses the Hanford Site as five geographic areas—the Wahluke Slope, the Columbia River Corridor, the Central Plateau, All Other Areas of the Site, and the Fitzner-Eberhardt Arid Lands Ecology (ALE) Reserve—and depicts the planned future uses for each area; a set of nine land-use designations that define the permissible uses for each area of the site; and the planning and implementing policies and procedures that will govern the review and approval of future land uses. Together these four elements create the Hanford CLUP.

FOR FURTHER INFORMATION CONTACT: For further information on the Hanford Comprehensive Land Use Plan Environmental Impact Statement (HCP EIS) or to receive a copy of the HCP EIS or other information related to this ROD, contact: Thomas W. Ferns, HCP EIS Document Manager, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, MSIN HO–12, Richland, Washington 99352. You may call (509) 372–0649 or send e-mail to thomas_w_ferns@rl.gov or a fax to (509) 376–4360. The HCP EIS is available electronically on the DOE NEPA Web (http://tis-nt.eh.doe/nepa/) under DOE NEPA Analyses, at http://nepa.eh.doe.gov/eis/eis0222.html.

For information on the DOE National Environmental Policy Act of 1969 (NEPA) process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0119, (202) 586–4600, or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

I. Purpose and Need for Agency Action

DOE has assigned elements of each of its four principal missions (National Security, Energy Resources, Environmental Quality, and Science) to the Hanford Site, and has established and maintains several capabilities to support these missions. These Hanford Site capabilities also support applications for other federal agencies and organizations in accordance with national priorities and policies. Today, the Hanford Site has diverse site-specific missions associated with environmental restoration, waste management, and science and technology. These missions have competing land-use needs and management values, and governments and stakeholders within the region have an interest in the management of Hanford resources over the long term. DOE needs to assess the relative qualities of Hanford's resources, compare the priorities and needs of Hanford's missions, and reach decisions such as the identification and disposal of excess lands. DOE Order 430.1a, Life Cycle Asset Management, and Public Law 104–201, Section 3153, National Defense Authorization Act for Fiscal Year 1997, require a land-use plan for the Hanford Site. The Final HCP EIS provides the analysis needed to adopt a land-use plan. Once adopted, the land-use plan will provide a framework for making land-use and facility-use decisions.

This ROD, after considering extensive public comment and cooperating agency input, adopts a land-use map, land-use designations, planning policies, and implementing procedures that the Department believes will best meet its mission needs for at least the next 50 years. This ROD begins the implementation of the CLUP, as described in the HCP EIS. There are four elements to the CLUP implementation:

(1) The DOE Preferred Alternative land-use map, that depicts land uses for areas of the Hanford site, including the Wahluke Slope, Columbia River Corridor, Central Plateau, Fitzner/Eberhardt Arid Lands Ecology (ALE) Reserve, and All Other Areas of the Hanford Site. The Preferred Alternative land-use map reflects the expansion of the proposed U.S. Fish and Wildlife Service (USFWS) wildlife refuge for preservation as well as for Hanford Site buffer zone uses. This expanded wildlife refuge includes the entire geographic areas of the Wahluke Slope, the Columbia River islands not in Benton County, the Riverlands, the McGee Ranch, and the ALE Reserve. The Preferred Alternative land-use map also allows full implementation of DOE mission elements assigned to Hanford, and will allow expansion of operations at Hanford as the need arises.

(2) The land-use designations that define the purpose, intent, and principal use(s) of each of the land-use designations on the CLUP Preferred Alternative land-use map.

(3) The land-use policies that direct land-use actions. The policies will help to ensure that individual land use actions collectively advance the CLUP Preferred Alternative map, goals, and objectives over time.

(4) The land-use plan implementing procedures that include administrative procedures for reviewing and approving use requests; a Site Planning Advisory Board (SPAB) consisting of representatives of DOE, cooperating agencies of the HCP EIS, and affected Tribal governments; and actions to be undertaken under the land-use plan to align and coordinate Hanford site management plans.

II. Hanford Site Features

Key features of the Hanford Site that form the basis for the five geographic areas used in the environmental impacts analysis and land-use plan are summarized as follows.

- The Wahluke Slope. The area north of the Columbia River encompasses approximately 357 km² (138 mi²) of relatively undisturbed or recovering shrub-steppe habitat. The Wahluke Slope is managed for DOE by both state and federal agencies under permit agreements. The western portion of the Wahluke Slope is managed by the USFWS as the Saddle Mountain National Wildlife Refuge. The USFWS has recently taken over management of most of the remainder of the Wahluke Slope from the WDFW. Current permit conditions require the Saddle Mountain National Wildlife Refuge to be closed to the public as part of a security zone for the N Reactor (now shut down), and as a buffer zone for the current K Basins spent nuclear fuel (SNF) removal project. The area continues to serve as a buffer and security area for several nuclear materials management and cleanup activities. Various levels of public access for recreational activities are allowed on the Wahluke Slope.
- Columbia River Corridor. The 111.6 km² (43.1 mi²) Columbia River Corridor, which is adjacent to and runs through the Hanford Site, is used by the public and Tribes for boating, water skiing, fishing, and hunting of upland game birds and migratory waterfowl. While public access is allowed on certain islands, access to other islands and adjacent areas is restricted because of unique habitats and the presence of cultural resources.

Along the southern shoreline of the Columbia River Corridor, the 100 Areas occupy approximately 68 km² (26 mi²). The facilities in the 100 Areas include nine retired plutonium production

reactors, associated facilities, and structures. Resource Conservation and Recovery Act of 1976 (RCRA) closure permit restrictions have been placed in the vicinity of the 100–H Area, which is associated with the 183–H Solar Evaporation Basins. Additional deed restrictions or covenants for activities that potentially extend more than 4.6 m (15 ft) below ground surface are expected for the Comprehensive Environmental Restoration, Compensation, and Liabilities Act of 1980 (CERCLA) remediation areas.

The area within the Columbia River Corridor known as the Hanford Reach includes an average of a 402 m (1,320 ft) strip of public land on either side of the Columbia River. The Hanford Reach is the last free flowing, nontidal segment of the Columbia River in the United States.

• Central Plateau. The 200 East and 200 West Areas occupy approximately 51 km^2 (19.5 mi^2) in the Central Plateau of the Hanford Site. Facilities located in the Central Plateau were built to process irradiated fuel from the plutonium production reactors. The operation of these facilities resulted in the treatment, storage, disposal, and unplanned release of radioactive and nonradioactive waste. The Environmental Restoration Disposal Facility for CERCLA cleanup wastes is located in the Central Plateau. Other federal agencies, such as the Department of the Navy, also use Hanford nuclear waste treatment, storage or disposal facilities. Deed restrictions or covenants for activities that potentially may extend more than 4.6 m (15 ft) below ground surface are expected for CERCLA remediation areas in the Central Plateau.

In 1964, a 410 ha (1,000 ac) tract was leased to the State of Washington to promote nuclear-related development. A commercial low-level radioactive waste disposal facility, run by U. S. Ecology, Inc., currently operates on 41 ha (100 ac) of the recently reduced leasehold.

• All Other Areas. All Other Areas comprise 689 km^2 (266 mi^2) and contain the 300, 400, and 1100 Areas, Energy Northwest facilities, and a section of land currently owned by the State of Washington for the disposal of hazardous substances.

The Hanford 1100 Area and the Hanford railroad southern connection (from Horn Rapids Road to Columbia Center) have been transferred from DOE ownership to Port of Benton ownership to support future economic development. Although the 1100 Area is no longer under DOE control, it is included in the HCP EIS to support the local governments with their State Environmental Policy Act (SEPA) EIS analyses of the Hanford sub-area of Benton County under the State of Washington's Growth Management Act.

The 300 Area is located just north of the City of Richland and covers 1.5 km^2 (0.6 mi^2). The 300 Area is the site of former reactor fuel fabrication facilities and is also the principal location of nuclear research and development facilities serving the Hanford Site.

The 400 Area, located southeast of the 200 East Area, is the site of the Fast Flux Test Facility, which is being evaluated in an ongoing EIS. The proposed mission for the 400 Area is reactor operations and irradiation services with attendant support functions including fuel and target fabrication, target processing, and interim storage.

Energy Northwest currently operates Washington Nuclear Plant Number 2 on leased land approximately 10 km (6 mi) north of the 1100 Area. Originally leased for the operation of three nuclear power plants, construction of two of the plants was halted and now other industrial options are being considered.

In 1980, the Federal government sold a 259 ha (640 ac) section of land south of the 200 East Area, near State Route 240, to the State of Washington for the purpose of nonradioactive hazardous waste disposal. To date, this parcel has not been used for hazardous waste disposal, and it is undeveloped and uncontaminated (although the underlying groundwater is contaminated). The deed requires that if it is used for any purpose other than hazardous waste disposal, ownership would revert to the Federal government.

Additional activities in the All Other Areas include: A specialized training center. The Hazardous Materials Management and Emergency Response (HAMMER) Volpentest Training and Education Center is used to train hazardous materials response personnel. It is located north of the 1100 Area and covers about 32 ha (80 ac). A regional law-enforcement training facility. The Hanford Patrol Training Academy provides a range of training environments including classrooms, library resources, practice shoot houses, an exercise gym, and an obstacle course. A national research facility. The Laser Interferometer Gravitational Wave Observatory (LIGO), built by the National Science Foundation for scientific research, is designed to detect cosmic gravitational waves. The facility consists of two optical tube arms, each 4 km (2.5 mi) long, arrayed in an "L" shape, and is extremely sensitive to vibrations.

• Fitzner/Eberhardt Arid Lands Ecology Reserve (ALE Reserve). The ALE Reserve encompasses 308.7 km^2 (119.2 mi^2) in the southwestern portion of the Hanford Site and is managed as a habitat and wildlife reserve and environmental research center.

The mineral rights to a 518 ha (1,280 ac) area on the ALE Reserve are owned by a private company. The company has been free to enter this area and explore for oil or gas since 1977.

Public access to the ALE Reserve has been restricted since 1943, resulting in high quality shrub-steppe habitat.

III. The Hanford Site and Its Missions:

The Hanford Site occupies 1,517 square kilometers (km^2) (586 square miles [mi^2]) in southeastern Washington. DOE has assigned elements of each of its four principal missions (National Security, Energy Resources, Environmental Quality, and Science) to the Hanford Site, and has established and maintains several capabilities to support these missions. These Hanford Site capabilities also support applications for other federal agencies and organizations in accordance with national priorities and policies. Today, the Hanford Site has diverse site-specific missions associated with environmental restoration, waste management, and science and technology. These missions have resulted in the growing need for a comprehensive, long-term approach to planning and development for the Site.

To meet this need, the HCP EIS analyzes the potential environmental impacts of alternative land-use plans for the Hanford Site and considers the land-use implications of ongoing and proposed activities. DOE is currently engaged in other NEPA reviews that include the Hanford Site as an alternative location for the proposals under consideration such as possible new missions for the Fast Flux Test Facility. These other NEPA reviews include programmatic and project-specific environmental impact statements and are listed in the Final HCP EIS in Table 1–1, NEPA Reviews Affecting the Hanford Site, along with their potential land-use impacts. Since these other environmental impact statements identify potential new or expanded activities for the Hanford Site, DOE needs to retain infrastructure at the Hanford Site pending completion of these reviews and corresponding decision documents. DOE expects that, in the future, new programs, projects, and facilities will be proposed for the Hanford Site, or will consider the Hanford Site as an alternative site for such facilities or activities. These new proposals will be analyzed in programmatic or project-specific NEPA reviews. Subsequent DOE decisions on these proposals may amend this ROD.

IV. 1996 Draft EIS Emphasized Remediation

After a public scoping process, DOE issued the Draft Hanford Remedial Action Environmental Impact Statement and Comprehensive Land-Use Plan (HRA–EIS) (DOE/EIS–0222D) for public review and comment on September 13, 1996. The public comment period for the Draft HRA–EIS initially ran through November 1, 1996, and was extended through December 10, 1996. During the public comment period, DOE held informational meetings and public hearings to receive comments in Richland, Seattle, and Mattawa, Washington; and in Portland and Hood River, Oregon.

V. Revised Draft Emphasized Land-Use Planning

As a result of public comments received, and changes in DOE's NEPA/CERCLA/RCRA integration policies, DOE focused the document on land-use planning. Pursuant to DOE's NEPA Regulations at 10 CFR Part 1021, DOE invited local and Federal governments to participate as cooperating agencies, and the affected Tribal governments to participate in preparing the EIS. Because DOE, the cooperating agencies and Tribal governments significantly revised the Draft HRA–EIS and its alternatives, DOE issued a Revised Draft HRA–EIS for public comment. Since land use was within the scope of the original Draft HRA–EIS, no further scoping was held.

VI. Public Review of the Revised Draft HRA-EIS

On April 23, 1999, the Department of Energy published a Notice of Availability in the **Federal Register** (64 FR 19983) for the Revised Draft HRA–EIS, starting a 45-day public comment period that ended on June 7, 1999. Public hearings on the Revised Draft HRA–EIS were held on May 18, 1999, in Portland, OR; May 20, 1999, in Richland, WA; June 2, 1999, in Mattawa, WA; and June 3, 1999, in Spokane, WA. DOE considered all comments on the Revised Draft HRA–EIS in preparing the Final EIS. DOE received more than 400 letters, postcards, questionnaires, surveys and electronic mail messages. In addition, more than 200 pages of transcripts were generated during the four public hearings.

In the Revised Draft EIS, DOE requested public comment on a proposal to change the name of the document to more accurately reflect its focus on land-use planning. Public comments supported this proposal and DOE changed the name of the September 1999 final document to the Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement (HCP EIS).

VII. Cooperating Agencies and Consulting Governments

Nine cooperating agencies and consulting Tribal governments participated in preparing the HCP EIS: the U.S. Department of the Interior (Bureau of Land Management [BLM], Bureau of Reclamation, and the USFWS); the City of Richland, Washington; Benton, Franklin, and Grant Counties; the Nez Perce Tribe, Department of Environmental Restoration and Waste Management; and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Each of the EIS action alternatives represents a land-use vision of one or more of the cooperating and consulting agencies.

VIII. The Proposed Action and Alternatives Considered

The proposed action for the HCP EIS is to develop and implement a comprehensive land-use plan (CLUP) for the Hanford Site. The elements of the CLUP include a land-use map, land-use designations, land-use policies, and a set of procedures for plan implementation. DOE and the cooperating agencies and consulting governments analyzed six alternative land-use maps, including the No-Action Alternative, the DOE Preferred Alternative, and four other Alternatives, using the nine land-use designations. The land-use designations and land-use plan policies and implementation procedures described in Section IX do not apply to the No-Action Alternative.

IX. Land-Use Designations

The land-use designations used in the evaluation process are as follows:

- Industrial-Exclusive: An area suitable and desirable for treatment, storage, and disposal of hazardous, dangerous, radioactive, nonradioactive wastes, and related activities.
- Industrial: An area suitable and desirable for activities such as reactor operations, rail, barge transport facilities, mining, manufacturing, food processing, assembly, warehouse, distribution operations and related activities.
- Agricultural: An area designated for the tilling of soil, raising of crops and livestock, and horticulture for commercial purposes along with all those activities normally and routinely involved in horticulture, the production of crops and livestock, and related activities.
- Research and Development: An area designated for conducting basic or applied research that requires the use of a large-scale or isolated facility or smaller scale time-limited research conducted in the field or in facilities that consume limited resources. This designation includes related activities.
- High-Intensity Recreation: An area allocated for high-intensity, visitor-serving activities and facilities (commercial and governmental), such as golf courses, recreational vehicle parks, boat launching facilities, Tribal fishing facilities, destination resorts, cultural centers, museums, and related activities and facilities.
- Low-Intensity Recreation: An area allocated for low-intensity, visitor-serving activities and facilities, such as improved recreational trails, primitive boat launching facilities, permitted campgrounds, and related activities and facilities.
- Conservation (Mining and Grazing): An area reserved for the management and protection of archeological, cultural, ecological, and natural resources. Limited and managed mining (*e.g.*, quarrying for sand, gravel, basalt, and topsoil for governmental purposes only) and grazing could occur as a special use (i.e., a permit would be required) within appropriate areas. Limited public access would be consistent with resource conservation. This designation includes related activities.
- Conservation (Mining): An area reserved for the management and protection of archeological, cultural, ecological, and natural resources. Limited and managed mining (e.g., quarrying for sand, gravel, basalt, and topsoil for governmental purposes only) could occur as a special use (i.e., a permit would be required) within appropriate areas. Limited public access would be consistent with resource conservation. This designation includes related activities.
- Preservation: An area managed for the preservation of archeological, cultural, ecological, and natural resources. No new consumptive uses (i.e., mining or extraction of non-renewable resources) would be allowed within this area. Limited public access would be consistent with resource preservation and DOE's need to provide a buffer zone. This designation includes related activities.

X. Alternatives Considered

The six alternative land-use maps analyzed in the HCP EIS include the No-Action Alternative, DOE's Preferred

Alternative, and four other Alternatives that were developed by cooperating agencies and consulting Tribal governments. The major differences in environmental impacts among alternatives are potential cultural, biological, and geological impacts due to consumptive land-use practices; socioeconomic effects due to Hanford Site employment changes; and human health risk impacts related to allowable land uses. The six alternatives are:

• No-Action Alternative. The No-Action Alternative represents the current status of land use at the Hanford Site and no change from current land management processes or intergovernmental relationships with the cooperating agencies. Specific land-use decisions for Hanford would continue to be made under the NEPA process, based on the current Hanford Strategic Plan (Mission Plan) and on a project-by-project basis, based on the Tri-Party Agreement (TPA) remediation decision-making process.

• DOE's Preferred Alternative. DOE's Preferred Alternative anticipates multiple uses of the Hanford Site, including future DOE missions, non-DOE federal missions, and other public and private-sector land uses. DOE's Preferred Alternative will do the following: Consolidate waste management operations on 50.1 km^2 (20 mi^2) in the Central Plateau of the site; allow industrial development in the eastern and southern portions of the Hanford Site and allow an increase in recreational access to the Columbia River; designate a portion of the Hanford Site for preservation and a buffer zone by allowing for expansion of the existing Saddle Mountain National Wildlife Refuge overlay to include all of the Wahluke Slope (North Slope) of the Hanford Site (consistent with the Department of Interior's [DOI] 1994 Hanford Reach of the Columbia River Comprehensive River Conservation Study and Final EIS, and 1996 Hanford Reach ROD); the Columbia River islands not in Benton County; the Riverlands; the McGee Ranch; and the ALE Reserve. It will also ensure that, where practicable, withdrawn Bureau of Land Management lands are clean enough to support BLM's multiple-use mandate.

• Alternative One (Natural Resources Trustee). The USFWS's alternative emphasizes a Federal stewardship role for managing the natural resources at Hanford. This alternative considers these resources in a regional context, and would allow for expansion of the existing Saddle Mountain National Wildlife Refuge to include all of the Wahluke Slope (North Slope), all of the Columbia River islands including a 402 meter (quarter-mile) buffer on the Benton County side of the river, the Riverlands, the McGee Ranch, and the ALE Reserve (e.g., all of the Hanford lands north and east of the Columbia River and west of State Highways 240 and 24, and the Hanford Reach study area). Alternative One would conserve the Hanford Site shrub-steppe ecosystem and protect the Hanford Reach.

• Alternative Two (Nez Perce Tribe, Department of Environmental Restoration and Waste Management). The Nez Perce alternative calls for preservation of natural and cultural resources and traditional Tribal uses at the site. Future DOE missions would be constrained to the Central Plateau, 300 Area, and 400 Area. Both this alternative and Alternative Four reflect Tribal visions and views of Tribal members' treaty rights and traditional Tribal uses of Hanford lands. The Tribes and DOE have "agreed to disagree" on the interpretation of treaty rights on Hanford lands in the interest of moving the EIS process forward. Each party reserves the right to assert its respective interpretation of treaty rights at Hanford.

• Alternative Three (Cities and Counties). This local governments' alternative anticipates multiple uses and is based on the individual planning efforts of local agencies and organizations under the state's Growth Management Act including Benton County, Franklin County, Grant County, and the City of Richland. Alternative Three emphasizes the economic development potential of the Hanford Site. Alternative Three would allow dryland (non-irrigated) agricultural and grazing activities, and irrigated agriculture on the Hanford Site. The land-use designations contained in Alternative Three were developed consistent with local availability of infrastructure, nearness of urban areas, soils capabilities, and current use patterns.

• Alternative Four (Confederated Tribes of the Umatilla Indian Reservation [CTUIR]). This CTUIR alternative calls for preservation of natural resources and areas of religious importance to the CTUIR as well as traditional Tribal uses at the Site. Both this alternative and Alternative Two reflect Tribal visions and views of Tribal members' treaty rights and traditional Tribal uses of Hanford lands.

XI. Environmentally Preferable Alternative

The Council on Environmental Quality (CEQ) NEPA Regulations (40 CFR 1505.2) require a ROD to identify the "environmentally preferable alternative"—that is, the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources. After considering impacts to each resource area by alternative, DOE has identified Alternative One as the Environmentally Preferable Alternative. Alternative One represents a Federal stewardship role for managing natural resources on the Hanford Site with the acknowledged consumptive treaty-reserved rights from Article 3 of the Yakama and Nez Perce Treaties, "the right of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing"; as well as the similar language from Article 1 of the CTUIR Treaty, "the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same." Alternative One does not, however, include the tribal vision of consumptive non-fishing activities by tribal members exercising their reserved treaty rights, implicit in Alternatives Two and Four. Specifically, these asserted consumptive rights are from Article 3 of the Yakama and Nez Perce Treaties, "together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land," as well as the similar language from Article 1 of the CTUIR treaty, "the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them."

XII. Environmental Impacts of the DOE Preferred Alternative

In making its decision, DOE balanced environmental impacts with other factors, including meeting DOE mission needs and allowing regional economic development. DOE analyzed the potential impacts that might occur to land, water, air, ecological and biological resources, human health, environmental justice, cultural resources, socioeconomic values, infrastructure, and waste management for the six alternatives. DOE considered the impacts that might occur from use of special nuclear materials, facility accidents, and other materials associated with Hanford Site operations. DOE considered the impacts of projects and activities, the irreversible or irretrievable commitments of resources, and the relationship between short-term

uses of the environment and the maintenance and enhancement of long-term productivity. The highest resource impacts, as with any other alternative, will be to cultural, biological, and geological resources from consumptive land-use practices. Under DOE's Preferred Alternative, the following resources potentially would be affected: geologic, water, biologic, cultural, visual, noise, and socioeconomic. Generally, the environmental impacts from the preservation and conservation aspects of this alternative would be environmentally beneficial. Any negative environmental impacts would be more likely for biological, cultural, and geological resources as a consequence of consumptive land uses. The impacts of the DOE Preferred Alternative that we are adopting today are discussed fully in Chapter 5 of the HCP EIS. Additionally, mitigation of these impacts would occur through the resource management plans identified in Chapter 6 of the HCP EIS. (See "Mitigation Measures" that follow.)

DOE also evaluated the environmental justice and human health impacts of this alternative.

• Environmental Justice: DOE expects no environmental justice impacts from the operation of the Hanford Site under the Preferred Alternative (*i.e.*, projected impacts from the Preferred Alternative would not be disproportionately high and adverse for minority or low-income populations in the area). As a general matter, the human health effects from any of the alternatives is expected to be small. DOE analyzed human health impacts from exposure through special pathways, including ingestion of game animals, fish, native vegetation, surface waters, sediments, and local produce; absorption of contaminants in sediments through the skin; and inhalation of plant materials. The special pathways have the potential to be important to the environmental justice analysis because some of these pathways may be more important or viable for the traditional or cultural practices of minority populations in the area. In this case, however, these special pathways would not be expected to result in disproportionately high and adverse impacts to minority or low-income populations. Increased access to the Columbia River would potentially increase exposure. Minority or low-income populations may be more prone to adopt a subsistence lifestyle, but the adoption of such a lifestyle would not be expected to result in disproportionately high and adverse impacts. Areas of cultural value to Tribal members would be protected, but development would be allowed within the viewscapes of some of those areas. Economic development of Hanford Site lands would not impose disproportionately high and adverse impacts on low-income and minority communities within the assessment area. Prohibiting agriculture on the Wahluke Slope would not change the current socioeconomic condition.

• Human Health: Land uses under the Preferred Alternative, like any other alternative, could indirectly affect human health. New developments on the Hanford Site under the Preferred Alternative could lead to an increase in occupational injuries and fatalities associated with sand, gravel and basalt mining and industrial activities, and increased recreational activities could increase the risk of injury from recreational accidents. DOE's current monitoring program data do not indicate that adverse health impacts would be associated with consumption of fish and game.

The alternatives considered in the HCP EIS, including the Preferred Alternative, were developed based on the assumption that human health risks associated with contamination at the Hanford Site will continue to be addressed through the RCRA and CERCLA processes. These processes are expected to reduce human health risk to acceptable levels through remedial actions and administrative controls, such as deed restrictions, which are imposed by CERCLA RODs. DOE has also assumed that the future land uses under the Preferred Alternative would not be allowed until remediation has reduced human health risk to levels acceptable for the intended land uses, or DOE has followed the process described in Chapter 6 of the HCP EIS that would modify that land use while maintaining institutional controls.

XIII. Mitigation Measures

Future uses of the Hanford Site will be subject to mitigation under the CLUP policies and procedures or the NEPA/CERCLA/RCRA integrated processes. All proposals of land use potentially affecting resources will be required to comply with the applicable resource-specific requirements. The CLUP policies and procedures will provide resource management plans to advise the project proponent on strategies to avoid or minimize environmental impacts. Plan policies and procedures, as conveyed by resource management plans and area management plans, will be developed and integrated to support an overall mitigation strategy. Mitigation for specific actions, such as sand, gravel and basalt mining, would be controlled through the issuance of special use permits. Mitigation efforts that may be required by DOE include, avoidance of impacts, replacement of topsoil, soil stabilization techniques to control wind erosion, and documentation of unique features before mining. To reduce the impacts on water resources, the following tactics can be employed: using silt fences around development sites to contain soil erosion and minimize silt release near surface water, requiring a demonstration of no adverse impact on groundwater due to increased infiltration and transportation of vadose zone contamination resulting from development, and minimizing the use of groundwater so that water withdrawal will not alter groundwater flow and influence existing contamination plumes.

All proposals of land use potentially affecting sensitive biological resources are required to comply with applicable statutes, such as the Endangered Species Act of 1973. Some mitigation efforts that could reduce impacts to biological resources include minimizing disturbance of wetlands and replacing disturbed wetlands through purchase, construction, or restoration; reclamation of disturbed areas using native vegetation; and scheduling activities to avoid critical nesting, roosting, leking (*i.e.*, mating), breeding, and fawning times.

Impacts to cultural resources of specific project proposals will be evaluated through the resource management plan process, including potential impacts on American Indian treaty rights and known archaeological and historic sites. To reduce impacts to cultural resources, DOE will continue to schedule activities to avoid conflicts with American Indian traditional and religious uses, and will continue to conduct consultations with the DOE Richland Operations Office Cultural Resources Program Manager, the Washington State Historic Preservation Office, affected Tribal governments, and Wanapum Band representatives to identify additional mitigation measures or project alternatives.

Potential mitigation for aesthetic resources include: site reclamation, implementing dust control measures, covering loads when hauling materials away from project sites, siting development or sand, gravel and basalt mining activities in areas where these activities least impact the viewshed from basalt outcrops or their talus slopes such as Gable Butte and Gable Mountain, and minimizing noise impacts to wildlife by restricting activities that generate noise.

XIV. Discussion of Comments on the Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement

DOE made the Final HCP EIS publicly available and distributed approximately 500 copies to Congressional members and Committees, the States of Washington and Oregon, various American Indian Tribal governments and organizations, local governments, other Federal agencies, and interested organizations and individuals. DOE received three comment letters on the Final HCP EIS from three sources: (1) Washington Department of Fish and Wildlife (WDFW), (2) an individual commenter, and (3) National Center for Environmental Health.

WDFW Comment: In a letter dated 10/25/99, the WDFW commended DOE for designating the ALE Reserve, McGee Ranch/Riverland Site, and the North Slope (Wahluke Slope) as Preservation consistent with national wildlife refuge management, stating that "With these actions, USDOE will strengthen the integrity of Hanford's terrestrial ecosystem and further the protection of important aquatic resources with the Hanford Reach." WDFW also applauded DOE for designating both shorelines of the Columbia River as Preservation, and for removing grazing from the Preferred Alternative. WDFW stated that, "These actions are consistent with USDOE's stewardship role and policies on ecosystem management."

WDFW was disappointed that the Final HCP EIS does not address several concerns that WDFW had expressed earlier. It was "generally concerned about the fate of biological resources that occur within central Hanford but outside the Preservation and Conservation designation delineated in the Preferred Alternative specifically shrub-steppe habitat, a priority habitat for WDFW, and attendant biological resources in the subject areas remain vulnerable to development. Further, it appears that the probable listing of Washington's sage grouse population under the Endangered Species Act has not been considered by USDOE. Even without a Federal ESA listing action, we view the shrub-steppe habitats of the Hanford Site as invaluable elements in the recovery of Washington's sage grouse."

DOE Response: DOE believes that it is premature to consider the potential specific impacts of a petitioned Endangered Species Act (ESA) listing until the listing and associated conditions are issued. However, it should be noted that the McGee Ranch, which WDFW considers as habitat critical to the natural reestablishment of sage grouse populations on ALE, is designated Preservation under the Preferred Alternative. In addition, grazing, which has been identified as a threat to sage grouse, has been deleted from the Preferred Alternative as an allowable land use for this area. The wildlife agencies managing the areas of the Hanford Site designated Preservation may decide to attempt to reintroduce sage grouse within those areas.

WDFW Comment: "Our largest area of concern lies in the southeast corner of the site, where Industrial, and Research and Development designations overlay Level II (shrub steppe) resources. The FEIS relies on the Draft Hanford Site Biological Resource Management Plan (BRMaP) and its sub-tier document the Draft Hanford Site Biological Resources Mitigation Strategy Plan (BRMiS) to describe biological resources and to make decisions about mitigation requirements. The current drafts of BRMaP and BRMiS would require avoidance and minimization of impacts to Level II resources but would not require compensatory mitigation for unavoidable impacts. This single loophole puts more than 80,000 acres of shrub steppe habitat at risk. The FEIS calls for revisions to the two biological plans but there is no commitment to the outcome. We request that the ROD include a commitment to use the full mitigation hierarchy, as defined by the Council on Environmental Quality (CEQ), wherever impacts to biological resources occur at Hanford."

DOE Response: DOE will continue its policy to mitigate impacts in areas disturbed by new activities, as appropriate. Specific commitments and Mitigation Action Plans will be developed on a case-by-case basis during project-specific NEPA reviews. For any specific new proposals, DOE will consider in its decision making all appropriate types of mitigation defined by CEQ.

WDFW Comment: WDFW maintains that "it is inappropriate for USDOE to invoke Irretrievable and Irreversible language to avoid the responsibility to mitigate for impacts to shrub steppe and other biological resources (See specific FEIS response RL318–44). Unavoidable adverse impacts can be substantially reversed and habitat functions restored through implementation of CEQ's mitigation hierarchy. There are many disturbed areas and old fields within Conservation designations where compensatory mitigation can be conducted. Especially with the potential ESA listing of sage grouse, USDOE and other federal agencies should exercise all practical means to contribute to the protection and restoration of sage grouse habitat."

DOE Response: Irretrievable and irreversible commitments of resources could effect CERCLA natural resources damages assessment liabilities, and such potential commitments are discussed in the HCP EIS as required by NEPA regulations. To the extent that such irretrievable and irreversible commitments of resources are made in the future as described in Chapter 6 of the HCP EIS, it does not mean that DOE would not voluntarily mitigate potential injuries to natural resources. This land-use plan ensures that the mitigations taken will be coordinated and located in appropriate areas. For example, mitigation could be conducted in areas designated for Conservation or Preservation as allowed under the CLUP or the administering wildlife agencies' management plans.

WDFW Comment: "Our final concern also relates to potential shrub steppe impacts, due to the lack of a thorough NEPA analysis of geologic source sites. The current EIS process seemed to be the logical place for such an analysis, but no biological surveys were included for any of the source sites mentioned. We strongly endorse "a coordinated NEPA analysis to address the gravel quarries on a site-wide basis" (specific FEIS response #445–21). We request that USDOE commit to this analysis in the ROD, thereby honoring earlier commitments made in the Tank Waste Remediation System Environmental Impact Statement and addressing Hanford Natural Resource Trustee Council concerns expressed by letter to Mr. Paul Dunigan, USDOE, dated August 13, 1999."

DOE Response: In addition to the ALE soil and basalt quarry site that was evaluated in Appendix D, the HCP EIS designates general areas for consideration as potential sources of geological material (Conservation [Mining]). DOE intends to honor the commitment in the Tank Waste Remediation System EIS to perform a NEPA analysis addressing gravel quarries.

Individual Commenter: "Now that the Final Hanford CLUP–EIS designates areas for industrial land use, I expect the numeric cleanup levels to increase significantly in those areas designated for 'industrial use.' I disagree with USDOE's response to my comment (Comment Response Document response number RL 154–08) that this 'is a TPA issue.'"

DOE Response: The CLUP is to provide guidance to all of Hanford's land-use activities, including the clean-

up mission. The CLUP may be used by the regulators to help establish clean-up goals during the CERCLA/RCRA process. However, land-use is only one of several criteria the TPA regulators may use to determine clean-up levels. The TPA governs selection of specific remedies, including numeric clean-up levels for those remedies. The TPA has its own public involvement process during which these clean-up levels would be subject to public comment. There is also a regulatory link between the state's Model Toxics Control Act and the state's Growth Management Act (as represented by Alternative Three) that could also affect clean-up levels. DOE will forward this comment letter to the appropriate TPA contacts at EPA and Ecology.

Individual Commenter: "It is requested that the Final Hanford CLUP-EIS ROD include language which identifies the USDOE the primary environmental steward for all Hanford Site areas regardless of land-use designation. In addition, it is requested that the Final Hanford CLUP-EIS ROD identify a commitment to ensure applicable contamination pathways (groundwater and surface water) will be taken into consideration for establishment of all future cleanup levels."

DOE Response: Environmental stewardship responsibilities are clearly assigned by Federal law and Executive Order to DOE for lands under its executive control. Consideration of applicable contamination pathways would occur under the TPA process.

Individual Commenter: "My comment (number 15 of my May 27, 1999 letter numbered RL 154-06 by the Comment Response Document) regarding disclosure of remaining soil contamination during the conveyance of ownership was not addressed."

DOE Response: Transfer of federal lands where hazardous substances have been used is controlled by section 120(h) of CERCLA where a notice of the type and quantity of hazardous substances that have been on the property is required before transfer. Additionally, for economic development transfers, please refer to page 1-42 of the Final HCP EIS, Table 1-4, "Regulations Affecting Land Transfer" (under Approvals), which states: "Section 3154 of the Hall Amendment of the Defense Authorization Act of 1994 requires Secretary approval or designee plus Administrator of EPA for NPL Site or appropriate State official" before the land can be transferred.

National Center for Environmental Health Comment: The National Center for Environmental Health Comment thanked DOE for the opportunity to review and comment on the FEIS and requested a copy of any future environmental impact statements which may indicate potential public health impacts that are developed under the National Environmental Policy Act (NEPA).

DOE'S Decision

DOE's decision is to adopt the DOE Preferred Alternative land-use map as shown in the HCP EIS and to implement the DOE Preferred Alternative using the policies and procedures described in Chapter 6 of the HCP EIS. DOE is selecting the Preferred Alternative over the other alternatives, including the Environmentally Preferable Alternative (Alternative One) because it offers the best balance between DOE's mission needs, including economic development, and the need to protect environmental resources. In response to comments received during the public review of the Revised Draft EIS, DOE modified its Preferred Alternative in the Final EIS, bringing it closer to the Environmentally Preferable Alternative by increasing natural resource protection while still providing for anticipated DOE mission needs. These modifications include changing all Conservation (Mining and Grazing) designations to Conservation (Mining) and extending the national wildlife refuge designation (from the Environmentally Preferable Alternative, Alternative One) to include the entire geographic areas of the Wahluke Slope, the Columbia River islands not in Benton County, the Riverlands, the McGee Ranch, and the ALE Reserve. Future individual project land-use requirements would be irreversible and irretrievable committed through appropriate NEPA or, NEPA, CERCLA, or RCRA integrated processes as described in Chapter 6 of the HCP EIS. DOE's decision is detailed by geographic area as follows:

The Wahluke Slope

The Wahluke Slope is currently managed under a 1971 permit by both state and Federal agencies for DOE. DOE will continue a permit arrangement for management of the Wahluke Slope. The Wahluke Slope has been administered for wildlife and recreation as the Saddle Mountain National Wildlife Refuge and the Wahluke Wildlife State Recreation Area under permits granted by DOE to the USFWS and WDFW, respectively. Section 2 of the 1971 permit allows the USFWS and WDFW to adjust their respective management responsibilities and boundaries on the Wahluke Slope as long as they notify the Department within thirty days of such adjustment. In accordance with that provision, in April 1999, the WDFW and the USFWS notified DOE of their intent to modify their management responsibilities on the Wahluke Slope, leaving only a small portion (about 324 ha [800 ac]) northwest of the Vernita Bridge under WDFW management. In August 1999, USFWS notified DOE that it had taken over management of the entire Wahluke Slope except for those portions retained by the WDFW northwest of the Vernita Bridge. The USFWS informed DOE that it intends to allow essentially the same uses permitted by the State of Washington under the WDFW's management of the Wahluke Slope. Therefore, adjusting the management responsibility for the Wahluke Slope involved only a change in the agency managing the property and did not involve any change in the management activities for the Wahluke Slope.

DOE's Preferred Alternative will allow expansion of the existing Saddle Mountain National Wildlife Refuge as an overlay wildlife refuge within the Hanford buffer zone to include all of the Wahluke Slope, consolidating management of the Wahluke Slope under the USFWS. An overlay wildlife refuge is one where the land belongs to one or more Federal or state agencies, but is managed by the USFWS. Management of the Wahluke Slope by the USFWS as an overlay wildlife refuge is consistent with the 1996 DOI Hanford Reach EIS ROD. That ROD recommended that the Wahluke Slope be designated a wildlife refuge and the Hanford Reach a Wild and Scenic River, and that the wildlife refuge be managed by the USFWS.

The entire Wahluke Slope will be designated Preservation, with the exceptions near the Columbia River as discussed in the Columbia River Corridor section that follows. The major reason for designating this area as Preservation is to provide protection for sensitive areas or species of concern (*e.g.*, wetlands, sand dunes, steep slopes, or the White Bluffs) from impacts associated with intensive land-disturbing activities.

A Comprehensive Conservation Plan for the Wahluke Slope will be developed by USFWS in accordance with the National Wildlife Refuge System Improvement Act of 1997. This Act provides significant guidance for management and public use of refuges allowing for wildlife-dependent recreation uses such as hunting, fishing, wildlife observation and photography, and environmental education and interpretation. The USFWS will consult

with DOE during the development of this plan to ensure necessary and appropriate buffer zones for ongoing and potential future missions at the Hanford Site. Pursuant to its role as the underlying land owner, and under the terms of the use permit granted to the USFWS, DOE reserves the right to approve or disapprove this plan.

The Columbia River Corridor

The Columbia River Corridor has historically contained reactors and associated buildings to support Hanford's former defense production and energy research missions. Nevertheless, remediation planning documents, public statements of advisory groups, and such planning documents as the Decommissioning of Eight Surplus Production Reactors at the Hanford Site (DOE–EIS–0119, December 1991) have resulted in determinations that remediation and restoration of the Columbia River Corridor will return the corridor to an undeveloped, natural condition over a 75-year period. Restrictions on certain activities may continue to be necessary to prevent the mobilization of contaminants, the most likely example of such restrictions being on activities that discharge water to the soil or excavate below 4.6 m (15 ft). Although the Surplus Reactor EIS ROD calls for the reactor buildings to be demolished and the reactor blocks to be moved to the Central Plateau, this action might not take place until 2068 or until a new Tri-Party Agreement milestone is negotiated. As a result, the reactor buildings could remain in the Columbia River Corridor and be considered a pre-existing nonconforming land use into the 50-year-plus planning period addressed by the HCP EIS. The reactor hazards drive DOE to retain an appropriate buffer zone for eventual remediation activities.

The Columbia River Corridor will include High-Intensity Recreation, Low-Intensity Recreation, Conservation (Mining), and Preservation land-use designations. The river islands and a quarter-mile buffer zone will be designated as Preservation to protect cultural and ecological resources. Those islands not in Benton County will be designated Preservation and made available for inclusion in the overlay wildlife refuge. Those islands within Benton County will be designated Preservation, but will not be included in the proposed overlay wildlife refuge at this time. Four sites, away from existing contamination, will be designated High-Intensity Recreation to support visitor-serving activities and facilities development. DOE will allow the B Reactor to be converted into a museum and the surrounding area will be made available for museum-support facilities. The High-Intensity Recreation area near Vernita Bridge (where the current Washington State rest stop is located) will be expanded across State Highway 240 and to the south to include a boat ramp and other visitor-serving facilities. Two areas on the Wahluke Slope will be designated as High-Intensity Recreation for potential exclusive Tribal fishing villages. Six areas will be designated for Low-Intensity Recreation. The area west of the B Reactor will be used as a corridor between the High-Intensity Recreation areas associated with the B Reactor and the Vernita Bridge rest stop and boat ramp. A second area near the D/DR Reactors site will be used for visitor services along a proposed recreational trail as conceptualized on Alternative Three's map. The third and fourth areas, the White Bluffs boat launch, and its counterpart on the Wahluke Slope, are located between the H and F Reactors and will be used for primitive boat launch facilities. A fifth area, near the old Hanford High School, will accommodate visitor facilities and access to the former town site and provide visitor services for hiking and biking trails that could be developed along the Hanford Reach. A sixth site, just north of Energy Northwest (formerly known as Washington Public Power Supply System), will also provide visitor services for recreational trails (*e.g.*, hiking and biking) along the Hanford Reach. On the Wahluke Slope side of the Columbia River, the White Bluffs boat launch will remain managed as is, with a Low-Intensity Recreation designation. A Low-Intensity Recreation designation for the water surface of the Columbia River will be consistent with current management practices and the wishes of many stakeholders in the region. The remainder of land within the Columbia River Corridor outside the quarter-mile buffer zone will be designated for Conservation (Mining). This designation will allow for DOE-permitted sand, gravel and basalt mining activities and support BLM's mission of multiple use. Sand, gravel and basalt mining will be permitted only in support of governmental missions or to further the biological function of wetlands (*e.g.*, conversion of a gravel pit to a wetland by excavating to groundwater). A Conservation (Mining) designation will allow DOE to provide protection to sensitive cultural and biological resource areas, while allowing access to geologic resources. A Preservation land-use designation for the Columbia River islands is consistent with the DOI's Hanford Reach EIS ROD and will provide additional protection to sensitive cultural areas, wetlands, flood plains, three federally listed stocks of anadromous salmon and steelhead, and bald eagles from impacts associated with intensive land-disturbing activities. Remediation activities will continue in the 100 Areas (*i.e.*, 100–B/C, 100–KE, 100–KW, 100–N, 100–D, 100–DR, 100–H, and 100–F), and will be considered a pre-existing, nonconforming land use in the Preservation land-use designation.

The Central Plateau

The Central Plateau (200 Areas) geographic area will be designated Industrial-Exclusive. An Industrial-Exclusive land-use designation will allow for continued Waste Management operations within the Central Plateau geographic area consistent with past NEPA, CERCLA, and RCRA commitments that have established numerous waste management treatment, storage and disposal facilities such as, low-level waste burial grounds, hazardous wastes burial grounds, transuranic treatment and storage facilities, liquid wastes treatment, storage and disposal facilities, transuranic separation facilities, isotopic separation facilities, vitrification facilities, etc. This designation will also allow expansion of existing facilities or development of new compatible facilities. Designating the Central Plateau as Industrial-Exclusive will be consistent with the Hanford Future Site Working Group's 1992 recommendations, current DOE management practice, other governments' recommendations, and many public stakeholder values throughout the region.

All Other Areas

Within the All Other Areas geographic area, the Preferred Alternative will include Industrial, Research and Development, High-Intensity Recreation, Low-Intensity Recreation, Conservation, and Preservation land-use designations. The majority of the All Other Areas will be designated Conservation (Mining) to support a possible BLM mission of multiple use and sand, gravel and basalt mining for DOE and other governmental purposes such as facility aggregate, road aggregate, remediation backfill, remediation cover materials, *etc.*

Several areas that will be designated as Conservation (Mining) will be unable to fulfill the designated land use, such as:

- A Notice of Deed Restriction has been placed in those areas where vadose zone contamination remained in-place,

according to the CERCLA ROD or RCRA Closure Permit (*e.g.*, the Horn Rapids Landfill asbestos trench, Central Waste Complex asbestos trench, 183–H Solar Basins, etc.), foreclosing the sand, gravel and basalt mining option. New areas may be restricted as new CERCLA RODs or RCRA Closure Permits are completed.

Other land-use designations will further define how the All Other Areas will be managed. These designations and the areas affected are as follows:

- Two distinct areas, one located east of the 200 Areas (*i.e.*, May Junction) and the other located north of Richland, will be designated for Industrial use to support new DOE missions or economic development. This designation will provide additional industrial development and/or expansion area for current facilities.
- An area west of State Highway 10 and east of State Highway 240 will be designated for Research and Development (R&D) to support economic diversification and DOE's Energy Research mission. This area will allow for the development of R&D facilities, such as LIGO, which could require substantial buffer zones for operation. In addition, R&D facilities not requiring large areas for operation will also be located within this area.
- A small area at the junction of State Highway 10 and State Highway 240 will be designated High Intensity Recreation to allow for visitor serving facilities at the gateway to the Hanford Reach, ALE, Horn Rapids Park and other recreational areas.
- Gable Mountain, Gable Butte, the area west of State Highway 240 from the Columbia River across Umtanum Ridge to the ALE Reserve, and the active sand dunes areas will be designated for Preservation, which will provide additional protection of these sensitive areas. The extant railroad grade across the Riverlands area will be considered an active permitted infrastructure to clarify its status with respect to policy section 6.3.5. Utility and Transportation Corridors in the Final HCP EIS.

The Fitzner/Eberhardt Arid Lands Ecology Reserve (ALE Reserve)

All of the ALE Reserve will be included in the proposed overlay wildlife refuge. Nearly all of the ALE Reserve geographic area will be designated as Preservation. This designation is consistent with current management practices of the Rattlesnake Hills Research Natural Area and the USFWS permit. A portion of the ALE Reserve will be managed as Conservation (Mining) during the remediation of the Hanford Site. This basalt and soil mining area was identified to DOE by several parties as an alternative minerals materials location during discussions with the cooperating agencies and after public comment. The ALE site was identified as a suitable area in Appendix D of the HCP EIS that could fulfill DOE's requirement for remediation materials while preserving a wildlife corridor through the McGee Ranch area where suitable soils had been identified, while concurrently preserving basalt outcrops where both biological and cultural resources were at risk.

Basis for the Decision

DOE has considered the environmental and other relevant concerns presented by cooperating agencies and consulting Tribal governments, organizations, officials, and individuals on the proposed action to establish a CLUP for the Hanford Site.

DOE has decided to implement the DOE Preferred Alternative land-use map that is shown in Figure 3–3 of the Final HCP EIS, along with the land-use designations and CLUP policies and implementing procedures that are described in Chapter 6 of the Final HCP EIS. DOE's selection and implementation of the Preferred Alternative allows DOE to most effectively balance the elements of each of its four principal missions (National Security, Energy Resources, Environmental Quality, and Science) that have been assigned by DOE to the Hanford Site, while considering the diverse interests of cooperating agencies, consulting Tribal governments, organizations, officials, and individuals in Hanford Site resources. From DOE's perspective, the Preferred Alternative balances DOE's cleanup mission, economic development mission, and natural resources trustee mission to a greater extent than do any of the other Alternatives considered.

Designation of the Wahluke Slope and the Columbia River Corridor buffer zone and river islands for Preservation, and the expansion of the wildlife refuge, are consistent with the DOI ROD for the Hanford Reach EIS, allowing DOE to meet its natural resource trustee mission and safety and buffer zone needs, while protecting cultural resources, sensitive areas and species of concern, and providing for increased High-Intensity and Low-Intensity Recreation in the Columbia River Corridor. The designating of the major portion of the ALE Reserve for Preservation and allowing the incorporation of the ALE Reserve in the proposed wildlife refuge is consistent with current management practices and allows DOE to protect biological and cultural resources. The DOE Preferred Alternative provides for a wildlife corridor through the McGee Ranch, while also allowing DOE to obtain geologic resources at ALE for use in site remediation activities. Designation of the major portion of these areas of the Hanford Site for Preservation allows DOE to more effectively protect the biological, cultural, and aesthetic resources in these areas than would designating the major portion of these areas for Agriculture, Conservation (Mining), Conservation (Mining and Grazing) or Low-Intensity or High-Intensity Recreation, as in Alternative Three. Pursuant to its role as underlying land owner, and under the terms of the use permits granted to the USFWS, DOE reserves the right to approve or disapprove all USFWS management plans for these areas.

The designation of the Central Plateau for Industrial Exclusive use is consistent with its current management and operation and allows DOE to continue Waste Management operations in this area of the site and to expand existing facilities or develop new facilities to meet future mission needs. The designation of the All Other Areas of the Hanford Site to include Industrial, Research and Development, High-Intensity Recreation, Low-Intensity Recreation, and Conservation (Mining) is consistent with a possible BLM multiple-use mission; it lets DOE meet current and future Science missions while allowing economic development in the eastern and southern portions of the site, and recreational access to the Columbia River, and it assures protection of sensitive areas including Gable Mountain, Gable Butte, and active sand dune areas.

The No-Action Alternative fails to implement regional planning with the cooperating agencies and fails to provide DOE with a systematic process to ensure that DOE lands are put to their highest and best use.

DOE did not select Alternative One, which is the environmentally preferable alternative, primarily because DOE considers the amount of area that would be designated for Low-and High-Intensity Recreation, Conservation (Mining) and Industrial and Research and Development land use under Alternative One to be too limited to allow DOE to effectively meet its current Hanford Science and Technology mission or economic development mission. Furthermore, the DOE Preferred Alternative reserves space and infrastructure to support potential National Security and Energy Resources missions. The shoreline and islands of

Benton County that are included in Alternative One's proposed wildlife refuge boundary are not included in the Preferred Alternative because they are still subject to planned remediation activities and are not yet appropriate to be included in a national wildlife refuge.

DOE selected the Preferred Alternative over Alternative Two primarily because DOE considers the amount of area that would be designated for Low-Intensity Recreation, High-Intensity Recreation, Industrial, and Research and Development land use under Alternative Two to be too limited to allow DOE to effectively meet its current Hanford Science and Technology mission or economic development mission. In Alternative Two, Conservation (Mining) is absent as a land use which would restrict DOE from using existing site sand, gravel and basalt resources needed for site activities such as remediation, road building, and building foundations. Furthermore, the DOE Preferred Alternative reserves space and infrastructure to support potential National Security and Energy Resources missions. One of the implicit consumptive uses associated with the Alternative Two's reserved treaty rights (e.g., grazing) conflicted with a strongly expressed stakeholder value not to allow grazing on the Hanford Site.

Alternative Three provides DOE with appropriate Industrial, Research and Development, and Industrial Exclusive areas to effectively meet its current Hanford Science and Technology mission or economic development mission. Furthermore, Alternative Three reserves space and infrastructure appropriate to support potential DOE National Security and Energy Resources missions. However, Alternative Three does not adequately address DOE's resource trustee mission. The DOE Preferred Alternative designates the major portion of the Hanford Site for Preservation, allowing DOE to more effectively protect the biological, cultural, and aesthetic resources than would be possible under the Agriculture, Conservation (Mining), Conservation (Mining and Grazing), Low-Intensity or High-Intensity Recreation designations presented in Alternative Three.

Alternative Four provides less area for Low-Intensity Recreation, High-Intensity Recreation, Industrial, Research and Development, and Conservation (Mining) than does the Preferred Alternative. The area reserved for Conservation (Mining) is appropriate for gravel resources, but not for fine soils or basalt. DOE selected the Preferred Alternative over Alternative Four primarily because DOE considers the amount of area that would be designated for Low-Intensity Recreation, High-Intensity Recreation, Industrial, and Research and Development land use under Alternative Two to be too limited to allow DOE to effectively meet its current Hanford Science and Technology mission or economic development mission. Additionally the DOE Preferred Alternative reserves space and infrastructure to support potential National Security and Energy Resources missions. One of the implicit consumptive uses associated with the Alternative Four's reserved treaty rights (e.g., grazing) conflicted with a strongly expressed stakeholder value to not allow grazing.

Conclusion

DOE has considered the environmental and relevant concerns presented by the cooperating agencies and tribal governments, organizations, officials, and individuals on the proposed action to establish a CLUP for the Hanford Site. DOE has decided to implement the DOE Preferred Alternative map with stated land-use designations and implementing policies and procedures as presented in Chapter 6 of the HCP EIS.

Dated: November 2, 1999.

Carolyn L. Huntoon,

Assistant Secretary for Environmental Management, U.S. Department of Energy.

[FR Doc. 99-29325 Filed 11-10-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Notice of Open Meeting

AGENCY: Department of Energy.

SUMMARY: This notice announces a meeting of the Secretary of Energy Advisory Board's National Ignition Facility Laser System Task Force. The Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), requires that agencies publish these notices in the **Federal Register** to allow for public participation.

Name: Secretary of Energy Advisory Board—National Ignition Facility Laser System Task Force.

DATES: Monday, November 15, 1999, 8:30 am–3:30 pm and Tuesday, November 16, 1999, 8:30 am–11:45 am.

ADDRESSES: Lawrence Livermore National Laboratory (LLNL), Conference Room A, Building 123, 7000 East Avenue, Livermore, California 94551-0808. Note: For their convenience, members of the public who plan to attend this open meeting are requested to contact Ms. Kathleen Moody of the LLNL Protocol Office in advance of the meeting in order to facilitate access to the meeting site. Ms. Moody may be reached at (925) 423-5948 or via e-mail at moody2@llnl.gov.

FOR FURTHER INFORMATION CONTACT: Richard C. Burrow, Secretary of Energy Advisory Board (AB-1), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586-1709 or (202) 586-6279 (fax).

SUPPLEMENTARY INFORMATION: The purpose of the NIF Task Force is to provide independent external advice and recommendations to the Secretary of Energy Advisory Board on the options to complete the National Ignition Facility (NIF) Project; to recommend the best technical course of action; and to review and assess the risks of successfully completing the NIF Project. The NIF Task Force will focus on the engineering and management aspects of the proposed method for accomplishing the assembly and installation of the NIF laser system. The Task Force's review will cover the full scope of assembly and installation and the ability, within the proposed approach, to achieve the cleanliness requirements established for the operation of the laser. The review will also address: (1) the engineering viability of the proposed assembly and activation method; (2) the assembly and installation cleanliness protocols; (3) the management structure; and (4) the adequacy of the cost estimating methodology.

Tentative Agenda

Monday, November 15, 1999

8:30–8:45 a.m.—Opening Remarks, Introductions & Objectives—Dr. John McTague, Task Force Chairman
8:45–9:00 am—LLNL Welcome & Orientation
9:00–9:45 am—Briefing & Discussion: Defense Programs' Overview, NIF Mission Requirements and Parameters
9:45–10:15 am—Briefing & Discussion: State of the NIF Project
10:15–10:30 am—Break
10:30–11:00 am—Briefing & Discussion: NIF Experimental Plan
11:00–12:30 pm—Briefing & Discussion: NIF Project Engineering Overview
12:30–1:15 pm—Lunch
1:15–2:15 pm—Briefing & Discussion: NIF Project Management Overview
2:15–3:15 pm—Briefing & Discussion: Integration of Conventional Facilities and Laser Systems
3:15–3:30 pm—Public Comment Period

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APPENDIX B

SUPPLEMENT ANALYSIS DOCUMENT EVALUATION METHODOLOGY

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APPENDIX B

SUPPLEMENT ANALYSIS DOCUMENT EVALUATION METHODOLOGY

As noted in Section 1.1 of the SA, this Appendix describes the SA document evaluation methodology. The details of this evaluation process are described fully in *Document Evaluation Process Supporting Preparation of a National Environmental Policy Act of 1969 Supplement Analysis to the Hanford Comprehensive Land-Use Plan Environmental Impact Statement* (HNF-36772).

As stated in Section 1.1 of the SA, documents considered in this assessment included: NEPA; CERCLA; RCRA; RMPs/AMPs; DOE Orders, policies, guidelines; DOE real estate licenses, permits, easements, deed notices; Executive Orders and laws and regulations addressing land use; and cultural/historical documents. Although not required, stakeholder comments also were included in the evaluation of documentation that could implicate or affect the HCP EIS land-use designations. Stakeholder suggestions are shown in Table B-1 (two written comments were submitted to DOE and are in Appendix C).

Table B-1. Specific Stakeholder Suggestions for Evaluation in the SA.
(Solicited by DOE in Stakeholder Interface Meetings and a Letter to Stakeholders Announcing DOE's Intent to Prepare the SA)

Presidential Proclamation on the Hanford Reach National Monument
American Indian and Alaska Native Tribal Government Policy
Preliminary Redevelopment Potential for the Hanford 300 Area, Final Report
Nez Perce Hanford End State Vision
Nez Perce Resolution NP 07399
Nez Perce Resolution NP 03-019
Risk-Based End State
River Corridor Baseline Risk Assessment
Benton County Comprehensive Land Use Plan
Richland Comprehensive Land Use Plan

There more than 280 documents identified for evaluation (HNF--36772). The review process followed a logic sequence for evaluating each candidate document. Each successive step in the evaluation subjected the action or decision to a more rigorous evaluation relative to its impacts or effect on the land-use map, land-use designation, CLUP planning policy, and CLUP implementing procedures.

An initial screening step verified that the candidate documents had some relationship to Hanford activities. This screening step used a 'key word' search. Examples of key words included: Comprehensive Land-Use Plan/CLUP, land-use designation, industrial, residential, preservation, zoning, and end state. Key words were selected because they capture key elements of the CLUP including the specific land-use designations. In addition, the reviewers applied their knowledge and experience of Hanford-related projects and documents in the review of candidate documents to identify land-related matters at Hanford.

Each document that passed through the initial screening step was then reviewed to identify the actions or decisions enabled by the document that potentially could involve an effect on land use on the Hanford Site. The review assessed whether there was sufficient information to evaluate land-use considerations at the Hanford Site, and whether or not a decision had been reached on the action(s) or analyses presented in

the document. Documents that did not pass these evaluation criteria (i.e., did not involve or implicate land use or pertain to programs at Hanford) were determined to have no potential effect on the CLUP.

If sufficient information was not presented for determining a potential land use effect, the action or decision presented in the document was considered not ripe for further evaluation and would be deferred for future review [e.g., as part of a future 5-year review of the CLUP). More specifically, this SA considers several draft documents (e.g., NEPA reviews, Memoranda-of-Agreement with the State Historic Preservation Officer (SHPO)] that have a potential for affecting land use at Hanford. The 'draft' nature of these documents does not allow a complete evaluation of their impact on the Hanford Site land-use designation at this time. For example, several EIS documents are still being developed (refer to Table B-2). Until a ROD or final decision is issued for these actions, it is not possible to effectively evaluate how the 4 key CLUP elements are affected. However, the progress of these actions will continue to be monitored for consistency with the CLUP and, as appropriate, requirements pertaining to the Hanford Site set forth in the final decision documents (e.g., a NEPA ROD) will be implemented.

1

Table B-2. Major Federal Actions Initiated But Not Completed.

Document Title	Description
January 25, 2008, *Draft Planning Report/Environmental Impact Statement, Yakima River Basin Water Storage Feasibility Study, Yakima Project, Washington.*	The purpose of the Storage Study, prepared by the U.S. Department of Interior, Bureau of Reclamation and the Washington State Department of Ecology (Ecology) (with DOE as a cooperating agency), is to develop and evaluate alternatives that could create additional water storage for the Yakima River basin and assess their potential to improve anadromous fish habitat, improve the reliability of the Yakima Project irrigation water supply during dry years, and provide water to meet future demand for municipal water supply. At this time, impacts to the Hanford Site unconfined aquifer from the Black Rock Reservoir alternative are being evaluated.
July 17, 2007, *Notice of Intent to Prepare an Environmental Impact Statement for the Disposal of Greater-Than-Class-C Low-Level Radioactive Waste* (72 FR 40135)	DOE announced its intent to prepare an EIS for the disposal of Greater-Than-Class-C low-level radioactive waste (GTCC LLW). GTCC LLW is defined by the Nuclear Regulatory Commission (NRC) in 10 CFR 72.3 as "low-level radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in [10 CFR 61.55]." GTCC LLW is generated by NRC or Agreement State-licensed activities. DOE proposed to evaluate alternatives for GTCC LLW disposal: in a geologic repository; in intermediate depth boreholes; and in enhanced near surface facilities. Identified candidate locations for these disposal facilities were the Idaho National Laboratory (INL) in Idaho; the Los Alamos National Laboratory (LANL) and Waste Isolation Pilot Plant (WIPP) in New Mexico; the Nevada Test Site (NTS) and the proposed Yucca Mountain repository in Nevada; the Savannah River Site (SRS) in South Carolina; the Oak Ridge Reservation (ORR) in Tennessee; and the Hanford Site (Hanford) in Washington.
December 27, 2006, *Notice of Intent to Prepare a Programmatic Environmental Impact Statement for the Global Nuclear Energy Partnership* (72 FR 331).	DOE announced its intention to prepare a Programmatic EIS for the Global Nuclear Energy Partnership initiative (GNEP). GNEP would encourage expansion of domestic and international nuclear energy production while reducing nuclear proliferation risks, and reduce the volume, thermal output, and radiotoxicity of spent nuclear fuel (spent fuel or SNF) before disposal in a geologic repository. At this time, the Hanford Site is included in the list of DOE sites under consideration for the location of a nuclear fuel recycling center and/or an advanced recycling reactor, as well as an advanced fuel cycle research facility.
December 6, 2006, *Draft Hanford Reach National Monument* (Monument) *Comprehensive Conservation Plan and Environmental Impact Statement* (CCP/EIS).	The CCP/EIS, prepared by the U.S. Fish and Wildlife Service (USFWS) with DOE as a cooperating agency, will provide direction to the USFWS on management of the Hanford Reach National Monument (Monument). The approved plan will provide the framework for managing the protection of natural, cultural and recreational resources; visitor use; development of facilities; and day-to-day operations of the Monument. The draft CCP acknowledges that the CLUP is still the active plan for DOE-controlled portions of the Hanford Site (including

Table B-2. Major Federal Actions Initiated But Not Completed.

Document Title	Description
	USFWS-managed portions of the Monument), and will remain in effect until such time as jurisdiction is transferred to another entity or is superseded by another DOE plan. The USFWS may have different access controls and management philosophy, but the land-use designations are consistent with those in the CLUP. The draft CCP may be accessed at [http://www.fws.gov/hanfordreach/documents/draftccp/executive-summary.pdf].
February 2, 2006 – *Notice of Intent to Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA* (TC&WM EIS, 71 FR 5655).	DOE announced its intent to prepare a new EIS (DOE/EIS-0391) to implement the January 6, 2006, Settlement Agreement (resulting in dismissal of pending litigation between the State of Washington and DOE on the final Hanford Site Solid Waste EIS). Ecology will continue its role as a Cooperating Agency. The TC&WM EIS will revise, update and reanalyze groundwater impacts previously addressed in the *Final Hanford Site Solid (Radioactive and Hazardous) Waste program Environmental Impact Statement, Richland, Washington* (DOE/EIS-0286-F). The TC&WM EIS also will include a reanalysis of onsite disposal alternatives for Hanford's low-level radioactive waste (LLW) and mixed low-level radioactive waste (MLLW) and LLW and MLLW from other DOE sites. DOE also will analyze the final end state of the Fast Flux Test Facility (FFTF).

The documents that passed all the above criteria were then evaluated against the 4 key elements of the CLUP. That is, the evaluation considered if (a) there was a documented change in land-use designation; (b) there was a documented change in the land-use map; (c) CLUP policies as set forth in Chapter 6 of the HCP EIS were applied; and (d) CLUP implementing procedures were followed. These criteria were assessed for each document to address potential land-use issues.

Land-use designation - If the decision or action presented in the document had a change or potential change in the land-use designation, then the action or decision was evaluated to determine if DOE formally changed the land-use map to reflect the change in land-use designations. If there was no formal action by DOE to change the land-use map, then it was determined that there was no effect to either the land-use designation or the land-use map.

Land use map - If there was an actual or potential change in the land-use map, then the action or decision was evaluated to determine if DOE formally changed the land-use designations to support the change on the land-use map. If the decision or action presented in the document had no formal action by DOE to change the land-use designation, then it was determined that there was no effect to either the land-use designation or the land-use map.

CLUP Policies and CLUP Implementing Procedures– Even where no changes resulted to CLUP land-use designations or the land-use map, each document also was reviewed to determine whether the other two key elements of the CLUP [i.e., the CLUP policies and CLUP implementing procedures (as outlined in Chapter 6 of the final HCP EIS)] were followed to identify consistency with the CLUP. If the CLUP policies and CLUP implementing procedures were applied and followed, the action(s) or decision(s) discussed in the document would have resulted in an "allowable use," a "special use," or an "amendment" finding (as those terms specifically are defined in the HCP EIS). Such findings would then be considered to be consistent with the CLUP process, and no further review in this SA would be required.

If CLUP policies and CLUP implementing procedures were not specifically applied or followed, the actions(s) or decision(s) discussed in the document were further evaluated in this SA to determine whether some other process was used. DOE has continued to provide consistent implementation of the CLUP at the Hanford Site by keeping regulators, American Indian Tribal representatives, local agencies and other stakeholders informed on land use issues through other formal and informal public and stakeholder involvement processes at Hanford. Such processes include NEPA/*State Environmental Policy Act of 1971*, CERCLA/Tri-Party Agreement, RCRA/HWMA, and NHPA, public involvement reviews, as well as consultations and meetings with American Indian Tribal representatives and scheduled briefings with the HAB, which can result in formal exchanges of comments and responses on Hanford-related issues. DOE considers that these other processes are acceptable and compatible with the CLUP land use procedures described in the HCP EIS.

For this SA, acceptable and compatible with the CLUP means that the document was prepared pursuant to (i) a NEPA process (i.e., an EA or EIS was prepared); (ii) the CERCLA/Tri-Party Agreement process for Hanford cleanup activities (i.e., using TPA processes including the Hanford Advisory Board, Tribal government, and National Contingency Plan [40 CFR Part 300] processes); or (iii) the RCRA/Hazardous Waste Management Act (HWMA) permitting process for waste management activities. All of these aforementioned processes involve independent oversight and participation by American Indian Tribes, agencies, stakeholders and the public, as is contemplated by the CLUP implementing procedures. If such a process was used where the potential effects to land-use could be openly considered, then the resulting action(s)/decision(s) discussed in the document were concluded to be consistent with the CLUP process.

If it was determined that a structured, regulatory process such as NEPA, CERCLA, Tri-Party Agreement, or RCRA/HWMA processes was not applied in land-use considerations, then the action/decision was evaluated to determine if a process involving American Indian Tribes, stakeholder, and/or the public was followed that allowed for review and comment on the proposed action prior to its implementation. If such a process was used, then it was determined that this process also would satisfy the CLUP processes, and therefore would be considered to be consistent with the CLUP. Examples of such a process are a memorandum of agreement between DOE and the SHPO regarding an archaeological site, and open dialogue with the City of Richland and its interest in development of the 300 Area.

If there was no public or stakeholder involvement process, then it would be the responsibility of DOE to make a determination as to whether or not the action/decision represented significant changes in circumstances or new information that could have an important bearing on the CLUP. If DOE determined, based on the review and analysis documented in this SA, that a particular action or decision with land-use considerations was not previously subjected to any analogous process to the CLUP process, and it involved potentially significant changes in circumstances or new information from what DOE considered in reaching its previous decisions about the CLUP in 1999, DOE would then need to decide whether additional NEPA analysis is needed.

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APPENDIX C

WRITTEN COMMENTS TO U.S. DEPARTMENT OF ENERGY ON DRAFT HANFORD COMPREHENSIVE LAND-USE PLAN ENVIRONMENTAL IMPACT STATEMENT SUPPLEMENT ANALYSIS FACT SHEET/OUTLINE

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Oregon
Theodore R. Kulongoski, Governor

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November 28, 2007

Mr. Bryan Foley
U.S. Department of Energy
P.O. Box 550, MA A6-38
Richland, WA 99352

Dear Mr. Foley:

Oregon appreciates the opportunity to provide input to the planning for the U.S. Department of Energy's Supplemental Analysis (SA) for the Hanford Comprehensive Land Use Plan Environmental Impact Statement (CLUP). Since the CLUP was prepared in 1999, there have been a number of events on, and decisions made about, the Hanford Site that warrant consideration in your analysis of whether it is appropriate to revise or rewrite the 1999 CLUP. As a prelude to our comments on issues of concern to Oregon regarding the upcoming SA and the CLUP, we want to restate Oregon's values with regard to Hanford, and to reiterate our expectation that decisions arising from the SA will be faithful to these values. With regard to the Hanford Site, Oregon believes that:

1. The Columbia River must be protected from further contamination and degradation.

2. The health and safety of Oregon residents must be protected.

3. The treaty obligations of the U.S. Government with respect to Tribal Governments must be recognized and satisfied.

4. The important ecological, biological, geological, historical and cultural assets of the Hanford Site must be preserved.

5. DOE must plan so as to protect the ability to clean up the site and avoid the potential for conflicts between cleanup and listing of species as rare, threatened, or endangered. This means ensuring planning for the protection of sagebrush-steppe and other special habitats in advance to avoid creating future conflicts.

Issues that we believe need to be addressed in the SA include:

1. Oregon's most substantive concern with the CLUP lies not with the document *per se*, but with the manner in which DOE has previously used the document to limit decision-making at Hanford, as exemplified by facility expansion and the CERCLA risk assessment process. As noted in item 3 (below), the recent expansion of the Environmental Restoration Disposal Facility (ERDF) (including placement of overburden) and the ongoing construction of the

new physical sciences facility in the 300 Area have led to significant, needless loss of mature sagebrush habitat. Although construction of these facilities has been consistent with land use designations for their respective areas, both projects were approved through a review process that gave deference to construction rather than to avoiding or minimizing habitat loss.

In the case of several recent CERCLA risk assessments (e.g., 300-FF-5 groundwater operable unit (OU), 200-ZP-1 groundwater OU, 200-PW-1/3/6 OU), DOE has cited land use designations in the existing CLUP to justify limiting the analyses conducted as part of risk assessments. As a result, the baseline assessments called for in EPA guidance were not performed for human health or the environment at these sites. Consequently, actual risks are unknown and the adequacy of proposed cleanup is questionable. Because land-use decisions are subject to change and because the stated lifetime of the CLUP designation is only about 50 years, a comprehensive baseline risk assessment is necessary as a part of every remedial investigation. Use of the CLUP to shortchange the risk assessment process is inappropriate and must be ended, regardless of possible amendment of the CLUP.

2. In 2000, a presidential proclamation established the Hanford Reach National Monument, which includes much of the land on the Hanford Site. The proclamation assigned management responsibility for the Monument to the U.S. Fish and Wildlife Service (FWS). Since then, the FWS has developed a comprehensive management plan for the Monument. The SA and revised CLUP need to recognize the establishment of the Monument and be certain that the revised CLUP is compatible and consistent with the FWS management plans.

3. Since the CLUP was adopted in 1999, the Hanford Site (including Monument land) has experienced several major fires, most notably the 24 Command fire in 2000 and the Wautoma Fire in 2007. These fires burned more than one-half the total acreage of the Hanford Site, and destroyed or severely damaged much of the mature sagebrush-steppe habitat at Hanford. This habitat is in significant decline throughout the Columbia Basin, and is classified as Level III resource in Hanford's Biological Resources Management Plan (BRMaP).

   We urge DOE to fully protect this irreplaceable habitat by modifying land use designations to maximize protection of remaining sagebrush habitat. This would be consistent with (1) goals articulated in the BRMaP, (2) one of the major objectives in the creation of the Hanford Reach Monument (i.e., preserve and protect important shrub-steppe habitat), and (3) DOE's mission of environmental management. Specifically, we encourage DOE to re-designate land use on remaining mature sagebrush habitat on DOE-managed lands for preservation, with very limited exceptions for truly unavoidable damage. Recent activities on the site demonstrate that existing land use designations have not been effective in protecting scarce sagebrush habitat, and highlight the need to modify the CLUP. As examples, we note the recent Phase III expansion of ERDF and associated placement of overburden, and the ongoing construction of the new physical sciences facility for Pacific Northwest National Laboratory in the 300 Area. As an aside on this issue, we note also that BRMaP is overdue for review and updating; we recommend this document be updated concurrently with amendment of the CLUP.

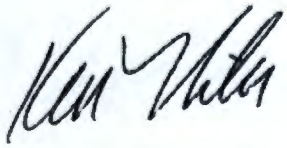
4. Since the CLUP was adopted, the City of Richland has amended its land use plan, which now calls for mixed land use in the Hanford 300 Area. We urge DOE to adopt this designation for the area, as it will provide consistency in plans between DOE and the City of Richland. More importantly, redesignation will prompt a thorough risk assessment for the 300 Area and will presumably result in cleanup of the area to an unrestricted use standard. Cleanup will enhance the value of the 300 Area, free DOE from an endless cycle of monitoring, CERCLA Five Year reviews, and Institutional Controls, and ultimately will better protect the Columbia River and Oregon residents from potential long-term damage from releases of 300 Area contaminants.

5. The U.S. Bureau of Reclamation has proposed building Black Rock Reservoir on lands west of Hanford's Central Plateau. If the reservoir is constructed, it would likely have significant impacts on the groundwater table and on groundwater flow regimes in and around the Central Plateau. It is unclear whether and how those actions might affect land use activities at Hanford, but the full range of possible conditions and effects needs to be addressed in the SA.

6. The revised CLUP should make clear that the CLUP and supporting documents (e.g., BRMaP, Hanford Site Biological Resources Mitigation Strategy) represent plans and policies that will be respected by all present and future land managers on the site. Staff from the Pacific Northwest Science Office have made several recent comments to Hanford Natural Resource Trustees indicating that they do not believe they have an obligation to adhere to BRMaP or BRMiS.

We look forward to working with DOE as the Supplemental Analysis is performed and as the Hanford CLUP is amended to bring it up to date. Should you have any questions or wish to discuss any of our comments, please contact Paul Shaffer at 503-378-4456.

Sincerely,



Ken Niles
Assistant Director

cc: Nick Ceto, U.S. Environmental Protection Agency
John Price, Washington Department of Ecology
Steve Wiegman, U.S. Department of Energy, Office of River Protection
Hanford Natural Resource Trustee Council
Susan Leckband, Chair, Hanford Advisory Board

Nez Perce
ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT
P.O. BOX 365 · LAPWAI, IDAHO 83540-0365 · (208) 843-7375 / FAX: 843-7378

November 30, 2007

Bryan Foley
U.S. Department of Energy
P.O. Box 550, Mailstop A6-38
Richland, WA 99352

Re: Draft Hanford Comprehensive Land-Use Plan Environmental Impact Statement (HCP-EIS) Supplement Analysis

Dear Mr. Foley:

The Environmental Restoration and Waste Management program (ERWM) of the Nez Perce Tribe (NPT) has received notification of the intention of U.S. Department of Energy (DOE) to prepare a Supplement Analysis (SA) to the 1999 Hanford "Comprehensive Land Use Plan. DOE requests feedback regarding information or documents that could affect areas within the draft Table of Contents for the SA.

There are documents/information important to the NPT, not necessarily limited to those items listed below, that need to be incorporated into the HCP-EIS. We look forward to continued participation in the review process.

The ERWM emphasizes that in September 2005 the NPT Executive Committee passed Resolution NP-05-411, the Nez Perce Hanford End-state Vision. That Resolution needs to be studied, in particular with respect to possible changes in the HCP-EIS to more stringent levels of protection of environmental and Cultural resources.

Additionally, the Cultural Resource section needs to be updated to include and incorporate current policy and statements regarding land use from both the DOE and the NPT. The NPT has passed Resolution NP-07-399 (July 2007), recognition of Rattlesnake Mountain as a sacred site. In addition the NPT has re-affirmed the previous Resolution NP-03-139 (December 2002), recognition of Gable Mountain and Gable Butte as sacred sites and disapproval of any destruction to those sites as a result of

DOE activities. Neither resolution is incorporated into the HCP-EIS. The HCP-EIS needs to address management plans that are currently being developed regarding land use on or in close proximity to sacred and cultural sites significant to the Nez Perce Tribe.

Other actions to be reviewed include the Presidential Proclamation for the Hanford National Monument, the related US Fish and Wildlife Comprehensive Conservation Plan (CCP) for the Monument, and the Pacific Northwest Science Office (PNSO) land-exchange and its associated draft cultural and biological management plan.

Copies of the Resolutions and the Vision Statement are attached. For further discussion of these issues, please contact John Stanfill, Hanford Coordinator and the ERWM Staff at 208-843-7375, ext. 2369.

Sincerely,

Gabriel Bohnee
Director

Enc

Cc: Dave Brockman, DOE-RL
Shirley Olinger, DOE-ORP
Russell Jim, YN
Stuart Harris, CTUIR-DOSE
Ken Niles, ODE
Jane Hedges, WA Ecology
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