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United States Department of the Interior

FISH AND WILDLIFE SERVICE
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Portland, Oregon 97232-4181

059101

IN REPLY REFER TO:

FWS/ARW-RE

JUN | 1998

Mr. Thomas W. Ferns
NEPA Document Manager
U.S. Department of Energy
Richland Operations Office
P.O. Box 550 MSIN H0-12
Richland, Washington 99352



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DOE-RL / DIS

Dear Mr. Ferns:

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Thank you for the opportunity to review and comment on the internal Revised Draft Hanford Remedial Action Environmental Impact Statement and Comprehensive Land Use Plan (HRA- EIS and CLUP). Our recommendations are based upon the long-term cooperative relationship between U.S. Fish and Wildlife Service (USFWS) and the Department of Energy (DOE) in managing lands at the Hanford Site, evaluating contaminant issues and remediating and restoring contaminant sites. USFWS commends DOE for working so diligently with the many interested parties. A set of detailed comments are enclosed. Within these comments are three topics which may require additional discussion. These are:

- The EIS should recognize that USFWS currently manages the Saddle Mountain National Wildlife Refuge as part of the National Wildlife Refuge System (NWRS), and will formally manage the Arid Lands Ecology Reserve (ALE) as part of the NWRS upon completion of a Comprehensive Conservation Plan. USFWS will manage these areas in compliance with the existing DOE permits. However, USFWS has no authority to subordinate to non-Federal entities in Federal land management matters. USFWS cannot consent to follow the CLUP on NWRS-managed lands where the mission of the Refuge System, or Congressionally mandated actions or prohibitions conflict with the CLUP. USFWS recommends that any Hanford Site land managed by USFWS as part of the NWRS be exempt from CLUP land-use procedures. Suggested text is enclosed for page 6-1.

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- FWS recommends that mitigation for remedial actions should first occur at or near the site of the disturbance as a first priority, or if that is infeasible, be performed as compensatory mitigation on areas designated for conservation or preservation.
- USFWS is concerned about the balance of Federal and local government agencies and tribes listed as members of the Site Planning Board (SPB). We would like to know the criteria used to identify the members and understand why certain entities like the State and EPA are excluded from this list. USFWS recommends adding appropriate agencies to the SPB. See detailed comment for page 6-9.

In general, the FWS prefers alternatives that maximize preservation because the shrub-steppe habitats preserved at the Hanford site are rare from a landscape perspective.

If you decide to schedule a meeting with the HRA-EIS Cooperators to discuss these and other comments, we would like to be involved. Please contact William Shake, Assistant Regional Director for the Columbia Basin Ecoregion, at (503) 872-2761 to arrange this meeting.

Sincerely,



ACTING Regional Director

Enclosure

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**Detailed Comments on the Preliminary Revised Draft HRA-EIS
U.S. Fish and Wildlife Service, May 29, 1998**

Page 1-16 lines 18 to 22 in Table 1-1:

Purpose column, add "and environs" to the last sentence in order to maintain consistency with this EIS and associated ROD.

Status column, Change second sentence to read: "Congressional action is required for the recommended Wild and Scenic River. The Proposed National Wildlife Refuge could be established administratively."

Page 1-30, insert at line 32, Table 1-4

1948	PL 80-537	Authorizing the transfer of certain property for wildlife, or other purposes	Transfer of excess	Not specified	GSA	Upon application to GSA, the Secretary of the Interior is authorized to accept transfer of Federally excessed land that has value for migratory birds without compensating the excessing agency.
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Page 3-1 line 48:

Add Interior, after U.S. Department of

Page 3-1 Involvement of the Cooperating Agencies

Add this text:

DOE has two permits with USFWS for managing land on the Hanford Site. On the Wahluke Slope, USFWS manages Saddle Mountain National Wildlife Refuge under a permit signed in 1971. Unless this agreement is dissolved, Saddle Mountain NWR would continue to be managed as part of the National Wildlife Refuge System under all alternatives described in Chapter 4.

USFWS and DOE have a 25-year agreement signed in 1997 that USFWS will manage the Arid Lands Ecology Reserve (ALE) consistently with the existing ALE Facility Management Plan. USFWS is preparing a DOE-funded Comprehensive Conservation Plan (CCP) which would identify USFWS proposed management actions and would give USFWS the authority to manage the land as part of the National Wildlife Refuge System. Unless the agreement is dissolved, USFWS would manage the ALE and would proceed with CCP

preparation to identify refuge management actions and to bring the ALE into the National Wildlife Refuge System.

Page 3-1, Section 3.2.1

Please list all cooperators here, including USFWS.

Page 3-3, Conservation Definitions: lines 15 and 18, and elsewhere in Table 3-1.

The terms "limited and managed" need to be further defined in text and/or glossary. "Noncommercial" may be an acceptable substitute.

The language on page 3-21: "Grazing would be permitted by DOE for fire and weed management only" seemed to clearly define the intended limitations.

Everywhere "mining" is used, the definition appears to be limited to gravel pits and mineral extraction related to support of the cleanup mission. The term Mining has other legal connotations, including oil and gas drilling, open pit mining, and deep-rock mining. We recommend substituting "non-commercial mineral extraction" for mining so that no commercial mineral extraction or oil and gas withdrawals are assumed permissible, especially on BLM lands. Many of these terms are not well defined in the text and glossary and should be.

Page 3-3, Preservation Definition, line 19:

The term "consumptive uses" was confusing as it has several meanings. To USFWS, the term often refers to hunting, fishing and gathering. We want to make sure that hunting and collecting of roots and medicines are not excluded under the Preservation definition. Perhaps "consumptive uses" could be changed to "commercial or extractive uses". If no change is made in the definition, we recommend that the Glossary define consumptive uses.

Map: Page 3-8 , legend

North Slope designation is inconsistent with text on previous page. Suggest map read: Wahluke Slope (North Slope).

Page 3-15, line 22:

Reference Surface Waste Sites map in affected environment, Figure 4-27

Page 3-16, line 24, and any other locations where similar language occurs:

Add "Comprehensive Conservation Plan" in parenthesis after Area Management Plan.

Map: Page 3-19:

Recommend that the preferred alternative identify Saddle Mountain NWR and the ALE be identified as being managed by USFWS.

Map: Page 4-4:

Recommend that Existing Land Uses identify Saddle Mountain NWR. Also, the ALE should be identified as being managed by USFWS.

Page 4-7, lines 50-52

Suggested alternate text: "In 1997, DOE granted a permit and entered into an agreement with USFWS to manage the ALE Reserve consistently with the existing ALE Facility Management Plan. Under this framework, USFWS is preparing a Comprehensive Conservation Plan (CCP) pursuant to the National Wildlife Refuge Improvement Act of 1997 to identify refuge management actions and to bring the ALE into the National Wildlife Refuge System."

Map Page 4-59:

Recommend that map and legend be placed on facing pages.

Page 5-33, lines 1-5, and anywhere else similar language occurs

Recommended replacement text: "Mitigation for remedial actions should occur near the site of the disturbance as a first priority, or if that is infeasible, be performed as compensatory mitigation on areas designated for conservation or preservation."

Page 5-67, line 45

Delete "assuming Congressional action," Search document for other references and delete.

Page 6-1, line 32

Recommend deleting reference to the ALE within this bullet. FWS plans must be in compliance with NWRS laws and regulations and DOE permits, and must receive DOE approval. See next comment.

Page 6-1, line 42

Any DOE lands with preexisting management agreements such as the ALE, should be exempt from CLUP land-use process and procedures. We suggest adding this sentence at line 42.

Page 6-3 , line 38 capitalize "Department of Wildlife"**Page 6-9, Figure 6-1**

Since Adams County is not a cooperator, we recommend that other stakeholders that lack cooperating agency status be included. The Site Planning Board should include the following:

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Each tribe identified separately, since each is a separate sovereign
Add Washington Department of Fish and Game
Add Washington Department of Ecology
Add the U.S. Environmental Protection Agency

Add to Page 7-7, line 33

In bold letters add the following to the title "**(As amended by the National
Wildlife Refuge System Improvement Act of 1997, Public Law 105-57)**"

Chapter 7: We think it is important to list or describe existing land management permits and agreements DOE has with other agencies or groups. The ALE and Saddle Mountain agreements for example are key to communicating a basic understanding of the USFWS authority and responsibilities and relationship to the Hanford Site. Likewise, existing agreements with others would be very helpful to increase the public understanding of these relationships.

Regarding distribution of the Draft document. In addition to the Department of Interior copies and any USFWS Washington D.C. copies, please send ten (10) copies of the Draft to:

Regional Director
U. S. Fish and Wildlife Service
911 N.E. 11th Avenue
Portland, Oregon 97232-4181

Attn: William Shake