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STATE OF WASHINGTON

DEPARTMENT OF WILDLIFE

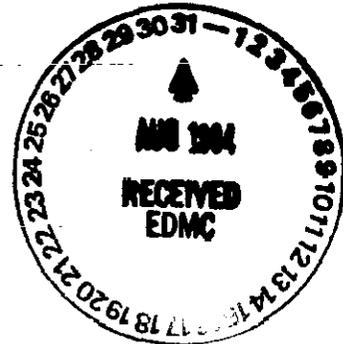
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February 7, 1994

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Dear Tri-Party Representatives:

Subject: Environmental Restoration Disposal Facility Proposal

The Washington Department of Wildlife (WDW) appreciates the opportunity to provide comments on the scope of environmental impacts and alternatives to be evaluated as part of the proposal for an Environmental Restoration Disposal Facility (ERDF). The WDW recognizes that an on-site disposal facility of some significant dimension is inevitable in order to accomplish environmental restoration at Hanford. The WDW trusts, however, that the Tri-Party Representatives understand that the location, size and configuration, engineering, and operation of such a facility will have significant impacts on the biological resources of Hanford's Central Plateau. Accordingly, the WDW appreciates the sensitivity the Richland Field Office of the United States Department of Energy (DOE-RL) has shown, as indicated within its notice of intent to operate an ERDF (Reference 1), toward the importance the State of Washington places on mature shrub-steppe habitat. Thus, the comments provided herein are intended to help ensure that biological resource values are addressed adequately as part of the ERDF proposal.

Some of the comments are based on information presented by the Tri-Party Representatives and concerns expressed by the public at the January 25, 1994 public scoping meeting for the ERDF proposal. Some of the public comments echoed concerns previously raised by the WDW in Reference 2. The comments also represent the WDW's comments to the Washington Department of Ecology's (Ecology) Determination of Significance (DS) for this proposal and, as a result of this determination, to the scoping of an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA). Finally, specific comments are offered to DOE-RL's notice of intent (Reference 1) and to the SEPA checklist that is included within that document. Comments are organized under major subject areas.

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Adequacy of Proposed Alternatives

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The WDW supports Ecology's determination that the ERDF may have significant adverse impacts on the environment; however, WDW concludes that the alternatives that are proposed for additional evaluation in the Draft EIS are insufficient. This deficiency results in an inadequate evaluation of potential impacts to biological resources because not all appropriate alternatives are evaluated. To correct this the SEPA EIS (and NEPA EIS if this is the regulatory path that eventually is chosen) should evaluate alternative locations within the Central Plateau for the ERDF. Because the ERDF will impact a potentially large land area, the correct place to evaluate the ecological impacts at different candidate sites is in the Draft EIS and not in a separate site evaluation report. The evaluation should include an adequate analysis of the biological resources that could be impacted. For two reasons this analysis should not be limited to consider just threatened and endangered species.

First, the DOE-RL has indicated that it intends to treat federal candidate species as if they are threatened or endangered (Reference 3). Candidate plant and/or animal species are probably present on potential ERDF sites; for example, loggerhead shrikes (Lanius ludovicianus) nest on the Central Plateau. Thus, potential impacts to these species should be evaluated to the same degree that this would occur for a listed species.

Second, the siting of such a potentially large facility as the ERDF should take a more holistic view of the biological resources to be impacted. Potential candidate sites for the ERDF on the Central Plateau will to different degrees impact the shrub-steppe habitat characteristic of the area. Less than 40 percent of the original acreage of shrub-steppe in the State of Washington remains today. Much of what remains either is already degraded and fragmented, or it is threatened by development and agricultural expansion. Moreover, much of the shrub-steppe habitat on the Central Plateau could be designated as Priority Habitat under the WDW's Priority Habitat and Species Program. Such a designation represents a proactive measure to help prevent species from becoming threatened and endangered in habitats that support a unique or wide diversity of wildlife. Shrub-steppe is a fragile ecosystem that is easily disturbed. Moreover, it supports a number of obligate species [e.g., sage sparrows (Amphispiza belli)], many of which in Washington have experienced population declines. Thus, the potential impact of siting the ERDF should address, for each candidate location, the significance of impacts at the habitat level, as well as the impact to individual protected species.

The WDW understands that the ERDF is a time-critical project. Therefore, the WDW suggests, at least for the purposes of comparing the biological impacts for alternative ERDF locations, that the biological evaluation be limited to the following. First, a qualitative evaluation of the habitat quality at each candidate site should be conducted that is based on available data and a reasonable amount of walking surveys. This evaluation should include estimates of shrub cover and relative percentages of native versus non-native vegetation. If the sites are heterogeneous in regard to their habitat quality then a reasonable amount of habitat categories should be created in order to enable comparisons between sites. The habitat

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evaluation should not require any additional detailed measurements of habitat variables beyond that which is already available. Second, and in conjunction with the above walking surveys, the relative nesting densities of loggerhead shrikes and sage sparrows at each candidate site should be determined. Loggerhead shrike surveys will enable DOE-RL to indicate their concern for the potential threat posed by the ERDF to a candidate species. Sage sparrow surveys can serve as a rough index of wildlife usage by an obligate shrub-steppe species. During all surveys there should be an attempt to note the presence of any plant species of concern. The information gathered from the above effort also can be used to support mitigation requirements for the ERDF (see comments below).

A potential alternative site for the ERDF that should be evaluated in the EIS is the B/C Cribs Surface Contamination Area. This alternative was proposed by the public at the January 25 public scoping meeting. In our previous comments (Reference 2), the WDW suggested that areas that have current problems with surface contamination should be given consideration in the site evaluation process for the ERDF. Remediation of surface contaminated sites may destroy habitat and further impact wildlife populations. Consideration of these sites for the siting of the ERDF could minimize the potential loss of habitat resulting from environmental restoration activities on the Central Plateau. The WDW is concerned that the shrub-steppe habitat of the Central Plateau may receive a double blow by first the ERDF and then by eventual remediation of large land areas containing surface contamination. Such an approach is inconsistent with the guiding principle that environmental restoration should "do no harm" to the biological resources of Hanford (see Reference 4 for a similar viewpoint).

Besides evaluating the B/C Cribs Surface Contamination Area as a separate candidate site, the EIS should address it as a part of a potential reconfiguration of the currently proposed ERDF site. The intent would be to evaluate alternatives that limit the extension of the ERDF into presently uncontaminated areas that are also outside the "squared off" boundaries of the 200 Areas (Reference 4; see comments below). By staying within the "squared off" boundaries the additional impact from fragmentation of the shrub-steppe habitat to the south of the 200 Areas can be minimized.

Operation of the ERDF may require large amounts of backfill. Thus, alternatives that require obtaining backfill from a borrow area should evaluate the impacts to the biological resources that may result at the borrow site. Moreover, the impact from any new transport corridors that will be used to haul waste or borrow material should be evaluated in the Draft EIS.

Consistent with other criteria used to evaluate trench-design alternatives, the WDW supports the concept of a single large trench. Such an approach should limit the land area requirement for the ERDF. Based on just the amount of habitat directly affected, the mega trench alternative should result in less of an impact to the biological resources compared with other trench designs. Should the trench not provide adequate capacity, the direction of future expansion of the ERDF is critical to the protection of biological resources on the Central Plateau. Early consultation with WDW and the United States Fish and Wildlife Service (USFWS) is recommended should

this situation arise (see the comment above related to the B/C Crib Surface Contamination Area).

Compatibility of the ERDF with Proposed Future Land-use Options

The final report of the Hanford Future Site Uses Working Group (Reference 4) provides guidance to the Tri-Party Agreement Agencies for land use and cleanup options at Hanford. Because in most instances use of the land in a manner that promotes biological resource values is a viable option, misinterpretation of this document to justify certain remedial actions potentially could cause significant impacts to the biological resources of Hanford. In Reference 2 WDW stated its contention that DOE-RL inappropriately interpreted the recommendations of the Working Group in regard to where waste management activities are appropriate and to where they are not on the Central Plateau. This misinterpretation was repeated at the January 25 public scoping meeting.

The Working Group clearly assumed that the land outside the confines of the "squared off" boundaries of the current 200 Area was to be used as a buffer zone where: "...environmental restoration, but not waste management activities would occur..." This buffer zone has potential value as wildlife habitat (especially those areas that retain their shrub cover), which is compatible with the uses of a buffer zone. Thus, incorrectly delineating the location of the buffer zone could lead to inappropriate decisions that result in adverse impacts to biological resources. All of the candidate sites for the ERDF extend into the buffer zone to some degree; however, the presentation on January 25 implied a larger waste management area (inclusive of the proposed ERDF site but not the other candidate sites) than the Working Group envisioned. The final size of the ERDF may result unavoidably in the use of some portions of the Working Group's buffer zone for waste management activities. The Draft EIS should clearly indicate that this possibility exists for all the candidate ERDF sites, including the proposed site. Moreover, the WDW suggests that if in the future the Tri-Party Agreement Agencies need to assess additional waste management activities on the Central Plateau, that they consider both the true location of the buffer zone and the zone's value as wildlife habitat. Until final land-use decisions are made for the Central Plateau, maintenance of the undeveloped areas as wildlife habitat is the best way to preserve all future options.

Mitigation

The Draft EIS should address mitigation requirements. A significant loss of habitat, more than likely most of it a continuous stand of mature shrub-steppe, will result from the proposed ERDF. For habitat loss the appropriate level of mitigation is accomplished by restoring and/or protecting habitat away from the project site. The wildlife usage value of mature shrub-steppe is not replaced overnight. Moreover, the formula for mitigation is not a trivial matter and needs to address habitat quality, loss of habitat use through time, and the cumulative effects of fragmentation. In order to evaluate the amount of mitigation that will be necessary an appropriate habitat evaluation procedure should be used that is sensitive to the habitat requirements of obligate shrub-steppe species.

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The USFWS has developed a habitat-based methodology that can be used to assess impacts to biological resources from projects such as the ERDF (References 5 and 6). This methodology, entitled Habitat Evaluation Procedures (HEP), can be used to document the quality and quantity of available habitat for selected wildlife species. The added advantage of applying HEP is that the impacts from the ERDF to biological resources can be quantified in a manner that probably is acceptable to those natural resource trustees who have trust responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at Hanford. It is WDW's conclusion that the provisions of Sections 107(a)(4)(C), 107(f)(1), and 301(c) of CERCLA, which address liability and assessment of natural resource damages, will apply to the ERDF (see Reference 2 for a more detailed discussion). The HEP methodology is recognized by the Natural Resource Damage Assessment (NRDA) regulations (§ 11.71(l)(8) of 43 CFR Part 11; the regulations implement Section 301(c) of CERCLA) as an acceptable method for measuring habitat quality. Thus, it can be used to quantify the impacts to biological resources resulting from the release of a hazardous substance and its subsequent remediation. Guidance for the use of HEP as it applies to CERCLA is available (Reference 7).

The complexity of the wildlife-habitat relationship models that are a part of HEP can differ according to the needs of the project. The structure of the model can be based on simple theoretical relationships between habitat variables and the capacity of the habitat to support species, or the model can be based on empirical observations and statistical inference concerning the relationship between habitat variables and species population variables. The choice of model depends on, among other things, the available data, the resources available to collect additional data, and the significance of the impacts of the proposed project as determined by the amount of habitat restoration that will be required as compensation. The WDW strongly encourages the DOE-RL to use the HEP approach as a means of determining the appropriate level of mitigation for the ERDF; however, it should do so in consultation with the WDW and USFWS.

As site development and environmental restoration proceeds at Hanford, the DOE-RL will continue to encounter projects that remove or disturb habitat and that will, as a result, require some level of mitigation (e.g., see Reference 3). The WDW suggests that it is in the DOE-RL's best interest to mitigate for the ERDF as part of a comprehensive strategy to mitigate for current and proposed site development and environmental restoration projects. The effects of habitat loss and fragmentation are cumulative and are inefficiently addressed on a project-by-project basis. The advantages of implementing a comprehensive mitigation plan now are: (1) costs for the development of wildlife-habitat relationship models and habitat restoration methods can be spread across projects, (2) the cumulative effects of habitat loss are addressed more directly, (3) the DOE-RL can plan early for the cost of mitigation when it is most cost-effective to mitigate, and (4) the biological resources can be restored earlier (and the liability reduced for loss of use of resources). In separate discussions from this letter the WDW has tried to encourage the DOE-RL to consider a comprehensive mitigation plan for the Hanford Site, and we repeat that encouragement here.

Specific Comments to DOE-RL's Notice of Intent to Operate an ERDF and the SEPA Checklist

Text Portion of Notice of Intent

1. Section 2.2, last paragraph:

This paragraph creates some confusion as to the disposition of decommissioning and decontamination wastes. Are not these wastes already identified for disposal in the 200 West Area? The obvious concern here is with double-dipping; waste volume projections should be used to justify land set-asides only once.

2. Section 2.4.1.4 and subsection 2.4.1.4.3:

Although commendable as a siting criterion, the ability to avoid siting the ERDF within 1-quarter mile of WDW-designated Priority Habitat is not definable at this time; moreover, the criterion was not considered as part of the initial site selection process for the ERDF. The present designation of shrub-steppe Priority Habitat locations on Hanford should be viewed as draft. For two reasons the designation is not ready to be used for decision purposes. First, the initial designation was based on limited data. Some additional habitat data for the Central Plateau has been collected; however, its adequacy has yet to be evaluated. Thus, based on current criteria additional habitat may qualify for Priority Habitat designation. It is probably a reasonable assumption that the proposed ERDF site contains at least some Priority Habitat. Second, the criteria for classifying portions of the shrub-steppe habitat type as Priority Habitat are still under consideration. It is possible that a more regional versus state-wide approach to classifying shrub-steppe habitat may result. A regional approach conceivably could increase the amount of habitat designated as Priority Habitat on Hanford.

In addition to the above considerations the DOE-RL should realize that designation of Priority Habitat does not have the statutory weight assigned to habitat that is designated as essential by WDW to the maintenance or recovery of any state-listed threatened or endangered wildlife species. Designation of Priority Habitat is a proactive measure designed to prevent species from becoming listed; however, it is not meant to act as an absolute obstruction to development.

SEPA Checklist

Some of the SEPA checklist responses repeat the information DOE-RL provided in the text of the notice of intent. See comments Nos. 1 and 2 above for applicable WDW comments. The comments below apply to information contained within the SEPA checklist and not addressed elsewhere in this letter.

3. Sections B.1.g., 2nd paragraph, and B.4.d., 1st paragraph:

The WDW realizes that waste isolation concerns may govern the type of cover that is to be used at the ERDF; however, the DOE-RL should recognize that the proposed cover will not result in the restoration of a shrub-steppe community that is typical of the site. This increases the long-term need for mitigation of this project and possibly increases the extent of mitigation that will be necessary.

4. Section B.5.a., 2nd paragraph:

Although other animals also may be present on the proposed ERDF site, add burrowing owls (Athene cunicularia) and Woodhouse's toads (Bufo woudhousii) to the list as they are a state candidate and state monitor species, respectively. Striped whipsnakes (Masticophis taeniatus), another state candidate species, also frequent shrub-steppe habitat; however, they have been only rarely seen on Hanford.

References

1. DOE-RL. 1994. Expanded Public Notice: Washington State Notice of Intent for Corrective Action Management Unit — Hanford Environmental Restoration Disposal Facility. DOE/RL-93-101, Rev. 0. U.S. Department of Energy — Richland Operations Office, Richland, Washington.
2. Letter, J. Hall (WDW) to S. Cross (Ecology), Location of the Environmental Restoration Storage and Disposal Facility, dated August 14, 1993.
3. Letter J. D. Wagoner (DOE-RL) to B. J. Ritchie (Ecology), Response to Comments on August 1993 Draft Environmental Assessment: Access Road from State Route 240 to the 200 West Area, dated January 20, 1994.
4. Hanford Future Site Uses Working Group. 1992. The Future for Hanford: Uses and Cleanup. The Final Report of the Hanford Future Site Uses Working Group.
5. USFWS. 1980. Habitat Evaluation Procedures (HEP). Ecological Services Manual No. 102. U.S. Fish and Wildlife Service, Washington, D.C.
6. USFWS. 1981. Standards for the Development of Habitat Suitability Index Models. Ecological Services Manual No. 103. U.S. Fish and Wildlife Service, Washington, D.C.
7. USDOI. 1987. Type B Technical Information Document: Guidance on Use of Habitat Evaluation Procedures and Suitability Index Models for CERCLA Application. U.S. Department of the Interior, CERCLA 301 Project, Washington, D.C.

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Thank you again for this opportunity to provide comments. If you have any questions, you can either contact me at the letterhead number or John Hall of my staff at 509-372-1189.

Sincerely,



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TAC:jah

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