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State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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December 9, 1996

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



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Dear Mr. Ferns:

Washington Department of Fish and Wildlife (WDFW) appreciates the opportunity to provide comments on the document entitled Draft Hanford Remedial Action Environmental Impact Statement and Comprehensive Land Use Plan (HRA-EIS and CLUP), DOE/EIS-0222D. We believe that the process U.S. Department of Energy (USDOE) has followed is severely flawed, and that significant changes are needed.

No Clear Statement of Purpose and Need

CERCLA NEPA Conflict

WDFW finds the purpose and need statement in the Draft HRA-EIS to be unclear. On page 2-1, you state that "...U.S. Department of Energy (DOE) needs to establish future land-use objectives to develop a coordinated, cost-effective, and technically sound remediation strategy for the Hanford Site." However, remediation issues have been and will continue to be analyzed, with alternatives chosen, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Authority for these decisions rests with the regulating agencies, not with USDOE. Most remediation decisions have already been made and will not be influenced by this action. In fact, they may conflict with potential future land use alternatives created in this document.

During the comment period for the Notice of Intent (NOI) to develop this document, Washington Department of Ecology (Ecology) submitted a letter (dated January 15, 1993 from Roger Stanley, Program Manager of the Nuclear and Mixed Waste Management

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Program, to Roger Freeberg, Chief of Environmental Programs Branch) that stated:

"There is no clear reason or requirement for applying the NEPA to CERCLA actions. The NOI cites USDOE Order 5400.4, which establishes the policy to integrate the procedural and documentation requirements of CERCLA and NEPA. The NOI fails to note that the emphasis in this policy is to ensure equivalency in process and documentation, not in evaluating alternatives that are requirements of CERCLA. In addition, the Department of Justice expressed the following opinion on NEPA application to CERCLA in an August 1991 letter from Barry Hartman, Acting Assistant Attorney General, to Alan Raul, General Counsel, U.S. Department of Agriculture: "...the legal position of the United States is that as a matter of law, NEPA is inapplicable to CERCLA action...this is the position of the United States for all litigation..."

During the comment period for this Draft HRA-EIS, Ecology again cited the U.S. Department of Justice opinion that NEPA is not applicable to CERCLA actions (Letter dated October 17, 1996 from Dan Silver, Assistant Director, to John Wagoner, USDOE, Manager).

Changing and Contradictory Purposes

The purpose and need statement for this proposed action has undergone revision from the NOI (Federal Register/Vol. 57, No. 163/Friday, August 21, 1992/Notices), to the Implementation Plan (DOE/RL-93-66), to the Draft HRA-EIS. To date, there has been no stated purpose that is both fixed and legally supportable.

In its revision from the Implementation Plan (DOE/RL-93-66) to the Draft HRA-EIS, the purpose and need statement was changed to state:

"The underlying purpose of this action is to facilitate the change in Hanford's primary mission from production of nuclear materials for national defense to long-term management of wastes...the need to:

- Develop a comprehensive land use plan (Appendix M) for the Hanford Site in accordance with DOE Order 430.1, Life-Cycle Assessment Management (DOE 1995).

...The comprehensive land-use planning process presented in this EIS designates the site-specific land uses required to support Hanford Site missions."

This last cited statement contradicts a USDOE response made in

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the Implementation Plan (DOE/RL-93-66, p. E-28), which stated:

"Although the HRA-EIS will not make specific land-use decisions, it will support long-term future land-use objectives by analyzing the environmental impacts associated with remediation." (emphasis added)

This contradiction increases our concerns that purpose and need have been improperly defined.

Recommended Purpose

We believe that an appropriate purpose for this action would be to direct natural resource management activities on the Hanford Site, given the responsibilities of USDOE as steward and natural resource trustee, while overseeing response and remedial actions to the release of hazardous substances. As part of these activities, a comprehensive land use plan should be developed, and should include alternatives with detailed descriptions of impacts.

Significant Change in Scope/Action and New Information

WDFW believes that inclusion of a land use plan in itself represents a substantial and significant change in action, since it was not included in the scoping documents. The significance of this change is emphasized by language in the HRA-EIS (p. 5-212), that:

"The proposed action of this EIS could lead to extensive changes in existing land uses at the Hanford Site. These changes could be significant in themselves, without considering other potential significant decisions..."

In addition, appropriate redefinition of the purpose and need statement, such as we recommended above, would also represent such a change.

Recommended Course of Action

WDFW encourages USDOE to take one of two actions to correct these fundamental flaws with the HRA-EIS. The first would be re-scoping the action. This is based on 40 CFR Part 1501.7(c) that states, "...if substantial changes are made later in the proposed action, or if significant new circumstances or information arise which bear on the proposal or its impacts." We prefer that USDOE take this path. The second would be to issue a supplemental draft environmental impact statement, based on 40 CFR Part 1502.9(c)(1) and 10 CFR 1021.314. By taking this path, USDOE

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would not have to re-scope, but would issue another draft document. If USDOE decides to take this direction, we recommend that several public meetings be held to capture all relevant issues for analysis.

Comments on EIS Analysis

Land Use Planning

We agree with the Secretary of Energy's land and facility use policy and USDOE Order 430.1 that a comprehensive land use plan should be undertaken for USDOE sites, including the Hanford Site. However, the comprehensive land use plan was not part of the scoping process for this action. The development of a land use plan is a "Major Federal Action," as defined by NEPA (40 CFR Parts 1508.18(a) and (b)(2)), which requires the NEPA process. To date, no formal comment periods have solicited public input for a land use plan.

The purpose of NEPA "...is intended to help officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment" (40 CFR Part 1500.1(c)). As the land use plan currently stands, we believe it fails to meet the intent and substance of NEPA, by allowing insufficient public input and by not offering and analyzing an adequate range of alternatives. In a letter dated February 6, 1996 from Ted Clausung, Regional Ecosystem Director, to Lloyd Piper, Deputy Manger of USDOE (enclosed), WDFW recommended:

"That USDOE obtain public input regarding CLUP through the normal NEPA process. If the public is to provide meaningful comment on such major land management decisions, the CLUP must include alternatives with detailed descriptions of impacts. By reviewing a range of reasonable alternatives and their impacts, the public will be able to choose their preferred alternative or to combine various components from the different alternatives."

In addition to developing alternatives for a land use plan, we believe the following elements would be needed in a new scope or second draft for a good planning effort to occur and be protective of the environment:

- analysis of shrub steppe habitat on a regional perspective,
- completion of the biodiversity inventory for Central Hanford (included in the original scope),

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- siting analysis for potential mitigation banks,
- land designations protective of mitigation and restoration sites,
- fire control plan,
- analysis of site-wide impacts, e.g., roads, power lines,
- analysis of cumulative impacts on Washington State Priority Habitats, primarily shrub steppe, from categorical exclusion projects,
- siting for non-USDOE projects,
- incorporation of Washington State's Priority Habitat and Species data as a GIS layer,
- analysis of long-term indirect effects from specific-site designations,
- tiering to the Biological Resource Mitigation Strategy (BRMS) and the Biological Resource Management Plan (BRMP).

We note that BRMS and BRMP, currently working drafts, should be released for stakeholder review so comments can be incorporated into a final revision. Once finalized, these documents could assist in the planning process and be implemented in a land use plan EIS Record of Decision.

Cumulative Impacts

We believe that USDOE has not performed an adequate analysis of cumulative impacts in the Draft HRA-EIS. The CEQ regulations (40 CFR Part 1508.7) define cumulative impacts as:

"...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

Given this definition, the analysis appears inadequate for past actions, minor actions which collectively result in significant adverse habitat impacts, and non-Federal actions occurring on the Hanford Site. Minor actions include projects which involved Environmental Assessments, and categorical exclusions, such as those proposed and adopted in the revised 10 CFR Part 1021 which became effective on August 8, 1996, collectively having impacts on Washington State Priority Habitats, especially shrub steppe. Proposed actions for categorical exclusions for which WDFW has expressed concerns include disposal facilities for construction and demolition waste, road spurs, and small water treatment facilities (letter dated April 5, 1996, from Brent Renfrow,

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Regional Habitat Program Manager to Carol Borgstrom, Director of Office of NEPA Policy and Assistance, enclosed). Other inadequacies are that the current document uses incorrect acreage figures, fails to mention the impacted area of habitat from the several EISs cited, and fails to use the most conservative acreage figure for present and future actions. Finally, the analysis does not compare impacts associated with the alternatives.

We recommend that a revised draft include:

- analysis of impacts on shrub steppe habitat on a site-wide and regional perspective,
- discussion of indirect effects on shrub steppe habitat, e.g., degradation of adjacent habitat by invasion of noxious weeds and cheatgrass due to linear and large-block disturbances,
- analysis of impacts on Washington State Priority Habitats from past, present, and reasonably foreseeable future projects, such as administrative facilities, roads, utility corridors, and non-Federal projects.

Quarry Sites/Borrow Areas

Geologic materials (soil, gravel, and basalt) have been identified for constructing barriers over long-term waste disposal sites, such as the Environmental Restoration Disposal Facility. USDOE expects that approximately 2500 acres (Appendix E) would be impacted from mining these materials. Cumulatively, the adverse impacts would be significant, enough to be considered a "Major Action."

WDFW believes that the NEPA analysis for quarry sites/borrow areas is fundamentally flawed. The Draft HRA-EIS mentions preferred borrow sites for soil (McGee Ranch) and gravel (Pit 30), but not for basalt. Moreover, the document fails to provide alternatives for soil and gravel locations (required under 42 USC Section 4332(2)(C) and (E)). It does mention and analyze alternative locations for basalt. However, this analysis does not include impacts on biological or cultural resources at these locations (42 USC Section 4332(2)(C)). We believe that a discussion of mitigation, including the cost of compensatory mitigation for destruction of shrub steppe habitat, should be included, with special emphasis placed on USDOE's land stewardship policy and its role as Natural Resource Trustee under CERCLA.

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We have further concerns with specifying McGee Ranch as a preferred borrow site. This area serves as a wildlife corridor connecting the Hanford Site's shrub steppe ecosystem to the Yakima Firing Center, and is of regional significance. The resources and services the site provides has been judged by WDFW to be nonmitigable (letter dated April 5, 1996 from Martin Baker, Assistant Director of the Habitat Management Program, to John Wagoner, Manager, USDOE, enclosed). Implementing actions to use this site for borrow materials would have a significant adverse impact to the biological resources. We believe this warrants a thorough NEPA analysis, in a separate document tiered to the HRA-EIS.

Irreversible and Irretrievable Commitments

Section 5.11 of the Draft HRA-EIS states that identification of irreversible and irretrievable commitments of resources "is the subject of exclusions from liability under Section 107(f) of CERCLA." We question whether it is appropriate for a Natural Resource Trustee to try to use this provision for eliminating a large portion of its liability. Moreover, identification of committed resources is only one of several conditions necessary for the Section 107(f) exclusion to apply. It is not apparent from the document how these would be met, nor is it certain that the exclusion would apply to resources committed in remediation of past releases at the Hanford Site.

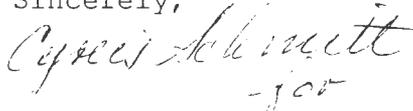
If USDOE thoroughly identifies the natural resources which may be injured during remediation, develops a plan for full and proper mitigation of those injuries, and carries through on that plan, any liability under 107(f) of CERCLA would be reduced. Such actions would also meet the policy set forth in the NEPA regulations, that Federal Agencies shall: "Use all practical means...to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their action upon the quality of the human environment" (40 CFR Part 1500.2(f)). The Draft HRA-EIS falls short of reducing liability or meeting NEPA policy by only generally identifying injured natural resources, summarily discussing mitigation opportunities, and deferring any detailed mitigation planning and commitments until after an alternative is selected. By addressing these issues, USDOE could reduce potential liability in advance of the CERCLA damage assessment process and strengthen its role as Natural Resource Trustee.

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Conclusions

WDFW believes that the Draft HRA-EIS is fundamentally flawed, with inadequate definition of purpose and need. Remediation decisions will be made by the regulatory agencies, not indirectly by land use designations contained in the document, and to a large extent, have been made already (e.g., in the 100, 300, 1100 areas). This action contains other major actions, such as the Comprehensive Land Use Plan and identification of borrow sites, which would have significant direct and indirect adverse effects on biological resources. We believe that USDOE has not satisfied the NEPA process for these two issues. Cumulative impacts are not adequately analyzed; irreversible and irretrievable commitments are not thoroughly identified, nor does the document contain a plan for proper mitigation of those injuries, with commitment to implement that plan in a Record of Decision. We have asked USDOE to re-scope the EIS (preferred), or prepare a draft supplemental EIS to repair these deficiencies. WDFW would be happy to provide specific detailed comments on such a revised Draft HRA-EIS.

Sincerely,



Karen Terwilleger
Assistant Director
Habitat Management Program

enclosures (3)

cc: John Wagoner, USDOE
Lloyd Piper, USDOE
Paul Dunigan, USDOE

cc (without enclosures):
Hanford Natural Resource Trustees
Washington Department of Ecology
Barbara Ritchie
Dan Silver

WDFW
Chris Drivdahl
Ted Clausing

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cc (continued):

WDFW

Brent Renfrow
Tracy Lloyd
Jane Banyard
Jeff Tayer



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April 5, 1996

Mr. John Wagoner, Manager
 U.S. Department of Energy
 Mail Stop A7-50
 Post Office Box 550
 Richland, Washington 99352

Dear Mr. Wagoner:

Re: Protection and Preservation of the McGee Ranch

The McGee Ranch (U.S. Department of Energy's property north and west of Highway 24 and south of the Columbia River) is an integral portion of a corridor between the Hanford Site and the Yakima Training Center (YTC). As such, the McGee Ranch is a linchpin for sustaining biodiversity on the Hanford Site by maintaining connectivity to other shrub steppe ecosystems.

Shrub Steppe History

Shrub steppe habitat is rapidly declining throughout the Columbia Basin. Less than 40 percent of the original shrub steppe remains, much of this of poor quality. The decline can be attributed to destruction, conversion to other land uses, and to significant degradation of ecological structure, function, or composition since European settlement. Because of this decline, the National Biological Service has listed native shrub and grassland steppe in Washington and Oregon as an endangered ecosystem, and the State of Washington has designated shrub steppe as a priority habitat. Any existing, large, contiguous blocks of shrub steppe are extremely important in a regional context for landscape planning, biological diversity, and function.

Ecological Importance of Hanford Site

The Hanford Site has the largest contiguous tract of shrub steppe (560 square miles) in Washington State which is of significance to flora and fauna, and in landscape planning, to preserve biological diversity. The Hanford Site is six linear miles east of the YTC, which is under the stewardship of the U.S. Department of Defense and is the second largest tract (500 square miles) of shrub steppe in the state. These two facilities have the highest density of ecological resources in Eastern Washington (Jerry Stokes, United States Department of Energy and the State of Washington: Facilitated Meeting on the Future of the Fitzner-Eberhardt Arid Lands Ecology Reserve, May 10, 1995, p.2.) and are considered national assets.

Connectivity

Over time, human development, primarily agriculture with some residential areas, has surrounded the Hanford Site shrub steppe communities, isolating them and severely diminishing important ecological processes. Where shrub steppe does adjoin the Hanford Site, it does not stretch very far. Only the McGee Ranch has shrub steppe which abuts private, state, and other federal lands with shrub steppe, connecting the YTC, which, in turn, connects to similar habitat and finally reaches timberline.

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This narrow corridor between the Hanford Site and the YTC, including the McGee Ranch, consists of a mosaic of Conservation Reserve Program habitat and shrub steppe and is extremely important to natural resource management. The McGee Ranch is the location of one plant species new to science and is adjacent to the Arid Lands Ecology (ALE) Reserve where 18 new insect species have been recently discovered.

Functions of a Corridor

In general, wildlife corridors serve as routes for species emigration and immigration, which allow genetic exchange to occur between populations and assist in sustaining natural ecosystems. Corridors also serve as dispersal routes allowing species to expand their existing range. An example would be sage grouse from the YTC recolonizing the ALE Reserve. Currently, sage grouse number approximately 500 individuals within the state and continue to decline in population. From a management perspective, every effort should be made to maintain or improve habitat viability throughout the species' range. The Hanford Site and the corridor will play a vital role in the recovery of sage grouse and will help maintain a recovered population in the future.

CERCLA Response Action Injuries

Any destructive uses, such as proposed "borrow sites" for basalt, gravel, and soil jeopardize the value of the McGee Ranch to serve as a functional corridor for flora and fauna between the Hanford Site and the YTC. Sufficient destruction of habitat would cause complete isolation of the Hanford Site's floral and faunal communities; the Site would essentially become an island. When populations become isolated and remain isolated for long periods of time, the frequency of mutant (lethal) gene expression in the population increases over time. This can lead to a decline or demise of the population as a whole.

The 200 Area of the Hanford Site is included on the National Priorities list under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Inclusion of this area initiates the Remedial Investigation and Feasibility Study process of characterizing the nature and extent of contamination and selecting remedial actions. One alternative being recommended is the use of surface barriers requiring a large volume of silt loam soils, which can be found on the McGee Ranch. Several CERCLA documents cite the McGee Ranch as a borrow site. Cumulative volumes for barriers in the 200 Area will exceed the approximately 40 million yards of soils found on the McGee Ranch. If one refers to a soils map and Washington Department of Fish and Wildlife's (WDFW) Priority Habitat map, one concludes that all the shrub steppe designated as priority habitat on the McGee Ranch would be destroyed and its value as a corridor would be lost. WDFW is concerned that natural resource injuries would be exacerbated across the entire site by destroying McGee Ranch habitat to access the soils beneath.

Proposed Solution

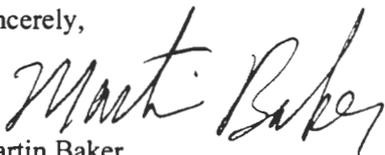
WDFW believes the McGee Ranch shrub steppe to be a nonmitigable resource because of the parcel's importance for connecting the Hanford Site with other ecosystems. Therefore, we request that USDOE-Richland Operations protect and preserve the McGee Ranch. Possible means of protection include: annexing the parcel to the ALE Reserve through administrative order (note: this action would be similar to the one enacted by the Atomic Energy Commission which established the ALE Reserve in 1967); designating the McGee Ranch as a mitigation bank site with deed restrictions; or developing a

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conservation easement. By ensuring the protection and preservation of the McGee Ranch, USDOE would strengthen its commitment as steward for the valuable natural resources on the Hanford Site. We believe this would be the course of action most consistent with Secretary Hazel O'Leary's land and facility use policy.

If you have any questions regarding this subject, please contact Ted Clausing, Regional Ecosystem Director, at (509) 457-9317, or Jay McConnaughey, Habitat Biologist for the Hanford Site, at (509) 736-3095.

Sincerely,



Martin Baker
Assistant Director
Habitat Management Program

MB:JC:pd

cc:

Hanford Advisory Board
Marilyn Reeves

Hanford Natural Resource Trustees

Michael Farrow, Confederated Tribes of the Umatilla Indian Reservation
Ann Aldrich, U.S. Bureau of Land Management
Preston Sleeper, U.S. Department of Interior
Philip Laumeyer, U.S. Fish and Wildlife Service
Carroll Palmer, Yakama Indian Nation
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State of Washington
DEPARTMENT OF FISH AND WILDLIFE

1701 S. 24th Ave., Yakima, WA 98902-5720 Tel. (509) 575-2740

5 April, 1996

Ms. Carol Borgstrom, Director
Office of NEPA Policy and Assistance, EH-42
U.S. Department of Energy
1000 Independence Ave. S.W.
Washington D.C. 20585-0119

Dear Ms. Borgstrom:

Subject: Comments on U.S. Department of Energy's National Environmental Policy Act Rulemaking.

Washington Department of Fish and Wildlife (WDFW) appreciates the opportunity to provide comments on the proposed rule changes.

Background Information

Shrub steppe is rapidly declining throughout the Columbia Basin of Washington State. Less than forty percent of the original shrub steppe remains. The decline can be attributed to destruction, conversion to other land uses or to significant degradation of ecological structure, function or composition since European settlement. Because of this decline, the National Biological Service has listed native shrub and grassland steppe in Washington and Oregon as an endangered ecosystem¹, and the State of Washington has designated shrub steppe as a Priority Habitat². Priority Habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A large portion of the Hanford Site has been designated as shrub steppe Priority Habitat. The Site has the largest, contiguous tract of shrub steppe (560 square miles) in the state. The quality of the habitat ranges from pristine to poor. However, it is the large scale contiguousness which is of significance to the flora and fauna and its importance in landscape planning to preserve biological diversity.

¹ Noss, Reed F., E.T. Laroe III, and J.M. Scott. Endangered ecosystems of the United States: A preliminary assessment of loss and degradation. Biological Report 28, Feb. 1995, National Biological Service, U.S. Department of the Interior.

² Washington Department of Fish and Wildlife. Priority Habitats and Species List. Habitat Program. Jan. 1996.

Environmental restoration at the Hanford Site involves new construction activities along with remedial and response actions associated with Comprehensive Environmental Response, Compensation, Liability Act and Resource Conservation and Recovery Act sites. Habitat disturbances to Priority Shrub Steppe Habitat range from clearing of large blocks to linear corridors of destruction. These disturbances further degrade and fragment surrounding habitat. In an arid climate, such as Hanford's, restoration of shrub steppe is extremely difficult and expensive. One factor contributing to this difficulty is the presence of alien species, such as cheatgrass, that out compete native species at disturbed sites and invades into adjacent undisturbed habitat.

General Comments

WDFW is concerned about several types of actions, specifically B1.29, B6.4, B6.9 and B1.13, which are being proposed, or modified as category exclusions. WDFW has appreciated, in the past, the opportunity to comment on projects such as these actions which are now being proposed as categorical exclusions. We are concerned that the proposed rules will eliminate valuable input from natural resource agencies, such as WDFW, regarding affects from these types of actions on state Priority Habitats. WDFW recognizes the need to reduce costs. This should be done in a manner that encourages rather than excludes other agency input. This would better further the commitment of Secretary Hazel O'Leary's land and facility use policy that states "USDOE will sustain the natural systems for which we are stewards". To be successful in sustaining natural systems, the steward should seek input from agencies with expertise regarding natural resources. USDOE's NEPA process (environmental assessment level) currently guarantees that this expertise is received for proposed actions such as those now being proposed for categorical exclusion (i.e. B1.29, B6.4, B6.9 and B1.13).

Specific Comments on Appendix B

Page 6417, Proposed B1.29. Potentially, many buildings at Hanford will be razed in the near future. Many new disposal facilities for construction and demolition waste could be sited in sensitive areas which would warrant NEPA analysis. As this proposed rule is currently stated, it does not mention impacts from siting a facility in an area where sensitive habitat exists, or cumulative impacts from multiple facilities. Because this type of action would continue to fragment and degrade Priority Shrub Steppe Habitat at the Hanford Site, it will have significant adverse impacts to wildlife. WDFW requests environmental assessment level NEPA analysis continue for these actions.

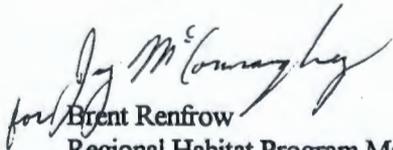
Page 6418, Proposed B6.4. As currently stated, the proposed rule contains vague language on an upper area impact value i.e. "generally up to 50,000 square feet in area". Potentially, an action could exceed 50,000 square feet. An action exceeding 50,000 square feet could have significant adverse impacts to wildlife. Please clarify the threshold limit. Suggest the following language "will not exceed 50,000 square feet in area"

Page 6418, Proposed B6.9. The actions included in the proposed rule include siting, construction, and operation of small water treatment facilities (proposed B1.26). Siting of facilities in Priority Habitat will have significant adverse impacts to wildlife. In the past, WDFW has commented on a similar action (project L-116, document DOE/EA-0986) at the Hanford Site. The project would have impacted 99 acres of Priority Shrub Steppe Habitat. This project was not small, but would appear to meet the criteria of this proposed rule change and thus avoid further NEPA analysis. WDFW requests environmental assessment level NEPA analysis continue for these actions.

Page 6418, Proposed Modification B1.13. The actions included in the proposed modified rule i.e. "to include construction of onsite pathways and onsite spur or access roads and railroads" will have significant adverse impacts to wildlife. These type of actions create linear habitat disturbances which cause significant fragmentation and degradation of adjacent habitat. Under the proposed modified rule, a past project at the Hanford Site would have been a categorical exclusion, instead of an EA. The action (corridor) destroyed approximately 18 acres of Priority shrub steppe habitat. WDFW request the original language be retained without modification.

Thank you for the opportunity to provide comments on the NEPA rule changes. If you have any questions regarding these comments please contact Jay McConnaughey at (509) 736-3095.

Sincerely


for Brent Renfrow
Regional Habitat Program Manager

BR:JM

cc:

Washington Department of Ecology

Dave Lundstrom

Geoff Tallent

Washington Department of Fish and Wildlife

Ted Clausing

Gordon Zillges

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WDFW HABITAT MGMT.

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DEPARTMENT OF FISH AND WILDLIFE

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February 6, 1996

Mr. Lloyd Piper
U.S. Department of Energy
P.O. Box 550, MS:R3-78
Richland, WA 99352

Tracy Ants file

Dear Mr. Piper:

As you probably know, Washington Department of Fish and Wildlife (WDFW) staff have been regular participants in U.S. Department of Energy (USDOE) meetings regarding development of the Comprehensive Land Use Plan (CLUP) for the Hanford Site. We would like to take this opportunity to provide additional comments regarding the planning effort and to document some of the concerns that we have discussed during CLUP meetings.

We appreciate the resources that USDOE has committed to the development of the Hanford CLUP and we understand that the plan is driven by Secretary O'Leary's Land and Facility Use Policy rather than by statute. WDFW supports the Secretary's goal to "...integrate mission, economic, ecologic, social and cultural factors in a comprehensive plan for each site.". Due to the size and complexity of the task and the level of controversy involved, we believe that the time USDOE has allowed for plan development may be inadequate.

We have been informed at CLUP and Hanford Natural Resource Trustee Council meetings that the CLUP will also be tiered to a Hanford Strategic Plan. While it seems logical for land use planning to be guided by both policy and the Strategic Plan, CLUP participants have yet to receive the Strategic Plan. If the Strategic Plan has been completed, we request a briefing at the next CLUP meeting so that participants can work from a common understanding of USDOE's mission at Hanford. If the plan is still being developed, we question whether it is appropriate to continue the CLUP process without strategic guidance. CLUP has moved beyond the data gathering phase and into a phase where the proper planning sequence is critical.

The Hanford CLUP public questionnaire has not been discussed much in the last two months, but we must reiterate that we do not support the questionnaire format reviewed in November. Serious concerns remain about the inclusion of the river corridor, the North Slope and the ALE Reserve in the questionnaire matrix. USDOE has already committed to incorporate the results of the Hanford Reach EIS and existing plans such as the ALE Management Plan. Inclusion of these

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areas in the questionnaire would only confuse the public and possibly create unrealistic expectations. ~~We recommend that USDOE obtain public input regarding CLUP through the normal NEPA process.~~ If the public is to provide meaningful comment on such major land management decisions, the CLUP must include alternatives with detailed descriptions of impacts. By reviewing a range of reasonable alternatives and their impacts, the public will be able to choose their preferred alternative or to combine various components from the different alternatives.

We generally concur with the content of the data layers that were reviewed, discussed and incorporated into the CLUP process during last September and October. However, there seems to be considerable delay in data editing. Many of the problems and data gaps that were discussed during the January 9th review were the same ones discussed last fall. Another layer that was discussed at the January 9th meeting and should be added to the GIS is the underlying land ownership. The "checkerboard" of state and federal ownership that will remain even after USDOE management ends will influence future land use decisions. Concerns also remain about the economic "data" layer that was presented and incorporated during the November 7, 1995 CLUP meeting. We maintain that this economic information should not be treated the same as the other data layers which document existing conditions at Hanford, but rather as one possible alternative for the future. Our understanding since the first CLUP meeting was that the purpose of the data gathering phase was to depict existing conditions which the plan would be based upon.

We would welcome any information you could provide regarding the schedule for the CLUP process. The pattern of weekly meetings ended after November and recently the schedule has been unpredictable, with no meeting notices since January 9th. We intend to continue participating in CLUP, but would appreciate your estimates of the timing and workload involved.

Sincerely,

Ted A. Clausing

Ted A. Clausing
Regional Ecosystem Director

cc: John Wagoner, Paul Krupin, Paul Dunigan, USDOE
Mike Wilson, Dave Lundstroin, Geoff Tallent, WDOE
Ed Manary, Martin Baker, Jeff Tayer, Brent Renfrow, Jay McConnaughey, WDFW