Washington Department of
FISH AND WILDLIFE
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June 7, 1999

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

Dear Mr. Ferns:

The Washington Department of Fish and Wildlife (WDFW) appreciates the opportunity to comment on the document entitled *Revised Draft Hanford Remedial Action Environmental Impact Statement and Comprehensive Land-Use Plan*, (HRA EIS) DOE/EIS-0222D. We are hopeful that the concerns expressed here and throughout this action will be addressed through the National Environmental Policy Act (NEPA) process.

WDFW has followed the development of the Comprehensive Land Use Plan (Plan) since 1995 and commented on the August 1996 draft HRA-EIS. We have provided technical assistance to the U.S. Department of Energy (USDOE) throughout the planning effort in hopes that a Plan is developed that protects the valuable biological resources of the Hanford Site.

We commend USDOE for seeking our technical assistance and involving federal natural resource agencies, Tribal Nations and local governments in developing a range of alternatives. This was one of our concerns with the August 1996 draft HRA-EIS that has been addressed in the revised draft.

Shrub steppe continues to decline throughout the Columbia Basin of Washington State. Less than forty percent of the original shrub steppe remains. The decline can be attributed to conversion to other land uses or to significant degradation of ecological structure, function or composition since European settlement. The National Biological Service has listed native shrub and grassland steppe in Washington and Oregon as an endangered ecosystem[1], and WDFW has designated shrub steppe as a Priority Habitat[2]. Priority

[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.

Habitats are defined as habitat types or elements with unique or significant value to a diverse assemblage of species. The Hanford Site has the largest, contiguous tract of shrub steppe (560 square miles) in the state. It is the large-scale contiguousness that is of significance to the native flora and fauna and its importance in landscape planning to preserve biological diversity.

The Hanford Site has been a wildlife sanctuary for the past 56 years due to USDOE's previous mission of nuclear materials production for national defense. The Site's ecosystem contains biological resources of regional, national, and international significance. The Nature Conservancy's discoveries of 2 plant and 38 insect species previously unknown to science confirm the importance of the Site, as do other biological studies. The significance of the Site is accurately reflected in the *draft Hanford Site Biological Resource Management Plan,* (BRMaP) DOE/RL 96-32 rev. 0, by the following: "...the percentage that Hanford contributes to the existence of shrub steppe within the ecoregion has increased by about 250% since European settlement". The health of the terrestrial environment affects the Hanford Reach's water quality, and ultimately, the productive spawning areas for fall chinook salmon and white sturgeon, and proposed critical habitat for federally endangered Upper Columbia River steelhead and spring-run chinook.

We believe the information and analysis in the revised draft HRA-EIS support only Alternative 2. Therefore, Alternative 2 is our Preferred Alternative with the following modifications: 1). Add a boat ramp facility on the east bank of the Columbia River approximately one-half mile upstream of the Vernita Bridge and designate as recreation (high intensity) use, 2). Designate LIGO as preservation and recognize it as an existing non-conforming use, 3). Designate the FFTF and 300 Area as Research and Development, 4). Replace the recreation (high intensity) use footprint at the B reactor in Alternative 2 with that shown in Alternative 1, 5). Include the (low intensity) recreation use areas as shown on the Alternative 1 map, and 6). Add the National Wildlife Refuge Boundary designation as depicted in Alternative 1.

As previously stated, the revised draft HRA-EIS addressed one of our concerns. However, we still have the following concerns: grazing on Central Hanford, an important wildlife corridor linking the Hanford Site to the Yakima Training Center, impacts to shrub steppe on Central Hanford, geologic source sites, mitigation, irreversible and irretrievable language, implementation of the Plan, and recreational use. These and other issues are further discussed in our attached technical comments from Mr. McConnaughey. In addition, we believe many comments in our December 9, 1996 letter on the draft HRA-EIS remain applicable to the revised draft HRA-EIS.

Again, we thank you for the opportunity of providing technical assistance and hope the final product will be based on sound, logical, planning goals.

0069937

Sincerely,

Dale Bambrick
Director, Region 3

cc:
Keith Klein, USDOE-RL
Susan Hughs, Vice-Chair, HNRTC
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Enclosures (4)

WDFW HRA EIS Comments, McConnaughey 6/7/99
DoE, Todd Memo 10/21/98
O'Leary Memo12/21/94
MOU Ecosystem Approach 12/15/95

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Mr. Thomas Ferns
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Dear Mr. Ferns:

Subject : Washington State Department of Fish and Wildlife Technical Comments To Revised Draft Hanford Remedial Action Environmental Impact Statement and Comprehensive Land-Use Plan, (HRA EIS) DOE/EIS-0222D.

The Role of Steward

The U.S. Department of Energy (USDOE) Richland Operations has made some progress in recognizing its steward responsibilities since the issuance of USDOE P 430.1, Land and Facility Use Policy. Biological resources of the Hanford Site are held in public trust by the USDOE. "When the Supreme Court in the nineteenth century enunciated that wildlife was not the private property of any individual or group of individuals, but was instead the collective property of all the people, it established the paramount role of the government, as public trustee, in the task of wildlife conservation."[1] Stewardship language appears in the National Environmental Policy Act (NEPA), such as in Sec. 101(b)(1) that states, "fulfill the responsibilities of each generation as trustee of this environment for succeeding generations" and Sec. 101(b)(4) "preserve important...natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity...". The Washington State Growth Management Act also includes stewardship language in its planning goals. One goal states "reduce the inappropriate conversion of undeveloped land into sprawling, low-density development", and another states, "encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat...". The land use planning effort should utilize the best biological data available and sound principles of ecosystem management in determining the wisest use of the public's land for the long-term and avoid a short-term, myopic approach. To ensure the perpetuation of the state's shrub

[1] Bean, M.J. 1983. The evolution of national wildlife law (revised). Praeger Publishers, New York.

steppe, dependent wildlife and native fishes, it will require a partnership between federal, state and local governments, Indian Tribes, and private landowners.

Purpose and Need

We recognize that USDOE is required to develop a comprehensive land use plan under USDOE P 430.1 and USDOE Order 430.1, and Federal law 42 U.S.C. 7274k. It is also recognized that USDOE P 430.1 is implemented through USDOE Order 430.1, Life Cycle Asset Management. Due to the Inspector General's Report 0399, clarification was made to USDOE P 430.1 in a memorandum dated October 21, 1998 from G. Thomas Todd, Director, Office of Field Management, that included attached ecosystem management principles adopted by all land holding agencies. One of these principles states, "Use ecological approaches that restore and sustain the biological diversity, health, and productivity of ecosystems." The memorandum went on to state, "Its sites would also partner with other agencies/governments, measuring results of actions over time, and involve the public to conscientiously steward the real property in DOE's charge." Finally, it stated, "... DOE P 430.1 directs the use of ecosystem management principles to *foster and guide* [emphasis added] the land use planning and management processes.", (Attachment). Please describe and explain the application of USDOE P 430.1 in the purpose and need statement.

Overall impressions of the planning effort

We have reviewed the proposed land use designations, the six alternatives, and Implementation of the Plan in the revised draft HRA-EIS. Excluding the no-action, which is presented for baseline comparison and as a requirement of analysis under NEPA, we conclude the information and analysis support only two alternatives. They are Alternatives 1 and 2. The other Alternatives appear to be speculative of potential future uses and USDOE missions. The analysis does not support the size of the proposed consumptive land uses (i.e. industrial, industrial exclusive, research and development, conservation (mining and grazing) and (mining) shown in these other Alternative land use maps. They are counteractive of sound, rational and wise land use planning objectives and the Washington State Growth Management Act goals. They encourage sprawl, low-density development, and conversion of important shrub steppe wildlife habitat. They fail to consider the importance of the Hanford Site from a regional ecosystem perspective and economic opportunities within or adjacent to the Cities of Richland, Kennewick and Pasco where infrastructure already exists that could support such consumptive uses and demands. Upon closer examination of the analysis performed by the Benton County Planning Department and the City of Richland in their own comprehensive land use planning efforts and presented in the revised draft HRA-EIS, the information and analysis support only Alternative 2.

Land Use Designations

We request that the land use designation of preservation be modified to provide provisions that would allow active management of game species and compatible uses, such as recreation (low intensity). Many National Wildlife Refuges and lands designated under the Wilderness Act allow these types of compatible activities.

We believe the research and development designation is an inappropriate land-use designation, and the activities identified in the definition could easily fall within the industrial use designation. USDOE has been unable to identify any future projects that would warrant this designation. The Washington Department of Fish and Wildlife (WDFW) requests that this designation be eliminated from Table 3-1.

McGee Ranch (wildlife corridor)

WDFW submitted several letters to USDOE raising concerns about the McGee Ranch area of the Site. These concerns were raised again in our December 9, 1996 letter on the August 1996 draft HRA-EIS and were not fully addressed by the revised draft. We continue to define McGee Ranch as that portion of the Hanford Site, which lies north and west of highway 24 and south of the Columbia River. Our concerns include direct and indirect effects to wildlife populations. The no-action, USDOE's preferred Alternative and Alternative 3 do not address our concerns. Only Alternatives 1, 2, and 4 are protective of this important landscape feature and fully address our concerns mentioned in previous correspondence (please reference our December 9, 1996 letter). We support the land use designation of preservation as shown in Alternatives 1, 2 and 4, and in addition, support the National Wildlife Refuge designation as depicted in the Alternative 1 land use map for this portion of the site. We request that USDOE modify its preferred Alternative to reflect that of Alternative 1 for the McGee Ranch per our definition.

Central Plateau

The Central Plateau was originally identified for waste management in the document entitled *The Future For Hanford: Uses and Cleanup, The Final Report of the Hanford Future Site Uses Working Group*, December 1992. The Future Site Uses Working Group identified this industrial exclusive area for Hanford Site and USDOE complex-wide generated waste. They also recognized commitments made in past actions, e.g. submarine reactor compartments etc. However, no analysis is provided in that document to support the industrial (exclusive) waste management boundary. A NEPA analysis has not been performed for the industrial (exclusive) boundary.

Within the boundary, a mature stand of shrub steppe exists with shrubs up to 9 feet tall. Most of the stand is located between the 200 East and 200 West fence lines. Another

portion of the stand lies west of the current developed foot print of the 200 West area and is within the 200 West fence line and commonly referred to as the 200 West extension.

All alternatives support USDOE's cleanup mission with more designated as industrial (exclusive) than is actually needed. Please note that Alternatives 1 and 2 industrial (exclusive) boundary is 1163 acres less than the other alternatives and still supports USDOE's on-site and off-site needs identified in the Programmatic Waste Management EIS (DOE 1997a) and past commitments identified in the revised draft HRA-EIS. Given this information, the most appropriate industrial (exclusive) boundary is that shown in Alternatives 1 and 2 because it is the most consistent with sound land use planning objectives, the Washington State Growth Management Act goals and the stewardship language cited earlier from the NEPA. The industrial (exclusive) boundary of Alternatives 1 and 2 prevents sprawl and the unnecessary conversion of valuable mature shrub steppe. The other Alternatives fail to adhere to these sound-planning objectives. WDFW requests that USDOE modify the Preferred Alternative to reflect the industrial (exclusive) boundary depicted in Alternatives 1 and 2.

Grazing

Currently, no grazing is occurring on the Hanford Site. The WDFW grazing lease on the Wahluke Wildlife Area was allowed to expire on December 31, 1998. We do not support the Conservation (mining and grazing) designation anywhere on the Hanford Site, especially on the low elevation soils of Central Hanford and the stabilized dune area with extremely sandy soils. We believe the Conservation (mining and grazing) designation should be eliminated from the Hanford Site Land-Use Designations in Table 3-1. Furthermore, the designation is not needed to reflect the underlying multi-use mission of the U.S. Bureau of Land Management (Bureau) withdrawn public domain lands on Central Hanford while under USDOE control. In the event the withdrawn Bureau lands are relinquished, the Bureau would need to develop an appropriate management plan.

Agriculture

At this time and into the foreseeable future, we believe it is inappropriate to allow agriculture to occur on Central Hanford given the extent of ground water contamination. The ground water plumes will exist well into the future. Irrigated agriculture would hinder on-going ground water remediation efforts. Some of the ground water contaminants pose potential threats to aquatic biological receptors. In a letter dated July 2, 1996 from Mr. John Wagoner, Manager USDOE-Richland Operations, to Mr. Terry Marden, Director, Benton County Planning and Building Department, Mr. Wagoner stated,

> Although your recognition that the County's land use plan could only have effect when, and if, the lands pass out of federal ownership is appropriate, we do not believe that agriculture use of the Hanford Site should be considered to be an appropriate use for the foreseeable future...Current technology and planning do not allow easy or early remediation of the groundwater. Agriculture has a significant potential for worsening this contamination and accelerating the migration of contamination which could increase the risk to human health and the environment.

WDFW strongly agrees with USDOE on this issue.

Geologic Source Sites

Considerable demands will be made on geological resources to construct protective barriers and possibly fill the void spaces in the 177 underground storage tanks. However, the demands are not extreme enough to warrant designating almost the entire Central Hanford as Conservation (mining and grazing) or designating it Conservation (mining). The revised draft HRA-EIS fails to provide adequate NEPA analysis for geologic source sites. The *final Environmental Impact statement for the Tank Remediation System* committed to this NEPA analysis. In our comments on the draft August 1996 HRA-EIS, we stated that we considered this a major action and requested NEPA analysis. Our request was reiterated in a letter dated 18 May, 1998 to Mr. Thomas Ferns. USDOE continues to make decisions, such as the finding of no significant impact issued for the *Environmental Assessment for the Transfer of 1100 Area, Southern Rail Connection and Rolling Stock*, that potentially eliminate alternatives from consideration in a future NEPA analysis. There are significant cultural and biological issues tied to the need for geologic resources and the appropriate means for resolving the issue is through a NEPA analysis.

Mitigation Site Protection

Several mitigation sites have been established on the Hanford Site for compensatory mitigation of adverse impacts to shrub steppe. These include the W-058, W-112, and the forthcoming mitigation site for the Environmental Restoration Disposal Facility expansion. Compensatory mitigation sites established by the programs (i.e. TWRS, Solid Waste, and Environmental Restoration) ensure the continual sustainability of shrub steppe dependent species at the Hanford Site.

Considerable funds have been spent on compensatory mitigation sites. The *draft Hanford Site Biological Resources Management Plan* (BRMaP) calls for compensatory mitigation sites to be elevated to level IV resources and protected. Protection of mitigation sites is consistent with U.S. Fish and Wildlife Service Mitigation Policy, WDFW Mitigation Policy and a draft Hanford Natural Resource Trustee Council document entitled "Recommended Contents for Terrestrial Mitigation or Restoration Plans". In addition, this would be consistent

with USDOE P 430.1 and the principles of ecosystem management. We request that all compensatory mitigation sites be designated as preservation in all the land use alternatives.

Irreversible and Irretrievable (I&I)

Section 5.7.2 of the revised draft HRA-EIS states "The Revised Draft HRA-EIS does not I&I commit resources to any specific project of the Hanford Site, but does I&I commit natural resources to the land-use designations as allocated by Table 3-1." The revised draft further states on page 3-12 that "Some components of the concrete structures and equipment, as well as about 6,000 ac of desert land, are essentially irretrievable due to the practical aspects of reclamation and/or radioactive contamination." 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. The USDOE has not thoroughly identified the committed resources nor developed, and implemented a plan for full and proper mitigation of those injuries. Only after addressing these issues, any liability under 107(f) of CERCLA and NEPA (40 CFR Part 1500.2(f)) would be reduced. The revised draft HRA-EIS I&I language 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 the Record of Decision.

Mitigation Action Plan

The revised draft HRA-EIS states that a Mitigation Action Plan (MAP) would be issued after the Record of Decision is made. Technical assistance should be obtained from the federal natural resource agencies and Tribal Nations. We also request to be a participant in the development of a MAP.

The Southeast Area and Seral shrub steppe

The southeast area of the Hanford Site contains early seral shrub steppe ranging from shrubless to that having less than 10% shrub cover. This early seral shrub steppe plays a critical role in sustaining the Hanford Site ecosystem by providing essential habitat for numerous native species. The seral habitat in the southeast area has been referred to as post-fire shrub steppe, and has been dealt with inappropriately since the 1984 fire. The BRMaP categorizes this resource as a level II. The one thing lacking is a 10% shrub cover, which was the typical cover of big sagebrush prior to the introduction of livestock into Washington. Given time, the shrub cover will increase to that observed in a typical big sagebrush stand. The Nature Conservancy's 1997 findings clearly indicate a high diversity of native plant communities in the post-fire area of the site. We request that USDOE update the biological data to incorporate the findings, such as element of

occurrences, from The Nature Conservancy's 1994, 1995, and 1997 annual reports and consider these data in determining land use designations.

The WDFW designated all shrub steppe on the Hanford Site as Priority Shrub Steppe Habitat because of the large contiguous blocks. This designation includes the early seral stages, and excludes the old abandoned agriculture fields dominated by cheatgrass. Our designation of Priority Shrub Steppe Habitat on the Hanford Site does not distinguish between levels II and III. Both are important to shrub steppe species. This Priority Shrub Steppe Habitat has comparatively high wildlife density, high wildlife species diversity, important wildlife breeding habitat, important wildlife seasonal ranges, limited availability, high vulnerability to habitat alteration, and unique and dependent species. What is now considered a level II habitat under BRMaP is extremely important given the conversion of shrub steppe habitat off-site and the continuing increase of shrub cover in the southeast area. The Level II resource will play a critical role in maintaining shrub steppe, dependent species on the Hanford Site in the future.

A more conservative approach should be taken with Level II habitat. We strongly recommend that Level II resources be included in Level III. This would be consistent with WDFW's designation of this Level II habitat as Priority Shrub Steppe Habitat, and USDOE P 430.1 and stewardship language of NEPA. We request language be incorporated in the revised draft HRA-EIS under mitigation measures for all Alternatives that states,

- Perform compensatory mitigation for adverse impacts to Level II, III, and IV biological resources of concern that reflects the in-kind habitat value of the resources impacted by improving habitat elsewhere on the Hanford Site.

This language would be consistent with USDOE P 430.1 and the ecosystem management principles, stewardship language of NEPA, and that of a responsible steward.

Our concern for habitat located in the southeast area has increased since the area has been identified for industrial use in all alternatives of the revised draft HRA-EIS. If we assume the industrial area is fully developed, adverse impacts to Level II resources will be nearly 70% in the Preferred Alternative and Alternative 3, and nearly 25% in Alternative 4. These impacts would have significant detrimental effects to the Hanford Site ecosystem. The health and integrity of the ecosystem would be compromised by the conversion of Level II habitat without equivalent habitat value being restored elsewhere on the Hanford Site.

Our concern for habitat located in the southeast area is further heightened by the lack of mitigation commitments for any biological resources bound by Route 4S and Route 10 as

stated in BRMaP. This needs to be corrected. As steward, USDOE needs to pursue the full mitigation hierarchy as identified in 40 CFR 1508.20 to ensure the sustainability of the Hanford Site ecosystem. USDOE has stated "It is DOE's policy to follow the letter and spirit of NEPA; comply fully with the CEQ Regulations..." (10 CFR § 1021.101).

The USDOE's primary mission at Hanford is environmental restoration. The WDFW staff requested on several occasions a list of potential future projects such as that provided in the Hanford Future Site Uses Working Group's report for the Central Plateau and the southeast area of the Site. The USDOE could not provide a list since there are no identifiable future projects. Given that, it appears the size of the industrial use area depicted in the Preferred Alternative, and Alternatives 1, 3, and 4 land use maps, is entirely speculative. We believe USDOE O 430.1 does not stress this type of logic nor encourage the use of USDOE real property for non-federal governments' missions. We would encourage USDOE to review its USDOE P 430.1 and USDOE O 430.1 and reconsider the appropriate land use for the southeast area of the Site. Recognizing the valuable biological resources and groundwater contamination plumes that are present, the wisest decision is to designate this area as preservation. This would allow USDOE-Richland Operations Office to remain focused on its primary mission of environmental restoration mission.

Implementation of the Comprehensive Land-Use Plan

The revised draft HRA-EIS contains only a map(s), and policies that would apply to the final land use map identified in the Record of Decision. In comparison, the counties are required to develop a map, policies and goals, and develop regulations (ordinances) to protect natural resource lands and critical areas. The regulations are a critical part of the requirements. The Growth Management Act requirements allow the public an opportunity to review the different components for consistency. It is impossible to ensure the valuable biological resources of the Hanford Site are protected without the inclusion of implementing procedures/controls, i.e. the equivalence to ordinances under the Growth Management Act, in the revised draft HRA-EIS. We believe the public deserves the opportunity to review the implementing procedures/controls for consistency. Otherwise, the public is not presented information to decide whether significant actions are being taken. The implementing procedures/controls, i.e. design standards, location and development requirements and resource management plans (RMPs), need to be an appendix in the revised draft HRA-EIS.

The WDFW believes to fully implement USDOE P 430.1, RMPs should address impacts in all land use designations and fully mitigate any adverse impacts that occur to maintain no net loss of habitat-value. Anything less would not sustain the Hanford Site ecosystem, be consistent with USDOE P 430.1, or reflect the actions of a responsible steward.

We are very troubled with the language found in Chapter 6 of the revised draft HRA-EIS regarding the BRMaP and the *draft Hanford Site Biological Resources Mitigation Strategy Plan* (BRMiS). Particularly, language found on page 6-6, Section 6.3.2, CLUP policy (2)(a) that states, "Modify the BRMaP (DOE-RL 1996c) and BRMiS (DOE-RL 1996) to be consistent with this policy and with implementing procedures." This improper interpretation of the purpose of the BRMaP and the BRMiS continues to arise by the writers of the revised draft HRA-EIS and the cooperating local governments. It is important that this issue be resolved once and for all. If you carefully read our comments regarding this issue below there should be no doubt as to the relationship of the BRMaP with the CLUP.

In December of 1995, several government agencies including USDOE signed a memorandum of understanding to "Foster the Ecosystem Approach" (please see Attachment). If you read the memorandum, you will see that the federal government agreed to provide leadership in and cooperate with activities that foster the ecosystem approach to natural resource management, protection and assistance. These principles are to apply "in carrying our federal responsibilities" which would include land use planning efforts. The memorandum also provides a lot more detail about policy, background and approach.

In October of 1998, USDOE issued "Ecosystem Management and Land Use Principles" (please reference attachment). This memorandum clearly defines how land use planning efforts should be conducted. The policy in question, USDOE P 430.1, Land and Facility Use Policy states that the Department's stewardship will be based on ecosystem management principles. These principles integrate and place in perspective the hundreds of regulatory, mission, and policy requirements that face planners and managers of land resources. In summary, USDOE P 430.1 directs the use of ecosystem management principles to foster and guide the land use planning and management processes. When the policy is implemented through USDOE O 430.1, Life Cycle Asset Management, sites integrate mission, economic, ecologic, social, and cultural factors within a comprehensive planning process to establish land uses. These land uses support the USDOE's missions, including environmental research, stimulate the economy, and protect the environment.

The BRMaP and BRMiS will be the USDOE policy documents that provide guidance regarding the protection of habitats and species based on the ecosystem management principles stated above. These documents are completely independent of any land use planning effort and are not subordinate documents of the HRA-EIS. As stated earlier, it is USDOE's policy that any land use planning effort conforms to ecosystem management principles. At Hanford the application of these principles are found in the BRMaP and BRMiS.

The BRMaP is not a sub-tier document of the comprehensive land use plan. For instance, if a threatened or endangered species were found anywhere on the Hanford Site, then the guidance in the BRMaP would have to be adhered to regardless of the land use designation. Within a few months, the BRMaP will be a USDOE-RL policy document and there needs to be a clear understanding of the jurisdictional differences between the BRMaP and the comprehensive land use plan. Just because an area may be designated a particular land use does not preclude the guidance of BRMaP from being followed if a sensitive species, unique habitat, or element of occurrence is identified in that area. We encourage you to read the attachments, and request language be eliminated in the revised draft HRA-EIS that indicate the BRMaP and BRMiS are subject to the comprehensive land use plan and policies.

Recreational Trail (West Bank)

Several Alternatives discuss a trail on the West Bank and within a ¼ mile of the Columbia River as shown in Alternative 3. Many biologically sensitive areas exist along the length of the trail between North Richland and the Vernita Bridge and within a ¼ mile of the river. Some of these areas include bald eagle roost and potential nest sites, and terrestrial plant community element of occurrences. We believe that there are significant biological issues tied to the trail's path and supporting facilities that it warrants NEPA analysis.

Comments on the Alternatives

Preferred Alternative

As stated earlier, this alternative appears to have applied a speculative approach in defining land use boundaries, specifically for the consumptive land uses. Furthermore, the logic is contrary to sound land-use-planning principles. The Alternative encourages sprawl and fails to recognize its primary mission of cleanup. A good example of sprawl and speculative planning is the industrial use area near the May junction as well as the expansive area designated industrial use in the southeast area. USDOE should develop the land use plan based on its current mission as stated in the purpose and need section of the revised draft HRA-EIS and avoid speculation. If another mission is identified in the future, then USDOE should revisit the land use plan and make the necessary modifications to accommodate the new mission.

Alternative 1

WDFW would recommend converting most of the conservation (mining) north of the Central Plateau, except quarry sites already in existence, to preservation for management purposes. The reactor areas should be depicted as a non-conforming use for the 50year planning period since remedial actions will still be occurring.

Alternative 3
This alternative was developed under the Washington State Growth Management Act. It has the same problems as the preferred Alternative. It is extremely speculative and counter to sound land-use-planning principles. Alternative 3 encourages sprawl and fails to recognize the importance of the Site in maintaining the State's natural heritage. The proposed agriculture on the Wahluke Slope poses serious threats to the productive fall chinook salmon spawning areas in the Hanford Reach by allowing irrigated agriculture to occur in the geologically hazardous area identified by the Bureau of Reclamation as the Red Zone.

The industrial, and research and development areas in Alternative 3 are based on pure conjecture and not supported by the Benton County Planning Department analysis included in section 5.1.6.1 of the revised draft HRA-EIS. The analysis resulted in an estimate that approximately 3,000 acres would be needed. This was adjusted to 4,050 acres to account for supporting infrastructure. The Planning Department assumed future needs would be met using lands on the Hanford Site. We request that the county explore non-federal lands currently zoned industrial/research and development, such as within the Cities of Kennewick, West Richland, Richland, Pasco, and Finley urban growth areas, to meet the identified need.

The HRA-EIS analysis fails to consider other lands in the study area that are zoned for industrial use. WDFW requests that this analysis be performed and included in the final EIS.

Alternative 4
Alternative 4 has the same problem as the Preferred and Alternative 3 for industrial, and research and development needs. It encourages sprawl and is not supported by the analysis. We are not sure why the mature shrub steppe habitat surrounding the Central Plateau was not designated as preservation. We suggest to those that developed this alternative to consider the level III resources of BRMaP and terrestrial plant element of occurrences identified in The Nature Conservancy reports and make revisions to reflect that information.

Specific Comments

ES-1, line 8. Change the word "Recovery" to "Liability".

ES-44, line 53. Please update this information. Refer to our general comment about grazing.

ES-84, Table ES-5. The table also should present Level II resources impacts since they play a critical role in sustaining the Hanford Site's ecosystem, especially in the next 50 years.

ES-91, line 38. The City of Richland Comprehensive Land-Use Plan is not compatible with Alternative 1. Please delete from list.

ES-93, lines 29&30. The cumulative impact analysis should include Level II resources, especially for future habitat losses, since most of the proposed industrial use would significantly impact Level II biological resources. Please include in the analysis and reference our general comments.

ES-96, lines 1-4. Please discuss in more detail the land-uses that would be permitted by local governments in areas surrounding the Hanford Site.

ES-100, lines32-33. The correct title of the document mentioned is "draft Hanford Site Biological Resources Mitigation Strategy Plan" (BRMiS).

1-23, Table 1-2. The Table also should mention that the HRA-EIS would fulfill the SEPA requirements for the Counties, and as cooperating agencies, they could identify another alternative as their preferred alternative.

3-3, lines 13 and 15. First, please refer to the 1st paragraph of our general comment on implementation of the plan. Without implementing procedures, we are not sure how these 2 designations would differ. Again, we request that the R&D designation be deleted from the list.

3-16, line 21. We believe badge requirements for accessing the ALE are not necessary. The USFWS is actively managing the property and is developing an ALE reserve Comprehensive Conservation Plan that will determine the level of access and identify any areas open to the public.

3-19, Box. The planning described here is purely speculative. USDOE should plan according to its current mission, and if a new mission is identified in the future, then the plan should be revisited and revised to accommodate the new mission.

3-28, Table 3-2. This Table should be in Chapter 5 under section 5.1.6.

3-46, line 25. Please delete the sentence referencing grazing. See general comment on grazing.

3-51, lines31-33. We consider the land use designations, such as preservation and conservation, only as the first tier of the mitigation hierarchy and that additional mitigation should occur by proposed projects to fully mitigate the impacts.

4-4, lines 11-13. Please refer to general comment on grazing.

4-62, lines 46 and 47. Please note the fire that occurred in 1998 and burned approximately 10,000 acres of the Hanford Site.

4-81, lines 41-42. Please see earlier comment for correct title of BRMiS.

5-4, lines 1-3. This sentence should mention the National Marine Fisheries Service too.

5-13, Table 5-4, Alternative 1. Check marks should be superscripted with letter "b".

6-6, line 1. Please see earlier comment for correct title of BRMiS.

6-13, Table 6-4. We request that a 200-area management plan be developed. The plan should focus on avoiding/minimizing impacts to the mature shrub steppe found there.

Thank you for your consideration of these comments .

Sincerely,

Mark Teske

for Jay McConnaughey, WDFW

CC: Clausing, WDFW

The Secretary of Energy
Washington, DC 20585

December 21, 1994

MEMORANDUM FOR SECRETARIAL OFFICERS
AND OPERATIONS OFFICE MANAGERS

FROM: HAZEL R. O'LEARY /S/

SUBJECT: Land and Facility Use Policy

Today, I issued an innovative Departmental policy that strengthens the stewardship of our vast lands and facilities and encourages the return of some of these national resources to their rightful owners -- the American public. The policy will stimulate local economies, cut costs and redtape, and ensure public participation in our planning processes. The new policy states:

> It is Department of Energy policy to manage all of its land and facilities as valuable national resources. Our stewardship will be based on the principles of ecosystem management and sustainable development. We will integrate mission, economic, ecologic, social and cultural factors in a comprehensive plan for each site that will guide land and facility use decisions. Each comprehensive plan will consider the site's larger regional context and be developed with stakeholder participation. This policy will result in land and facility uses which support the Department's critical missions, stimulate the economy, and protect the environment.

The new policy is highlighted in the attached book, *DEPARTMENT OF ENERGY - STEWARDS OF A NATIONAL RESOURCE*. The book describes how we are changing the way we manage our lands and facilities. It also describes some of our recent successes in finding new uses for our surplus land and facilities. These successes range from new leases at the former Mound facility and the use of an idle reactor for brain cancer treatment at the Idaho National Engineering Laboratory to the creation of an urban park adjacent to our headquarters and the development of the National Wind Technology Center at the Rocky Flats plant. The book provides information about our major sites and contact numbers for each public affairs office. It encourages businesspeople, public officials, citizen organizations, and our site neighbors to provide their ideas for new site and facility uses.

This new policy has already undergone the initial directives review process and will be incorporated in the Department's broader Corporate Facilities Management Directive initiative that I have commissioned to respond to the National Performance Review.

I know you share my excitement about the opportunities we have in finding new uses for our lands and facilities. I look forward to working with you to fulfill the responsibility entrusted to us by the citizens of the United States for managing these valuable national resources.

MEMORANDUM OF UNDERSTANDING TO FOSTER THE ECOSYSTEM APPROACH

between the

COUNCIL ON ENVIRONMENTAL QUALITY
DEPARTMENT OF AGRICULTURE
DEPARTMENT OF THE ARMY
DEPARTMENT OF COMMERCE
DEPARTMENT OF DEFENSE
DEPARTMENT OF ENERGY
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
DEPARTMENT OF THE INTERIOR
DEPARTMENT OF JUSTICE
DEPARTMENT OF LABOR
DEPARTMENT OF STATE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF SCIENCE AND TECHNOLOGY POLICY

I. DEFINITIONS

An *ecosystem* is an interconnected community of living things, including humans, and the physical environment within which they interact.

The ecosystem approach is a method for sustaining or restoring ecological systems and their functions and values. It is goal driven, and it is based on a collaboratively developed vision of desired future conditions that integrates ecological, economic, and social factors. It is applied within a geographic framework defined primarily by ecological boundaries.

The goal of the ecosystem approach is to restore and sustain the health, productivity, and biological diversity of ecosystems and the overall quality of life through a natural resource management approach that is fully integrated with social and economic goals.

II. POLICY

The federal government should provide leadership in and cooperate with activities that foster the ecosystem approach to natural resource management, protection, and assistance. Federal agencies should ensure that they utilize their authorities in a way that facilitates, and does not pose barriers to, the ecosystem approach. Consistent with their assigned missions, federal agencies should administer their programs in a manner that is sensitive to the needs and rights of landowners, local communities, and the public, and should work with them to achieve common goals.

III. BACKGROUND

In its June 1995, report entitled, *The Ecosystem Approach: Healthy Ecosystems and Sustainable Economies*, the Interagency Ecosystem Management Task Force set forth specific recommendations with respect to how federal agencies could better implement the ecosystem approach. The Task Force recommended that member agency representatives sign a memorandum of understanding affirming their intent to implement the recommendations.

IV. THE ECOSYSTEM APPROACH

Healthy and well functioning ecosystems are vital to the protection of our nation's biodiversity, to the achievement of quality of life objectives, and to the support of economies and communities. The ecosystem approach recognizes the interrelationship between healthy ecosystems and sustainable economies. It is a common sense way for federal agencies to carry out their mandates with greater efficiency and effectiveness. The approach emphasizes:

- Striving to consider all relevant and identifiable ecological and economic consequences (long term as well as short term).
- Improving coordination among federal agencies.
- Forming partnerships between federal, state, and local governments, Indian tribes, landowners, foreign governments, international organizations, and other stakeholders.
- Improving communication with the general public.
- Carrying out federal responsibilities more efficiently and cost-effectively.
- Basing decisions on the best science.
- Improving information and data management.
- Adjusting management direction as new information becomes available.

V. THE COOPERATORS AGREE TO THE FOLLOWING:

A. Each federal agency that is a party to this Memorandum of Understanding shall designate an individual who will be responsible for coordinating the agency's internal and interagency activities in support of this Memorandum of Understanding to implement the recommendations of the Task Force report as appropriate. Such designation shall be reported to the Interagency Ecosystem Management Task Force within 30 days of signature. The collective agency designees will serve as an Implementation Committee. The Committee will

meet regularly to share information on progress in implementing this Memorandum of Understanding, problems encountered, and solutions proposed in resolving them. The Committee shall provide reports at meetings of the Interagency Ecosystem Management Task Force. Such reports should include any unresolved issues that may require the attention of the Task Force.

B. Each signatory agency shall examine the specific recommendations made in the report of the Interagency Ecosystem Management Task Force in light of its authorities, policies and procedures, and identify recommendations that may apply to its programs. Based on this review, agencies shall determine what changes or interagency actions are necessary or desirable, undertake appropriate actions, monitor accomplishments, and report their findings and actions through the Implementation Committee to the Interagency Ecosystem Management Task Force, on a schedule to be determined by the Task Force.

C. The Interagency Ecosystem Management Task Force shall encourage regional directors or comparable executives of the federal agencies in the various regions to have regular and systematic exchanges of information about plans, priorities, and problems. The purposes are to eliminate inefficiencies and duplication of effort, to keep executives informed about federal government activities outside of their agencies, to clarify the respective contributions to ecosystem activities of federal agencies with varying missions (such as land management, resource management, regulatory, research, infrastructure, technical assistance, and funding), and to strengthen executive-level support for the interagency ecosystem activities of field personnel.

D. Each signatory agency shall participate, as appropriate to its mandates, in ecosystem management efforts initiated by other federal agencies, by state, local or tribal governments, or as a result of local grass-roots efforts. Members of the Implementation Committee shall identify their ongoing ecosystem efforts and other efforts that come to their attention, share information about those efforts, discuss appropriate agency actions with regard to participating in those efforts, and identify successful and unsuccessful components of those efforts. Signatory agencies shall also look for opportunities in new geographic areas for federal efforts in collaboration with stakeholders.

E. The Interagency Ecosystem Management Task Force will propose, as appropriate, new regional ecosystem demonstration initiatives. These initiatives will build upon the knowledge gained from evaluating the seven ecosystems that were the subject of the Task Force reports.

F. The Interagency Ecosystem Management Task Force will evaluate the potential for joint training programs for the ecosystem approach, in which all signatory

agencies could participate, and in which personnel from all signatory parties could receive training. The Implementation Committee members will share information on agency training programs related to the ecosystem approach, and signatory agencies are encouraged to accommodate trainees from other agencies in such courses as appropriate.

IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND AMONG THE COOPERATORS THAT:

A. Specific work projects or activities that involve the transfer of funds, services, or property among the Cooperators will require the execution of separate interagency agreements, contingent upon the availability of funds as appropriated by Congress. Each subsequent agreement or arrangement involving the transfer of funds, services, or property among the Cooperators must comply with all applicable statutes and regulations, including those statutes and regulations applicable to procurement activities, and must be independently authorized by appropriate statutory authority.

B. This Memorandum of Understanding in no way restricts the Cooperators from participating in similar activities or arrangements with other public or private agencies, organizations, or individuals.

C. Nothing in this Memorandum of Understanding shall obligate the Cooperators to expend appropriations or enter into any contract or other obligations.

D. This Memorandum of Understanding may be modified or amended upon written request of any party hereto and the subsequent written concurrence of all of the Cooperators. Cooperator participation in this Memorandum of Understanding may be terminated with the 60-day written notice of any party to the other Cooperators. Unless terminated under the terms of this paragraph, this Memorandum of Understanding will remain in full force and in effect until September 30, 1999.

E. This Memorandum of Understanding is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, it officers, or any person.

F. The terms of this Memorandum of Understanding are not intended to be enforceable by any party other than the signatories hereto.

VII. SIGNATURES

KATIE McGINTY, Chair,
Council on Environmental Quality

JAMES R. LYONS, Undersecretary for
Natural Resources and Environment,
Department of Agriculture

JOHN ZIRSCHKY, Assistant Secretary for
Civil Works,
Department of the Army

DOUGLAS HALL, Assistant Secretary for
Oceans and Atmosphere,
Department of Commerce

SHERRI W. GOODMAN, Deputy Under
Secretary for Environmental Security,
Department of Defense

DAN W. REICHER, Acting Assistant
Secretary for Policy, Planning and Program
Evaluation,
Department of Energy

ANDREW M. CUOMO, Assistant Secretary
for Community Planning and Development,
Department of Housing and Urban
Development

BONNIE COHEN, Assistant Secretary for
Policy, Management and Budget,
Department of the Interior

LOIS SCHIFFER, Assistant Attorney General
for Environment and Natural Resources,
Department of Justice

JOSEPH A. DEAR, Assistant Secretary for
Occupational Safety and Health,
Department of Labor

DAVID A. COLSON, , Acting Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State

FRANK KRUESI, Assistant Secretary for Transportation Policy, Department of Transportation

FRED HANSEN, Deputy Administrator Environmental Protection Agency

JACK GIBBONS, Director, Office of Science and Technology Policy

Dated: December 15, 1995

Department of Energy
Washington, DC 20585

October 21, 1998

MEMORANDUM FOR DISTRIBUTION

FROM: G. THOMAS TODD, DIRECTOR, OFFICE OF FIELD MANAGEMENT

SUBJECT: Ecosystem Management and Land Use Principles

One of the recommendations in IG Report 0399, "Audit of the U.S. Department of Energy's Identification and Disposal of Nonessential Land," called for the Department to reevaluate the policy of defining ecosystem management as a valid new use for, and basis for retaining, Department owned or controlled real property. In its June 1, 1998, Management Decision, the Department disagreed with the recommendation in principle but agreed that clarification of the policy was needed. This memorandum provides the clarification.

The policy in question, DOE P 430.1, LAND AND FACILITY USE POLICY, states that the Department's stewardship will be based on ecosystem management principles. The attached principles were developed by the President's Council on Environmental Quality and adopted by all land holding agencies. They help to integrate and place in perspective the hundreds of regulatory, mission, and policy requirements which face the planners and managers of land resources.

Under the policy DOE, as the responsible manager of site's natural resources, would conduct condition assessments of resources and facilities, look at environmental, social, cultural, and economic impacts within and beyond DOE borders. Its sites would also partner with other agencies/governments, measuring results of actions over time, and involve the public to conscientiously steward the real property in DOE's charge.

In summary, DOE P 430.1 directs the use of ecosystem management principles to foster and guide the land use planning and management processes. When the policy is implemented through DOE O 430.1, LIFE CYCLE ASSET MANAGEMENT, sites integrate mission, economic, ecologic, social, and cultural factors within a comprehensive planning process to establish land uses. These land uses support the Department's missions, including environmental research, stimulate the economy, and protect the environment.

Mr. Andrew Duran of my staff can provide further information on ecosystem management and comprehensive land use planning. Your staff may contact him at (202) 586-4548.

cc:
Bruce Elsner, ALO
Pat Brewington, CHO
Chuck Spoons, ORO
Tony Sy, OAK
Kevin Thorton, NVO
Dan Shirley, IDO
Chuck Borup, SRS
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John Wagoner, Manager, Richland Operations Office
Jessie M. Roberson, Manager, Rocky Flats Field Office
Gregory Rudy, Manager, Savannah River Operations Office
Rita Bajura, Director, Federal Energy Technology Center

Attachment

069937

Ecosystem Management Principles

1. Establish baseline conditions for ecosystem functioning and sustainability against which change can be measured. Monitor and evaluate actions and their outcomes to determine whether goals and objectives are being achieved.

2. Integrate the best science and knowledge available into the decision-making process while continuing scientific research to improve the knowledge base.

3. Recognize that ecosystems and institutions are characteristically complex, dynamic, heterogeneous over space and time, and are constantly changing.

4. Develop a shared vision of the desired ecosystem condition, taking current social and economic conditions into account and identifying ways in which all parties can contribute to achieving common ecosystem goals.

5. Support actions that incorporate sustained economic, sociocultural, and community goals consistent with the vision.

6. Develop coordinated approaches among Federal agencies to accomplish ecosystem objectives, and collaborated with local, State, and Tribal parties based on recognition of mutual concerns.

7. Respect private property rights, and work cooperatively with land owners to accomplish shared goals.

8. Use ecological approaches that restore and sustain the biological diversity, health, and productivity of ecosystems.

9. Use an adaptive approach to management to achieve both desired goals and a new understanding of ecosystems.