

APPENDIX D

**COPY OF DRAFT EA DISTRIBUTION LETTER
AND COMMENTS ON THE DRAFT EA**



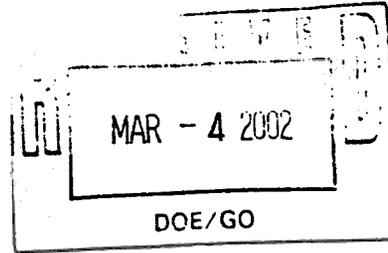
SPB

A.

SOUTHERN UTE INDIAN TRIBE

February 25, 2002

Attn: Steve Blazek / NEPA Compliance Officer
DOE Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393



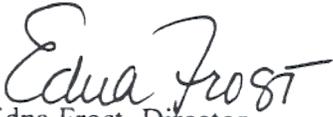
Subject: Draft Site-Wide Environmental Assessment of National Renewable Energy Laboratory's National Wind Technology Center

Dear Mr. Blazek:

- A.1** The Southern Ute Indian Tribe believes, at this time, there are no known impacts to areas of Native American cultural sites that are sensitive to this Tribe in regards to, your continued operation of the NWTC for energy efficiency and new construction
- A.2** projects including additional test sites and permanent physical improvement to the site. In the event of inadvertent discoveries of Native American sites, artifact, or human remains, this Tribe would appreciate notification of such findings.
- A.3** Mr. Neil Cloud is the tribes official NAGPRA Coordinator. Please address all future NAGPRA concerns to Mr. Cloud.

Should you require additional comments or have any questions, please contact Mr. Cloud at the number listed below, extension 2209.

Sincerely,


Edna Frost, Director
Tribal Information Services

Cc: Neil Cloud, NAGPRA Coordinator

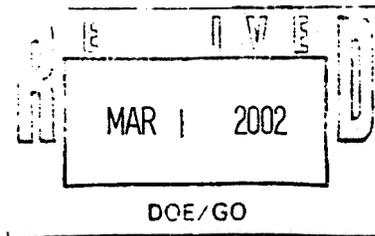
SPB

B.



Natural Resources Conservation Service
 Metro Office
 655 Parfet Street - RM. E300
 Lakewood, CO 80215

720-544-2868 OFFICE
 720-544-2964 FAX
 www.co.nrcs.usda.gov
 eugene.backhaus@co.usda.gov



March 7, 2002

Steve Blazek
 NEPA Compliance Officer
 DOE Golden Field Office
 1617 Cole Blvd.
 Golden, CO 80401-3393

Re: Draft State-wide EA for Renewable Energy Laboratory's National Wind Technology Center

Dear Mr. Blazek:

- B.1** Our main concern with the construction project in this location of the Wind Technology Center is the potential for erosion during construction. What kind of mitigation measures are to be installed during construction to control erosion by wind and water?
- B.2** According to the Golden Area Soil Survey, the soil on this site has potential to be expansive. But it also states that proper engineering, backfilling with material that has low shrink-swell potential and installing surface and subsurface drains will mitigate this potential problem.
- B.3** Timely revegetation can offset the potential erosion problems, but species adapted to the site must be used to insure longevity of the stand. Native species normally found on the site include big bluestem, yellow indiagrass, switchgrass, little bluestem, mountain muhly, etc. We would like to offer the following mix for revegetation purposes:

COBBLY FOOTHILLS SITES (1)

Species	Variety	Percent of Mix	PLS lbs./Acre (Drilled Planting)	PLS lbs./Acre (Broadcast)
Big bluestem	Kaw	20	2.2	4.4
Little bluestem	Pastura	20	1.4	2.8
Sideoats grama	Vaughn	15	1.4	2.8
Blue grama	Lovington	10	0.3	0.6
Yellow indiagrass	Llano	10	1.0	2.0
Switchgrass	Nebraska 28	10	0.5	1.0
Western wheatgrass	Arriba	15	2.4	4.8
TOTAL:		100	9.2 lbs./ac.	18.4 lbs./ac.

Sincerely,

Eugene H. Backhaus
 District Conservationist



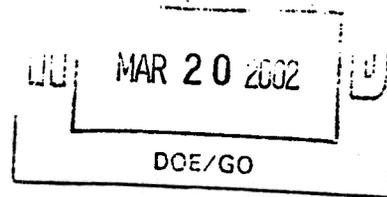
Board of County Commissioners

Michelle Lawrence
District No. 1
Patricia B. Holloway
District No. 2
Richard M. Sheehan
District No. 3

C.

March 15, 2002

Mr. Steve Blazek
NEPA Compliance Officer
DOE Golden Field Office
1617 Cole Boulevard
Golden, CO 80401-3393



Re Comments on the DRAFT SITE-WIDE ENVIRONMENTAL
ASSESSMENT OF NATIONAL RENEWABLE ENERGY LABORATORY'S
NATIONAL WIND TECHNOLOGY CENTER.
Jefferson County Case No. 2015022ORP1

- Thank you for the opportunity to comment on this draft Environmental Assessment for National Renewable Energy Laboratory's National Wind
- C.1** Technology Center. While Jefferson County does not have jurisdiction within federal property for regulating land use and construction The North Plains
- C.2** Community Plan applies to the general area in question. Please review the enclosed copy of the plan with special attention to the North and Central Plains section starting on page 16.
- C.3** NWTC is sited in an area designated as Special a Use Area (Rocky Flats Nuclear Facility and buffer zone). Light and medium industrial uses are permitted in this area. Medium industrial use allows for structure heights above 35 feet, processing visible from outdoors, and significant site coverage. This fits the
- C.4** proposed uses described in the draft. There are no specific suggestions within the North Plains Community Plan for land use in the immediate area of the
- C.5** NWTC site. Applicable General Policies (page 34) in the plan suggest:
- encouraging preservation of historic sites when possible.
 - being sensitive to impact on wildlife populations and native vegetation in the area.
- C.6** The map on page 40 of the North Plains Community Plan indicates that a wagon road or trail may run across the southern end of the site Please send a copy of the referral materials to:

Jefferson County Historical Commission
9225 W Jewel Place # 107
Lakewood, CO 80227

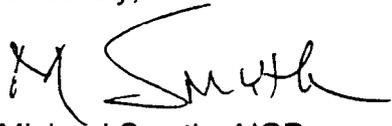
Please incorporate these comments in your decision making process.

- C.7** Impact on wildlife populations on this site is of immediate concern. Preble's Meadow Jumping Mouse was identified in the EA as being on site with habitat likely to be disturbed. Jefferson County plans require that the U.S. Fish and Wildlife Service be consulted on how best to approach wildlife and endangered species conservation. Conservation measures for native vegetation suggested in the North Plains Community Plan are:
- incorporating existing vegetation into site landscaping whenever possible;
 - minimizing construction disturbance area, especially west of Colorado State Highway 93; and
 - maintaining the rocky soil types and unusual hydrologic conditions characteristic of much of the North Plains.
- C.10** It appears that installing the proposed natural gas line along the path indicated as Option 2 in Figure 2-3, Page 2-21 of the EA would avoid the indicated conservation areas almost entirely. Pending results from the U.S. Fish and Wildlife Service this would be the preferred option. County mapping of the approximate Preble's habitat, sensitive vegetation areas (primarily xeric grasses) and wetlands is available upon request. Contacting the USFWS for updated information is suggested.
- C.11**
- C.12**
- C.13** Those areas within unincorporated Jefferson County that are immediately adjacent to Rocky Flats on the south, west, and a portion of the eastern boundary are all designated as retail, office, industrial, or open space/recreation land uses. Boulder County is to the north and Broomfield is to the east of the Rocky Flats area. Residential land use designations in the area of the site and adjacent to the larger Rocky Flats boundaries have been avoided in unincorporated Jefferson County.
- Specific directions included in the North Plains Community Plan suggest that:
- C.14** • Industrial and office development within the a four mile radius of Rocky Flats should be referred to the Colorado Department of Health for evaluation of ambient levels of radiation existing in the soil and adequacy of emergency evacuation plans for the proposed development.
- C.15** • Office and industrial buildings should be limited to heights appropriate to the available fire protection and to reduce the impact on visual corridors.
- C.16** There are a number of concerns routinely addressed by County policy and regulation for construction of this type within county jurisdiction in this area. These are:
1. Containing outdoor lighting to the site.
 2. Heat, glare, radiation, and fumes should be contained within the property boundaries.

3. Industrial zoning for this area has no height restrictions or lot size minimums. It would be reasonable to set back any structure such that if it collapses it will remain on the owner's property with an adequate safety margin.
4. Manufacturing and industrial uses generally are served by one parking space per two employees on a single shift. Warehouse uses generate more parking with one space for every employee plus one space per 2,000 square feet of gross lease space. Loading spaces are generally provided a one per 25,000 square feet.
5. Much of the site is within the "Dipping Bedrock" overlay zone. This indicates problems with soil stability. Please contact Pat O'Connell, geologist, at 303.289.8707 for details.
6. The clay pits on the southwestern boundary present a geologic hazard for construction should the site be expanded in that direction.
7. Concerns about wildlife and vegetation have been addressed above.
8. Notification of mineral estate owners prior to development per the requirements set forth in the Colorado statutes is routine in Jefferson County. (CRS 24-65-5-103) Several mining permits have been issued in this area. It is suggested that the necessary research be done to avoid any conflict of rights.

Please call me at 303.271.8719 with any questions.

Sincerely,



Michael Smyth, AICP
Planner
Planning and Zoning Department
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419

cc: Preston Gibson
Current Planning Administrator
Planning and Zoning
100 Jefferson Parkway, Suite 3550
Golden, CO 80419-3550

Nanette Neelan
Special Projects Coordinator
County Administrator's Office
100 Jefferson Parkway
Golden, CO 80419

MASSEY
SEMENOFF
SCHWARZ &
BAILEY, P.C.
ATTORNEYS AT LAW

HUDSON'S BAY CENTRE
1600 STOUT STREET, SUITE 1700
DENVER, COLORADO 80202

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EDWARD W. STERN, ESQ.
IN MEMORIAM 1942-2000

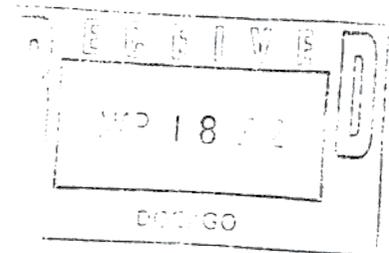
SPB

D.

DAVID A. BAILEY
303.893.1827
dbailey@mssdenverlaw.com

March 15, 2002

BY TELECOPY (303-275-4788) AND U.S. MAIL



Mr. Steven Blazek
NEPA Compliance Officer
DOE Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3993

Re: Comments to Draft Site-Wide Environmental Assessment of National
Renewable Energy Laboratory's National Wind Technology Center
("NWTC")

Dear Mr. Blazek:

This firm is legal counsel for Mineral Reserves, Inc. ("MRI"), which provides the following comments to the "Draft Site-Wide Environmental Assessment of National Renewable Energy Laboratory's National Wind Technology Center" (the "draft EA"). MRI is the lessee of certain mineral leases which authorize it to conduct sand and gravel mining and processing operations on property located south of the NWTC property and, subject to final approval by Jefferson County, to expand those operations to certain other properties, including a portion of the NWTC site. MRI, as successor to Western Aggregates, Inc., is also a party to that certain Utility Right-of-Way Grant of Easement, dated July 27, 1995 and a Memorandum of Understanding, also dated July 27, 1995.

Page

Comments

- | | | |
|------------|------|---|
| D.1 | 1-12 | Construction of the access road should not be characterized as "speculative." A "planned future action" would be more accurate. |
| D.2 | 1-12 | The draft EA should not summarily conclude that construction of the access road would be subject to additional environmental analysis or any particular form of NEPA compliance in advance of an actual proposal, design drawings or other specific documentation. While the access road may have some impact on the NWTC property, this impact cannot be accurately predicted at this time. Moreover, the statutory and regulatory |

Mr. Steven Blazek
March 15, 2002
Page 2

scheme may also be different at the time construction is proposed, including whether approval of the access road constitutes a "major federal action" and the possible applicability of any categorical exclusions.

- D.3** 1-13 The draft EA should state that the "No-Build Zone" is a commitment of NREL, not of MRI pursuant to its leasehold interest (subject to state and county regulation), including without limitation the access road described in the draft EA.
- D.4** 3-1 The Spicer mineral lease is currently held by Mineral Reserves, Inc., as successor in interest to Western Aggregates, Inc.
- D.5** 3-5 Along with the July 27, 1995 Memorandum of Understanding, the draft EA should also refer to and/or discuss the Utility Right-of-Way Grant of Easement of the same date since both documents are necessary to a complete understanding of the road easement and related issues. Also, Mineral Reserves, Inc. is the successor in interest to Western Aggregates, Inc. with respect to both agreements. Mineral Reserves, Inc. is a corporate affiliate of Lafarge West, Inc.
- D.6** 3-5 MRI incorporates its prior comments and objections to characterization of construction of the road as "speculative" and to the potential applicability of NEPA to road construction or use.
- D.7** 3-5 Neither MRI nor Lafarge West, Inc. operates "aggregate mining facilities west of the [NWTC] site." MRI's operation is located south of the site.
- D.8** 3-24 The Spicer mineral lease is currently held by Mineral Reserves, Inc., as successor in interest to Western Aggregates, Inc. Also, as noted previously, any discussion of the MOU should also include the "Utility Right-of-Way Grant of Easement."
- D.9** General MRI does not adopt, and is not bound by, the draft EA's characterization or discussion of "Water Resources" (section 3.6), "Geology" (Section 3.7), "Vegetation" (section 3.8.1), "Wetlands" (section 3.8.2), "Rare Plant Species" (section 3.8.3), "Wildlife" (section 3.8.4) or "Cultural Resources" (section 3.9) or any other portion of the draft EA not specifically enumerated in this comment for any purpose related to its current or future mining operations and regulation of the same.
- D.10** 4-3 Footnote 7 should be corrected to the effect that the Spicer mineral lease is currently held by Mineral Reserves, Inc., as successor in interest to

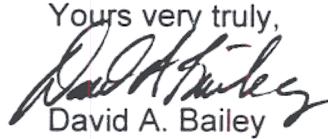
Mr. Steven Blazek
March 15, 2002
Page 3

Western Aggregates, Inc. Also, any discussion of the MOU should also include the "Utility Right-of-Way Grant of Easement."

D.11 With respect to the remainder of the draft EA and any subsequent revision thereof, MRI reiterates and incorporates by this reference the "Scoping Comments" made by it in correspondence, dated July 17, 2001, from David Bailey to Steven Blazek.

MRI appreciates this opportunity to provide comments to the draft process for the EA and looks forward to being a continuing participant in the assessment process.

Please do not hesitate to call if you have any questions or comments.

Yours very truly,

David A. Bailey

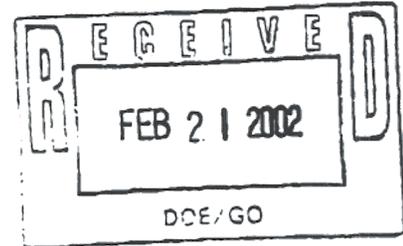
DAB/zm

cc: Mr. Duane Bollig



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. PLATTE CANYON ROAD
LITTLETON, COLORADO 80128-6901

February 19, 2002



Mr. Steve Blazekf
NEPA Compliance Officer
DOE Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393

**RE: Draft Site-Wide Environmental Assessment of National Renewable Energy Laboratory's
National Wide Technology Center
Corps File No. 200180432**

Dear Blazekf:

Reference is made to the above-mentioned project located in Section 4, Township 2 South,
Range 70 West, Jefferson County, Colorado.

E.1 If any work associated with this project requires the placement of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent, in waters of the United States at this site, this office should be notified by a proponent of the project for proper Department of the Army permits or changes in permit requirements pursuant to Section 404 of the Clean Water Act. Waters of the U.S. includes ephemeral, intermittent and perennial streams their surface connected wetlands and adjacent wetlands and certain lakes, ponds, drainage ditches and irrigation ditches that have a nexus to interstate commerce.

Work in waters of the U.S. should be shown on a map with a list identifying the Quarter Section, Township, Range and County of the work and the dimensions of work in each area of waters of the U.S.

If there are any questions concerning this matter please call **Mr. Terry McKee** of this office at 303-979-4120 and reference **Corps File No. 200180432**.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

United States GovernmentDepartment of Energy
Rocky Flats Field Office

memorandum

DATE: APR - 4 2002

REPLY TO

ATTN OF: ES:OS:SRS:02-00557

SUBJECT: Draft Site-Wide Environmental Assessment of the National Renewable Energy Laboratory's
National Wind Technology CenterTO: Steve Blazek, NEPA Compliance Officer
Department of Energy Golden Field Office
1617 Cole Blvd.
Golden, CO 80401-3393

We have reviewed the Draft Site-Wide Environmental Assessment (DOE/EA 1378) of the National Renewable Energy Laboratory's National Wind Technology Center and have attached our comments as discussed with you previously. Please let me know if you have any questions.



Steven R. Schiesswohl
Realty Officer

Attachment

cc w/Att:

J. Long, OCC, RFFO

cc w/o Att:

J. Legare, ES, RFFO

J. Rampe, IS, RFFO

NWTC EA - RFFO Comments

March 14, 2002

Section	Page	Comment
Summary		
F.1	S.1.2 (S-1)	The EA includes 305 acres (with the new 25 acres) although the administrative transfer has not occurred. The site is <u>not</u> part of the RFETS or its buffer zone.
F.2	S.2.1 (S-3)	Suggest a change to tall grass prairie or tall prairie grassland instead of tall prairie grass.
F.3	S.2.1 (S-3)	No additional alternative is the only alternative – no alternatives – see alternatives evaluation in Chapter 1
F.4	S.2.1 (S-3)	Add a bullet– Potential conflicts with the Rocky Flats National Wildlife Refuge.
Introduction		
F.5	1.2.1 (1-2)	Change the acreage to 208.07 from 305 acres- The 25 acre transfer has not yet occurred.
F.6	1.2. (1-3)	This area is no longer located within RFETS Boundary. The transfer of 208.07 acres from RFETS to Chicago Operations Office in 1993 should be discussed.
F.7	.2. (1-3)	The 25 acres has not been transferred. Change Acreage accordingly.
F.8	1.2.1 (1-5)	The GIS polygon does not align with RFETS' West boundary
F.9	1.2.1 (1-7)	NWTC GIS polygon does not align with base map – specifically the SE corner should align with the western section line of Section 3; and the west polygon line should fall on this extension. The hatched area along Hwy 128 should not cover RFETS property. RFETS is not part of Superior. Also RFETS SE boundary follows the centerline of Indiana, not 150 feet inside.
F.10	.2.1 (1-9)	The Western Aggregates road easement is depicted on RFETS buffer zone south of the NWTC property line and fence. This map should be adjusted. The proposed alignment of the road is not on RFETS buffer zone, but on the NWTC property only.
F.11	.2. (1-11)	Also, Minerals Reserve, Inc., a Lafarge subsidiary, should replace Western Aggregates on the label for the proposed easement's future road.
F.12	.2.3 (1-13)	Replace the word restoration with reclamation. Restore equates to complete replacement of the ecology including species, diversity, geological and soil structure, etc. I don't believe this is the goal. Reclamation refers to a replacement of habitat or vegetation for a general land use with ecological values that may or may not replace a particular specie or soil structure.
F.13	1.2.3 (1-14)	The Rock Creek Reserves (RCR) purpose and basis does not reference the three Executive Orders (13148, 13101, 13123) listed

- in the EA. What are the dates of the Executive Orders and were they signed subsequent to the initiation of the RCR?
- F.14** 1.5.1 (1-20) Add a bullet – Coordinate with mining companies on control of noxious weeds.
- F.15** Proposed Action and Alternatives
2.1.1 (2-2) Where are the 20 additional test sites? Can they be identified on the map? If location is to be determined, then describe it as such.
- How large is the solar dish converter array?
 - Extension of the gas pipeline from Hwy 93 – What about connecting it to Hwy 128? Are there other connected actions?
 - Fencing the additional 25.7 acres is not listed.
- F.16** 2.1.1 (2-10)
1. Option one 10 MVA cable extension – 1.) Second sentence – Where and who owns the “west easement property line” to Building 253?. Which easement?
 2. Does this NEPA document cover the gas line project, granting an easement to XCEL, and construction, O&M of the gas line for DOE purposes, and extensions/connections to the high pressure line at Highway 128 or will additional NEPA documentation cover these activities??
- The MP 3” line – does MP stand for medium pressure? What PSI? Will this change if a connection is made to the high pressure line at Highway 128?
 - Does the extension from B251 require additional NEPA compliance and documentation?
- P 2-11 states that the EA covers the 6” commercial line (high pressure). Does the safety analysis cover the 6” line and does it cover it as a high pressure line running just north of the DOE building? Would the 6” line follow the same option 1 alignment? What about access and maintenance roads?
- F.17** 2.1 (2-15) Natural gas fueling facility – upwind of refuge – Are there fire dangers or safety issues related to wild fires? Would this facility constrain our controlled burn plans or open space burn plans?
- F.18** 2. 1 (2-16) Resurfacing (Paving roads – Is a storm water discharge permit required?
- F.19** 2 1 (2-17) Site Amenities – Are there impacts to Rock Creek Reserve or the Wildlife Refuge due to siting gazebos, picnic tables/benches, outdoor gathering areas, bike trails or footpaths
- F.20** 2.1 (2-17) Fuel Storage – State that appropriate SPCC plans and counter measures are in place.
- F.21** 2.2 (2-19) No action – 2.1.1 states that new construction may occur including 50,000 square feet of renovations, plus expansion of the Structural

Blade Testing Facility and Dynamometer Test Facility may also include “construction of a new facility” and also includes construction of a DERTF, etc., yet 2.2 states that the no action alternative will “add no new facilities.”

Affected Environment

- F.22** 3.1.1 (3-1) The NWTC is located “outside” the new RFETS boundary. Also, Boulder County owns the land directly north of the NWTS south of Highway 128.
- F.23** Fig 3-1 – Although GFO states that they have not conveyed an easement to either Western Aggregates or its successor lessee, Mineral Reserves, Inc., Figure 3-1 labeled a road as West Aggregate Inc Road Easement.
- F.24** 3.1.1 (3-5) Same comment – Was the easement granted (deed conveyed) or not? The EA is not clear. State the facts: An MOU and easement agreement were executed. A conveyance instrument has not been executed as the actual alignments has not been determined.
- F.25** 3.1.1 (3-5) Surrounding areas – Did not list the sawmill, or the other blasting company. Also did not list B060, 061 - lease buildings. Either be general or list all specific buildings.
- F.26** 3.1 (3-5) Jefferson County Airport runway alignments were not designed so that aircraft takeoff and landing patterns do not pass directly over the NTWC. Change the word "so" to reflect that the aircraft patterns do not interfere or there are no impacts.
- F.27** 3.1.1 3-5 Think discussion of the new National Wildlife Refuge should be here instead of Rock Creek Reserve.
- F.28** 3.1.1 (3-5) Change NTWC to NWTC (last word on page).
- F.29** 3.1.2 (3-6) Delete the statement – At closure, all nuclear materials and wastes will have been removed from the site. This is not under GFO control.
- F.30** 3.2.1 (3-9) Again – it is stated that the NWTC granted a road easement. Clarify this statement.
- F.31** 3.2.3 (3-9) Accidents – 4 lines up – 1st paragraph - ...63 people injured in 46 accidents along Highway 93. (Should this be 128?)
- F.32** 3.3 (3-11) In the section describing that ES&H evaluates proposed or estimated air emissions... in the planning stage, –there is no reference to the fugitive dust coming from the gravel mines to the west.
- F.33** 3.8.1 (3-29) Under noxious weeds section, the Federal Noxious Weed Act has been superseded by the Plant Protection Act of 2000. Last sentence on the page- – add “r” to arvense – “arvensis”.
- F.34** 3.8. (3-30) Table 3-7 is missing Field Bindweed, Convolvulus arvensis, which is on the top ten list in Colorado.