

## 5. COMMENTS ON THE DRAFT EA AND RESPONSES

Five comment letters (A-F) were received following circulation of the Draft EA (see Appendix D). On each letter are notations that identify specific comments (A.1, A.2, C.2, D.5, etc.), which are summarized in this section of the EA and then followed by a specific response. Some responses involved revising the text presented in the Draft EA and some did not. The text of this Final EA includes the entire text of the Draft EA and the appropriate revisions.

### **A. Southern Ute Indian Tribe, Tribal Information Services, Edna Frost, Director, February 25, 2002.**

A.1 There are no known impacts to areas of Native American cultural sites that are sensitive to this Tribe.

*Response:* The comment is noted.

A.2 In the event of inadvertent discoveries of Native American sites, artifacts, or human remains, this Tribe would appreciate notification.

*Response:* The comment is noted.

A.3 Please address all future NAGPRA correspondence to Mr. Neil Cloud.

*Response:* The comment is noted.

### **B. United States Department of Agriculture, Natural Resources Conservation Service, Eugene H. Backhaus, District Conservationist, March 7, 2002.**

B.1 What kind of mitigation measures are to be installed during construction to control erosion by wind and water?

*Response:* Erosion control policies, programs and mitigation measures applicable to the construction of buildings, installation of infrastructure, excavation and other activities at the NWTC are set forth in several NREL documents. Specific mitigation measures are determined on a case-by-case basis. Examples of measures that might be applied are included in NREL's NWTC Stormwater Pollution Prevention Program for Construction Activities.

B.2 Soil on the site has the potential to be expansive, but related impacts can be mitigated.

*Response:* Existing construction practices at the NWTC address this issue.

B.3 We would like to offer a specific revegetation seed mix.

*Response:* The recommended mix is noted. NREL uses a similar seed mix, specifically customized for the NWTC. NREL's current mix is based on input from the Natural Resources Conservation Service and information from a site survey of native vegetation.

**C. Jefferson County Planning and Zoning Department, Michael Smyth, AICP, Planner, March 15, 2002.**

- C.1 Jefferson County does not have jurisdiction within federal property for regulating land use and construction.

*Response:* The comment is noted.

- C.2 The North Plains Community Plan applies to the general vicinity of the NWTC.

*Response:* The relevant aspects of the North Plains Community Plan, North and Central Plains section, are addressed in Section 3.1 of the EA.

- C.3 The proposed uses of the NWTC are consistent with Jefferson County land use designations for the site.

*Response:* The comment is noted.

- C.4 There are no specific land use suggestions in the North Plains Community Plan for the land in the immediate vicinity of the NWTC.

*Response:* The comment is noted.

- C.5 Applicable General Policies in the North Plains Community Plan suggest encouraging preservation of historic sites when possible and being sensitive to impact on wildlife populations and native vegetation in the area.

*Response:* These policies are consistent with NREL's policies, which are described throughout the EA.

- 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 property.

*Response:* The wagon road shown in the referenced figure is not located on the NWTC, but it is close to the southeast corner of the site. The Proposed Action does not involve specific improvements in the southeast corner of the site or outside of the site's boundaries, so there would be no direct impacts or substantive indirect impacts on the wagon road.

- C.7 Impacts on wildlife and Preble's meadow jumping mouse habitat should be considered in the decision making process.

*Response:* Wildlife and Preble's issues are addressed in Sections 3.8 and 4.8 of the EA.

- C.8 The U.S. Fish and Wildlife Service should be consulted to determine the best approach for wildlife and endangered species conservation.

*Response:* The U.S. Fish and Wildlife Service has been consulted and their conservation recommendations are presented in the EA.

- C.9 Conservation measures for native vegetation suggested in the North Plains Community Plan address revegetation with native species, minimizing the area of construction disturbance, maintaining existing soil types and unusual hydrologic conditions.

*Response:* NREL's site management plans, programs and policies address these issues and they are generally consistent with those set forth in the North Plains Community Plan.

- C.10 Option 2 for the natural gas line avoids the impacts of Option 1. Option 2 is preferred.

*Response:* The comment is noted. The EA findings are consistent with this comment.

- C.11 County mapping of approximate Preble's habitat, sensitive vegetation area and wetlands is available upon request.

*Response:* The availability of these maps is noted. NREL and others have mapped these resources for the NWTC site and the vicinity.

- C.12 Contacting the U.S. Fish and Wildlife Service for updated information is suggested.

*Response:* The U.S. Fish and Wildlife Service has been contacted for this reason and to obtain other input.

- C.13 Jefferson County land use designations in the vicinity of the site include retail, office, industrial, or open/space/recreation uses. Residential land use designations have been avoided.

*Response:* The comment is noted.

- C.14 The North Plains Community Plan suggests that development in the vicinity of Rocky Flats should be referred to the Colorado Department of Health for evaluation of ambient levels of radiation in site soils and the adequacy of emergency evacuation plans.

*Response:* The comment is noted.

- C.15 The North Plains Community Plan suggests that office and industrial buildings should be limited to heights appropriate to the available fire protection and to reduce the impact on visual corridors.

*Response:* The planning and design process for new buildings and facilities at the NWTC will consider fire protection requirements and visual impact issues. The visual corridors referenced in the North Plains Community Plan primarily involve vantage points along Highway 93 and viewsheds to the west of Highway 93. The visual corridors in the plan do not relate directly to the location of proposed buildings on the NWTC.

- C.16 Jefferson County routinely addresses the following issues as a matter of policy and regulation for projects in the vicinity of the NWTC: outdoor lighting, emissions of heat, glare, radiation and fumes, height restrictions, setbacks, parking allotments, soil and geologic constraints, wildlife and vegetation conservation, and mineral rights issues.

*Response:* As described in Comment C.1, Jefferson County's land use and construction regulations and policies do not apply to the NWTC site. NREL applies a comprehensive set of policies and programs to address these and other issues at the NWTC and subjects new development proposals to a thorough planning and design review process. Soil and geologic constraints are addressed in Section 3.6 and 4.6 of the EA. Wildlife and vegetation considerations are addressed in Sections 3.8 and 4.8. Mineral estate owners were contacted (See Letter D).

**D. Massey Semenoff Schwarz & Bailey, P.C. David A. Bailey, Attorney at Law, legal counsel for Mineral Reserves, Inc., March 15, 2002.**

- D.1 Construction of the access road (that is a key component of the Utility Right of Way Grant of Easement and a Memorandum of Understanding) should be considered a "planned future action" rather than "speculative."

*Response:* The last two sentences in Section 1.2.2, page 1-12, have been modified to read:

"Consequently, construction and use of a road within the easement is not considered in this analysis. Any proposal by Mineral Reserves, Inc. to develop/use the road easement would be subject to a separate NEPA analysis when a formal proposal is submitted for DOE consideration."

- D.2 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

*Response:* The last two sentences in Section 1.2.2, page 1-12 and similar sentences elsewhere in the EA have been modified as set forth in Response to Comment D.1.

- D.3 The Draft EA should state that the "No Build Zone" is a commitment of NREL, not of MRI pursuant to its leasehold interest and the associated access road.

*Response:* Text in sections 1.2.3, page 1-15, has been modified to include a reference to the Mineral Reserves Inc. road easement.

- D.4 The Spicer mineral lease is currently held by Mineral Reserves, Inc., as successor in interest to Western Aggregates, Inc.

*Response:* Section 3.1.1, page 3-1, paragraph 4, third sentence and Figure 3-1 have been modified to make this clarification.

- D.5 Along with the MOU, the Draft EA should refer to the Utility Right-of-Way Grant of Easement and should note that MRI is a corporate affiliate of Lafarge West, Inc.

*Response:* Section 3.1.3, page 3-5, first two paragraphs, have been modified to read:

"A July 27, 1995, Utility Right of Way Grant of Easement and an MOU between Western Aggregates, Inc. and the DOE (Golden Field Office) created a 20-year moratorium on

mining activities on the eastern 120 acres of the site. Via this agreement, DOE granted a road easement over which Minerals Reserve, Inc., as successor in interest to Western Aggregates, Inc. and a corporate affiliate of Lafarge West, Inc. may construct, at no cost to DOE, a roadway connecting LaFarge Facilities to Highway 128. The general location of the easement is shown in Figure 3-1.

“The road to be placed in the easement is not described in the utility easement and MOU. No road facility...”

- D.6 Construction of the access road (that is a key component of the Utility Right-of-Way Grant of Easement and a Memorandum of Understanding) should be considered a “planned future action” rather than “speculative.”

*Response:* See Response to Comment D.1. A corresponding change to the EA has been made on Page 3-5.

- D.7 Neither Mineral Reserves, Inc., nor Lafarge West, Inc. operates “aggregate mining facilities west of the NWTC site. Mineral Reserves, Inc.’s operation is located south of the site.

*Response:* Two changes to the EA have been made to make this correction:

Section 3.1.1, page 3-5, paragraph 3, first sentence has been modified to read:

“... and the recently designated National Wildlife Refuge to the east and south, and industrial uses (AMS Drilling and Blasting) to the west, and aggregate mining to the southwest.”

Section 3.1.1, page 3-5, paragraph 5 has been modified to read:

“The aggregate processing facilities west and southwest of the site are comprised of surface excavations, material conveyors, rail lines and processing facilities. Two companies, TXI and LaFarge operate on separate but contiguous sites located between Highway 93 and the NWTC. Mineral Reserves, Inc.’s aggregate mining operation is located south of the site.

- D.8 The Spicer mineral lease is currently held by Mineral Reserves, Inc., as successor in interest to Western Aggregates, Inc.

*Response:* Section 3.7.2 has been modified to make this correction.

- D.9 Mineral Reserves, Inc. does not adopt, and is not bound by the Draft EA.

*Response:* The comment is noted.

- D.10 Footnote 7 on page 4-3 should reflect that the Spicer mineral lease is currently held by Mineral Reserves, Inc., as successor in interest to Western Aggregates, Inc and the existence of the Utility Right-of-Way Grant of Easement

*Response:* There is no footnote 7 on page 4-3. References in the document to the Spicer mineral lease have been revised to reflect Mineral Reserves, Inc., as successor in interest to Western Aggregates, Inc. References to the MOU have been modified to also mention the “Utility Right-of Way Grant of Easement.”

- D.11 Mineral Reserves, Inc., reiterates and incorporates by reference the “Scoping Comments” presented in a letter dated July 17, 2001, from David Bailey.

*Response:* The referenced letter was presented in the Draft EA in Appendix C. The following summarized comments and corresponding responses are from the referenced scoping letter.

1. Mineral Reserves, Inc., requests that the EA expressly recognize and discuss the mineral leases, Easement Agreement and the MOA, including without limitations Mineral Reserves, Inc.’s right to conduction mining operations on the leased property.

*Response:* The comment is noted. Section 3.1.1, page 3-1 last paragraph and 3-2 first paragraph states:

“Surface rights at the NWTC are owned by DOE. Mineral rights are owned by private entities. The mineral rights for the western 160 acres of the site are owned by Rocky Mountain Fuel and apply to the extraction of coal, shale, oil, and natural gas. The mineral rights for the eastern 145 acres of the site are owned by the Spicer family and are currently leased by Western Aggregates, Inc. (see Figure 3-1). Active aggregate mining and processing facilities are located to the south and west of the NWTC.

A July 27, 1995, Utility Right of Way Grant of Easement and an MOU and between Western Aggregates, Inc. and the DOE (Golden Field Office) created a 20-year moratorium on mining activities on the eastern 120 acres of the site. The MOU states that DOE granted a road easement over which Minerals Reserve, Inc., as successor in interest to Western Aggregates, Inc. may construct, at no cost to DOE, a roadway connecting LaFarge Facilities to Highway 128. The general location of the easement is shown in Figure 3-1.”

2. Mineral Reserves, Inc. requests that the EA acknowledge that new construction or modification of existing facilities by DOE at the NWTC may reduce the already minimal quantity of topsoil available for reclamation activities on Mineral Reserves, Inc.’s leased property.

*Response:* The comment is noted. NREL environmental guidelines and construction specifications require the salvage of topsoil. The environmental guidelines are included in the EA by reference to the NREL Storm Water Pollution Prevention Program for the NWTC. This document may be viewed on NREL’s website: <http://www.nrel.gov/esh/>.

3. DOE should acknowledge in the EA their commitment to work with Mineral Reserves, Inc. to allow Mineral Reserves, Inc. to fully obtain the benefits of its legal rights and the cost implications of improvements that would have to be removed to assure Mineral Reserves, Inc.’s right and ability to mine the property

*Response:* The comment is noted. See Response to Comment 1.

4. There appears to be overlap between the boundaries of the NWTC and the Rock Creek Reserve. Mineral Reserves, Inc. believes that the federal agencies should work closely together to avoid duplicative or inconsistent regulation of the property and that Mineral Reserves, Inc.'s right to conduct mining operations on the property be recognized and protected by both planning processes.

*Response:* There is no overlap in the locations or boundaries of the NWTC and the proposed Rock Creek Reserve (see Figure 3-1) nor the Rocky Flats National Wildlife Refuge designated by Congress on December 12, 2001, included in the National Defense authorization Act for fiscal year 2002 (Formerly the Allard/Udall legislation). Also see Response to Comment 1.

5. The EA should acknowledge ongoing grassland studies by ESCO and address adverse impacts to the study plots.

*Response:* Consultations with David Buckner from ESCO on May 6, 2002 confirm that the Rocky Flats Bluestem Grassland Study "study plots" are located outside the boundaries of the NWTC site. The closest study plots are located near the NWTC's eastern boundary line. The Study indicates that the grasslands in the vicinity of the NWTC and within the eastern half of, and possibly other locations within, the NWTC site represent some of the highest quality examples of the bluestem grassland ecosystem. Section 4.8 of the EA acknowledges potential adverse impacts to these grasslands. There are no anticipated adverse impacts from the Proposed Action on the study plots.

6. The EA should account for the possibility of an adverse ruling in presently pending litigation filed by the Sierra Club concerning the right of way granted by the Easement Agreement.

*Response:* The EA focuses on proposed future activities at the NWTC. It is premature to account for various scenarios involving a future ruling in the Sierra Club lawsuit. DOE will determine its rights and obligations upon issuance of a Court ruling in such lawsuit.

7. The EA should describe how the NWTC will fit into the wildlife refuge(s) proposed by Senator Allard and Representative Udall and presently under consideration by Congress.

*Response:* It is premature to consider how the NWTC would fit into the Rocky Flats National Wildlife Refuge, as no formal management plan for the Rocky Flats National Wildlife Refuge has been prepared. DOE is committed to working with the Department of Interior Fish and Wildlife Service to promote the compatibility of NWTC and the future Rocky Flats National Wildlife Refuge.

**E. Department of the Army, Corps of Engineers, Omaha District, Denver Regulatory Office, Timothy T. Carey, Chief, February 19, 2002.**

- E.1 The Denver Regulatory Office should be notified by NREL if any work involves Department of the Army permits or changes in permit requirements pursuant to Section 404 of the Clean Water Act.

*Response:* the Army Corps of Engineers reviewed their regulatory jurisdiction over pipeline Option 1 and wrote a letter dated February 21, 2001 stating that the Corps "...does not have the authority to regulate work in the area reflected in your application. Therefore, no permit or other authorization by the DA (Department of the Army) is required." (Corps File No. 200180109)

At this time, the Proposed Action, including gas pipeline Option 2, is not anticipated to require a permit under Section 404 of the Clean Water Act. If gas pipeline Option 1 is selected later, the USACE and USFWS will be consulted, as required.

**F. Department of Energy, Rocky Flats Field Office, Steven R. Schiesswohl, Realty Officer, April 4, 2002.**

- F.1 (a) The EA includes 305 acres (with 25 new acres) although the administrative transfer has not occurred.

*Response:* NWTC is comprised of 280 acres managed by DOE's Golden Field Office and the National Renewable Energy Laboratory. The National Defense Authorization Act for Fiscal Year 2002 has designated an additional 25 acres for inclusion within the NWTC. The EA considers management of and potential impacts to the entire 305 acres.

- (b) The site is not part of the RFETS or its buffer zone.

*Response:* As discussed in Section 1.2.1 of the Draft EA, GO has managed the 280 acre NWTC since 1993, and the Rocky Flats Field Office manages the balance of the buffer zone. The entire area is listed by EPA on its National Priority List.

- F.2 S.2.1, page S-3: Suggest a change to tall grass prairie or tall prairie grassland instead of tall prairie grass.

*Response:* The correct terminology is "tallgrass prairie." The Final EA uses this term.

- F.3 S.2.1, page S-3: No additional (development –No Action) alternative is the only alternative – no alternatives- see alternatives evaluation in Chapter 1.

*Response:* The New Site, Off-Site Improvements, Other Site Development Configuration, and Reduced Development Intensity Alternatives are presented as alternatives considered, but eliminated from further analysis. The EA focuses on the Proposed and No Action Alternatives. The justification for this focus is presented in the EA.

- F.4 S.2.1, page S-3: Add a bullet - potential conflicts with the Rocky Flats National Wildlife Refuge.

*Response:* It is premature to consider potential conflicts between management of the NWTC and the Rocky Flats National Wildlife Refuge, as no formal management plan for the Rocky Flats National Wildlife Refuge has been prepared. DOE is committed to working with the U.S. Fish and Wildlife Service to promote the compatibility of NWTC and the future Rocky Flats National Wildlife Refuge.

- F.5 1.2.1, page 1-2: Change the acreage to 208.7 from 305 acres – the 25-acre transfer has not yet occurred.

*Response:* See Response to Comment F.1(a).

- F.6 1.2.1, page 1-3: This area is no longer located within the RFETS boundary. The transfer of 208.07 (280.07) acres from RFETS to Chicago Operations Office in 1993 should be discussed.

*Response:* See Response to Comment F.1(b).

- F.7 1.2.1, page 1-3: The 25 acres has not been transferred. Change acreage accordingly.

*Response:* See Response to Comment F.1(a).

- F.8 1.2.1, page 1-5: The GIS polygon does not align with RFETS west boundary.

*Response:* The comment is noted. Figures in the EA have been revised to address this comment.

- F.9 (a) 1.2.1, page 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.

*Response:* The comment is noted. Figure 1-2 has been revised.

(b) The hatched area along Hwy 128 should not cover RFETS property. RFETS is not part of Superior.

*Response:* The comment is noted. Figure 1-2 presents general boundary lines.

(c) The RFETS southeast boundary follows the centerline of Indiana, not 150 feet inside it.

*Response:* The comment is noted. Figure 1-2 presents general boundary lines.

- F.10 1.2.1, page 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.

*Response:* The comment is noted. Figure 1-3 has been revised.

- F.11 1.2.1, page 1-11: Also, Mineral Reserves, Inc., a LaFarge subsidiary, should replace Western Aggregates on the label for the proposed easement's future road.

*Response:* The comment is noted. The EA has been revised to reflect that Mineral Reserves, Inc. is the successor in interest to Western Aggregates, Inc., and Mineral Reserves, Inc. is a corporate affiliate of LaFarge West, Inc.

- F.12 1.2.3, page 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 species or soil structure.

*Response:* The comment is noted. One of the environmental protection goals stated in NREL policy 6-2 is, "To maintain and enhance the environment on NREL's sites through restoration or other means which foster the preservation of native ecosystems." "Other means" could include reclamation, in appropriate situations.

- F.13 1.2.3, page 1-14: The Rock Creek Reserve's purpose and basis does not reference the three Executive Orders (13148, 13101, and 13123) listed in the EA.

*Response:* The EA has been modified to reflect the fact that the Rock Creek Reserve was not established in relation to the referenced Executive Orders.

- F.14 1.5.1, page 1-20: Add a bullet – Coordinate with mining companies on control of noxious weeds.

*Response:* This issue was not raised in response to the project's scoping letter.

- F.15 (a) 2.1.1, page 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.

*Response:* The comment is noted. Figure 1-3 has been revised to show the test site area.

- (b) How large is the solar dish array?

*Response:* The Solar Dish/Converter Systems are described in Section 2.1.1, where the maximum height is given as approximately 40 feet.

- (c) What about connecting the extension of the gas pipeline from Highway 93 to Highway 128? Are there other connected actions?

*Response:* The gas line improvement involves two options for the alignment of a medium-pressure line. The text on page 2-11 of the Draft EA has been revised to clarify the pipeline proposal:

"Xcel Energy, the local gas provider, has requested an easement across the site to Highway 128. Xcel would use the easement to install only the line needed by NWTC, and could use the easement to form a future service loop through the NWTC site. The pipeline is expected to be a medium pressure design using a polyethylene type piping material operating at a maximum operating pressure of 60 psig with a maximum standard metering pressure of 2 psig. A 20-foot wide construction easement would be required for the length of the pipeline route. Construction proposed for summer 2002 would terminate at Building 251."

- (d) Fencing the additional 25.7 acres is not listed.

*Response:* Fencing was described in the Draft EA in the description of security improvements and modifications on Page 2-16. There is no need for a reference to a specific area of the site.

- F.16 2.1.1, page 2-10: (a) Where and who owns the “west property easement line” to Building 253? Which Easement?

*Response:* The word “easement” should not have been included in this phrase and has been deleted.

(b) Does this NEPA document cover the gas line project, granting an easement to Excel, and construction, O&M of the gasline for DOE purposes, and extensions/connections to the high pressure line at Highway 128 or will additional NEPA documentation cover these activities?

*Response:* Refer to Response to Comment F.15(c).

(c) Does MP stand for medium pressure?

*Response:* Yes. The line would operate at 60 pounds per square inch (PSI).

(d) Does the safety analysis cover the 6” commercial line (HP) line and the (HP) line running just north of DOE?

*Response:* See Response to Comment F.15(c)

(e) Would the 6” line follow the same Option 1 alignment?

*Response:* See Response to Comment F.15(c)

(f) What about (gas line) access and maintenance roads?

*Response:* See Response to Comment F.15(c)

- F.17 2.1.1, page 2-15: (a) Natural gas fueling facility - Are there fire dangers or safety issues related to wild fires?

*Response:* Fire Protection is discussed in Sections 3.11.5 and 4.11.5, Emergency Response and Fire Protection.

(b) Would this facility constrain controlled burn plans or open space burn plans at Rocky Flats?

*Response:* The Rocky Flats Field Office is responsible for planning and managing controlled burns within the confines of the RFETS. Wildfire management on the NWTC site is discussed in EA Sections 3.11.5 and 4.11.5, Emergency Response and Fire Protection.

F.18 2.1.1, page 2-16: Is a storm water discharge permit required for road paving?

*Response:* As indicated in Appendix F, NREL is covered by a site-wide general permit for storm water discharge associated with construction activities. NREL also maintains a Storm Water Pollution Prevention Program for the NWTC.

F.19 2.1.1, page 2-17: 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?

*Response:* No. Site amenities would be primarily located adjacent to and in the immediate vicinity of Building 251 and the other buildings in the Research and Support Facilities area.

F.20 2.1.1, page 2-17: State that appropriate SPCC plans and countermeasures are in place to address fuel storage.

*Response:* A corresponding statement to this effect has been included on page 2-17. The applicable Spill Prevention Control and Countermeasures (SPCC) Plan is included in the list of NREL's Environmental Safety and Health Programs presented in Appendix A.

F.21 2.2, page 2-19: Section 2.1.1 states that new construction may occur as part of the No Action Alternative yet 2.2 states that the No Action alternative will "add no new facilities."

*Response:* Section 2.1.1 presents components of the Proposed Action. Section 2.2 presents the No Action Alternative.

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 NWTC South of Highway 128.

*Response:* The text of the EA has been revised to reflect this fact.

F.23 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 Western Aggregate Inc. Road Easement.

*Response:* Section 3.1.1 has been revised to state that DOE has provided a utility and road easement to Mineral Reserves, Inc., as successor in interest to Western Aggregates, Inc., via a July 27, 1995, Utility Right of Way Grant of Easement and MOU.

F.24 3.1.1 (3-5) 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 have not been determined.

*Response:* See Response to Comment F.23.

- F.25 3.1.1 (3-5) Surrounding areas – The Draft EA does not list the sawmill, the other blasting company or lease buildings B060 and 061. Either be general or list all specific buildings.

*Response:* The text of Section 3.1.1 has been modified to address this comment.

- F.26 3.1.1 (3-5) Jefferson County Airport runway alignments were not designed so that aircraft takeoff and landing patterns do not pass directly over the NWTC. Change the word “so” to reflect that the aircraft patterns do not interfere or there are no impacts.

*Response:* The text in 3.1.1 has been modified to make this clarification.

- F.27 A reference to the new National Wildlife Refuge should be made in Section 3.1.1 (page 3-5) instead of Rock Creek Reserve.

*Response:* This clarification has been made in the Final EA.

- F.28 3.1.1 (3-5) Change NTWC to NWTC.

*Response:* The text in Section 3.1.1 has been corrected.

- 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.

*Response:* The comment is noted. The statement has been deleted.

- F.30 In Section 3.2.1 (page 3-9) it is stated that the NWTC granted a road easement. Clarify this statement.

*Response:* See Response to Comment D.5.

- F.31 3.2.3 (3-10) Accidents - 4 lines up –1<sup>st</sup> paragraph – “. . . 63 people injured in 46 accidents along Highway 93. (Should this be 128?)

*Response:* The EA has been modified to correct this error.

- 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.

*Response:* Fugitive dust emissions from adjacent activities and the vicinity are not the subject of NREL’s ES&H programs or corresponding emission inventories. The EA has been modified to identify off-site sources of fugitive dust.

- F.33 (a) 3.8.1 (3-29) The Federal Noxious Weed Act has been superseded by the Plant Protection Act of 2000.

*Response:* The EA has been revised to reflect this update.

(b) Last sentence on the page-add “r” to “*avense*” – “*arvense*”.

*Response:* The EA has been revised to correct this error.

F.34 3.8.1 (3-30) Table 3-7 is missing Field Bindweed, *convolvulus arvensis*, which is on the top ten list in Colorado.

*Response:* This species has been added to Table 3-7.