

APPENDIX C
PUBLIC COMMENT LETTERS/DOE RESPONSES ON
DRAFT DOE/EA-1454



Nez Perce

ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT
P.O. BOX 365 • LAPWAI, IDAHO 83540-0365 • (208) 843-7375 / FAX: 843-7378

January 17, 2003

Paul F. X. Dunigan, Jr.
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

Re: Comments on *Draft Environmental Assessment (EA) For New Borrow Sites at 100-F, 100-H, and 100-N Areas, Hanford Site, Richland, Washington (DOE/EA-1454)*

Dear Mr. Dunigan:

Since 1855, reserved treaty rights of the Nez Perce Tribe in the Mid-Columbia have been recognized and affirmed through a series of Federal and State actions. These actions protect Nez Perce rights to utilize their usual and accustomed resources and resource areas in the Hanford Reach of the Columbia River and elsewhere. Accordingly, the Nez Perce Tribe Department of Environmental Restoration and Waste Management Program (ERWM) responds to actions that impact the Hanford ecosystem.

The ERWM has reviewed the *Draft Environmental Assessment (EA) For New Borrow Sites at 100-F, 100-H, and 100-N Areas, Hanford Site, Richland, Washington (DOE/EA-1454)*. We recognize the need for using geologic materials to support many different Hanford activities and feel that if borrow materials are needed at Hanford that the proposed alternative in this document is a prudent course of action. We feel that this action minimizes environmental impacts by utilizing sites that are already disturbed and that have been used in the past for similar purposes.

We support your position to follow the guidance in the Hanford Biological Resources Management Action Plan in the event that any of the existing borrow sites are expanded. We were also pleased to see that no new borrow sites are being proposed at the Hanford Site. In the past there have been proposals to develop borrow areas at Gable Mountain and Gable Butte which the tribe could not support.

If you have any questions please contact Dan Landeen of my staff at 208-843-7375.

Sincerely,

Patrick Sobotta
ERWM Program Director

Cc: Kevin Clarke

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DOE-RL/RLCC



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

MAR 17 2003

03-ERD-0080

Mr. Patrick Sobotta
Environmental Restoration/Waste Management Program
Nez Perce Tribe
P.O. Box 365
Lapwai, Idaho 83540-0365

Dear Mr. Sobotta:

RESPONSE TO COMMENTS ON ENVIRONMENTAL ASSESSMENT DOE/EA-1454 FOR
REACTIVATION AND USE OF THREE FORMER BORROW SITES IN THE 100-F, 100-H,
AND 100-N AREAS

The U.S. Department of Energy, Richland Operations Office (RL), has received your comments on the subject Environmental Assessment (EA) and would like to thank you for your consideration and support of the proposed action for the reactivation and use of three former borrow sites. The proposed action is intended to prevent impacts to natural resources and will be performed in accordance with applicable management plans.

If you have additional questions concerning the proposed action, please contact Mr. Chris Smith, Environmental Restoration Division, at (509) 372-1544. Questions on the NEPA process can be directed to me at (509) 376-6667.

Sincerely,

A handwritten signature in cursive script that reads "Paul F. X. Dunigan, Jr.".

Paul F. X. Dunigan, Jr.
NEPA Compliance Officer

NCO:JKL

cc: Administrative Record (100 Area)



Confederated Tribes and Bands
of the Yakama Indian Nation

Established by the
Treaty of June 9, 1855

Mr. Keith Klein
U.S. Department of Energy
P.O. Box 550
Richland, Washington 99352

January 27, 2003

Dear Mr. Klein:

The Confederated Tribes and Bands of the Yakama Nation recently received a draft Environmental Assessment titled "*Environmental Assessment for Reactivation and Use of Three Former Borrow Sites in the 100-F, 100-H, and 100-N Areas*" DOE/EA-1454, and wherein, the document lists the Yakama Nation as a consulted tribal government. Yet, the United States of America through the U.S. Department of Energy (USDOE) has not initiated consultation to date on this matter with the Yakama Nation even though this proposed action would impact Yakama Nation ceded areas and reserved treaty resources. Furthermore, the act of simply recording these comments should not be construed as consultation. USDOE has a trust responsibility to protect treaty rights and resources, and Department obligations are discussed in USDOE's "American Indian and Alaska Native Tribal Government Policy" that define consultation to include timely communication, coordination, cooperation, and collaboration..."

The proposed action is tiered to the document titled *Draft Industrial Mineral Resources Management Plan, (Plan) DOE/RL-2000-61* that is the framework for identifying sources, planning, operations, and closure/restoration of borrow pits and quarries, and developed to implement the HCP EIS. Since this Plan guides or prescribes alternative uses of federal resources, upon which future agency action will be based, as is the case here with this proposed action, a National Environmental Policy Act (NEPA) analysis is required for the Plan (40 CFR §1508.18). The appropriate level of analysis for the Plan would be a Supplemental Environmental Impact Statement (SEIS) to bound the full impacts of mineral resource needs for CERCLA, RCRA and solid waste disposal activities. In the meantime, Yakama Nation awaits meaningful dialogue on this issue that may impact Yakama reserved rights and resources.

This EA is premature given that no NEPA analysis has occurred for the framework document, i.e. Plan. In addition, the EA also is fundamentally flawed in that it fails to fully assess the cumulative impacts from other programs activities such as the Office of River Protection RCRA activities and solid waste program that need similar materials found on the Hanford Site. It also fails to adequately address consequences to the environment including impacts to resources protected by the Hanford Reach National Monument Proclamation since several of the proposed borrow sites would fall within its boundary. Since this proposed action is part of a much larger action, which has not been properly bound and analyzed, the Yakama Nation has determined that an EIS analysis is required.

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JAN 28 2003

DOE-RL/RLCC

Post Office Box 151, Fort Road, Toppenish, WA 98948 (509) 865-5121

Other issues include: 1) an analysis of whether the proposed sites could provide the material needed. This was not presented in the document and continues to promote a piecemeal approach to assess impacts to the environment; 2) The analysis fails to bound the needs for other activities in the 100-Area that may need materials for capping, such as that mentioned on page 3-3 for solid waste burial ground remediation; 3) No analysis was presented on associated activities such as construction of new haul roads, and 4) All impacts associated with the proposed action must be fully mitigated. USDOE has a responsibility as a natural resource trustee to restore resources and loss services resulting from CERCLA related response activities. Therefore, a formal agreement between USDOE and the Yakama Nation will be required to document agreed upon mitigation measures for the impacts of natural and cultural resources and loss of services resulting from the proposed action. Otherwise, the Yakama Nation reserves the right to file a natural resource damage assessment claim for resources impacted and services lost resulting from this proposed action.

The no-action alternative described in the document is not a no-action alternative since actions would be taken that would impact resources as a result of construction of new haul roads and impair tribal religious/ceremonial view sheds.

Alternatives dealing with off-site procurement of materials need to include an alternative utilizing rail as the mode of transportation, which would be more cost effective and energy efficient than trucks.

In closing, the USDOE needs to initiate consultation on the proposed action and for the Plan. Please contact me at (509) 452-2502 to arrange a meeting to begin discussion on the issues raised here. Upon receipt of this letter, we would appreciate receiving several copies of the Plan so that my technical staff may review it prior to our meeting. Thank you.

Sincerely,



Russell Jim, Manager
Environmental Restoration/Waste Management Program

Cc:

Carroll Palmer, Deputy Director, YN DNR

Roy Schepens, USDOE-ORP

Paul Dunigan Jr., NEPA Compliance Officer, USDOE-RL



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

03-ERD-0057

FEB 19 2003

Mr. Russell Jim, Manager
Environmental Restoration/
Waste Management Program
Confederated Tribes and Bands
of the Yakama Indian Nation
P. O. Box 151, Fort Road
Toppenish, Washington 98948

Dear Mr. Jim:

**ENVIRONMENTAL ASSESSMENT FOR REACTIVATION AND USE OF THREE
FORMER BORROW SITES IN THE 100-F, 100-H, AND 100-N AREAS**

Thank you for your letter dated January 27, 2003, to the U.S. Department of Energy, Richland Operations Office (RL). As you requested, RL will provide you several additional copies of the Environmental Assessment (EA).

The comment period on the EA began on December 19, 2002, and ended January 23, 2003. We have attached responses to your comments and documentation of our efforts to initiate consultation with the Yakama Nation. When we received no response from you on our correspondence asking for consultation, we assumed -- apparently incorrectly -- the Yakama Nation did not want a higher level of consultation. I sincerely hope that we can complete our new intergovernmental agreement so we can avoid such misunderstandings in the future. In any case, we appreciate your comments to the EA and hope our responses to your comments help you understand why we believe the recommended action in the EA is protective of human health and the environment, results in the least impact to cultural resources, and does not require an Environmental Impact Statement.

If you need further information or assistance, please contact me or your staff may contact Chris Smith, Environmental Restoration Division. at (509) 372-1544.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith A. Klein".

Keith A. Klein
Manager

ERD:DCS

Attachment

cc: See Page 2

Mr. Russell Jim
03-ERD-0057

-2-

FEB 19 2003

cc w/attach:
Nicholas Ceto, EPA
Dennis Faulk, EPA
John Price, Ecology
Michael Wilson, Ecology

ENCLOSURE

**Comments and Responses to the Environmental
Assessment for Reactivation and Use of Three
Former Borrow Sites in the 100-F, 100-H, and
100-N Areas (DOE/EA-1454)**

Appendix C – Public Comment Letters/DOE Responses

Response to Yakama Nation Comments on *Draft Environmental Assessment (EA) for Reactivation and Use of Three Former Borrow Sites in the 100-F, 100-H, and 100-N Areas (DOE/EA-1454)*

1. COMMENT: The Confederated Tribes and Bands of the Yakama Nation recently received a draft Environmental Assessment titled “*Environmental Assessment for Reactivation and Use of Three Former Borrow Sites in the 100-F, 100-H, and 100-N Areas*” DOE/EA-1454, and wherein, the document lists the Yakama Nation as a consulted tribal government. Yet, the United States of America, through the U.S. Department of Energy (USDOE) has not initiated consultation to date on this matter with the Yakama Nation even though this proposed action would impact Yakama Nation ceded areas and reserved treaty resources.

RESPONSE: Consultation with the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) was initiated following standard *National Environmental Policy Act* (NEPA) procedure. A record of our efforts to consult and requests for comments is presented below:

October 2, 2002 - *Project Notification/Area of Potential Effect* [Email and fax sent to Mr. Russell Jim (Environmental Restoration/Waste Management) by Ms. Annabelle Rodriguez (Department of Energy), "Request for Cultural Resources Review" form, 2 pages of text on the project, results of cultural resources literature review, and 4 maps.] No comments were received, and no requests were made to inspect the project areas.

October 9, 2002 - *Notice of Intent to Prepare an Environmental Assessment* [Letter to Russell Jim from Paul Dunigan (Department of Energy).] No comments or questions were received.

November 20, 2002 - *Cultural Resources Review to Activate and Expand Borrow Pits at 100-F, 100-H, and 100-N Areas* (HCRC #2003-100-001). [Letter to Russell Jim from Joel Hebdon (Department of Energy), 4 pages of text identifying known cultural resources with an impact assessment for each, and 4 maps.] No comments were received.

2. COMMENT: The proposed action is tiered to the document titled *Draft Industrial Mineral Resources Management Plan* (Plan), (DOE/RL-2000-61) that is the framework for identifying sources, planning, operations and closure/restoration of borrow pits and quarries, and developed to implement the HCP EIS. Since this Plan guides or prescribes alternative uses of federal resources, upon which future agency action will be based, as is the case required for the Plan (40 CFR 1508.18)[, the] appropriate level of analysis for the Plan would be a Supplemental Environmental Impact Statement (SEIS) to bound the full impacts of mineral resource needs for CERCLA, RCRA and solid waste disposal activities.

RESPONSE: The *Draft Industrial Mineral Resources Management Plan* (DOE/RL-200-61) fulfills a commitment made in the *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement* (HCP EIS). It is a proposed management tool that provides direction for planning, operation, and closure/restoration of borrow pits on the Hanford Site. It will provide guidance when NEPA evaluation would be required, such as the expansion of

Appendix C – Public Comment Letters/DOE Responses

existing borrow sites or establishment of new borrow sites. The previous borrow pit EA *Use of Existing Borrow Areas Hanford Site* (DOE/EA-1403) evaluated impacts of continuing to use existing borrow sites. This EA fulfilled the commitment in the Record of Decision for the HCP EIS for NEPA review of borrow areas. The current EA (DOE/EA-1454) evaluates impacts of reopening borrow areas that were not addressed in the previous EA (DOE/EA-1403).

3. COMMENT: This EA is premature given that no NEPA analysis has occurred for the framework of the document, i.e. Plan. In addition, the EA also is fundamentally flawed in that it fails to fully address the cumulative impacts from other program activities such as the Office of River Protection RCRA activities and solid waste program that need similar materials found on the Hanford Site.

RESPONSE: The cumulative impact analysis, as defined by the Council on Environmental Quality (CEQ), identifies effects that result from the proposed action and the effects of past, present, and *reasonably foreseeable future actions* (40 CFR 1508.7). The scope of the Office of River Protection’s Resource Conservation and Recovery Act (RCRA) activities, and final remediation planning for 200 Area Plateau CERCLA activities have not yet been fully defined. Therefore, because these actions are not ripe for decision at this time, DOE has chosen to reserve broad areas of the Hanford Site under the Conservation/Mining land use. More recent NEPA documents [e.g. DOE/EA-1403, *Draft Hanford Site Solid (Radioactive and Hazardous) Waste Program EIS* (DOE/EIS-0286D), and DOE/EA-1454] assign these committed resources to specific actions. These resources were committed and reserved as Conservation/Mining land use areas in the HCP-EIS. Cumulative impacts are addressed in each of the appropriate NEPA documents.

4. COMMENT: It also fails to adequately address consequences to the environment including impacts to resources protected by the Hanford Reach National Monument Proclamation since several of the proposed borrow sites would fall within its boundary.

RESPONSE: The use of borrow materials in support of the overall objective and USDOE’s commitment of preserving the Columbia River Corridor by encouraging waste removal, site remediation and restoration within the Columbia River Corridor is consistent with the HCP EIS and subsequent Record of Decision. Remedial action and waste management activities are allowed as “Pre-existing, Non-conforming uses.” Use of borrow materials within this “Pre-existing, Nonconforming” land-use designation continues to support the overall objective and USDOE’s commitment of preserving the Columbia River Corridor and protection of ecological and cultural resources by encouraging waste removal, site remediation and restoration within the river corridor. Consultations with the U.S. Fish and Wildlife Service, the managing agency of the Hanford Reach National Monument (Monument), determined that use of borrow materials in support of river corridor restoration is consistent with management objectives for the Monument.

5. COMMENT: Since this proposed action is part of a much larger action, which has not been properly bound and analyzed, the Yakama Nation has determined that an EIS analysis is required.

Appendix C – Public Comment Letters/DOE Responses

RESPONSE: The Proposed Action is for the purpose of fulfilling the backfilling needs of CERCLA Remedial Action activities in the 100-F, 100-H, 100-K, and 100-N reactor areas, as required by various Records of Decisions (RODs) issued for the 100 Area waste sites.

6. COMMENT: Other issues include an analysis of whether the proposed sites could provide the material needed. This was not presented in the document and continues to promote a piecemeal approach to assess impacts to the environment.

RESPONSE: Excavation needs and available volumes were calculated during the development of the EA. Excavation needs are presented in Table 2-1 on page 2-2 of the document. The Proposed Action sites, as presented in the EA, are capable of fulfilling the foreseeable volume requirement for remedial action activities within the 100-F, 100-H, 100-K, and 100-N reactor areas. Excavation will only be performed on an as-needed basis as a measure to reduce any additional potential impacts.

7. COMMENT: The analysis fails to bound the needs for other activities in the 100-Area that may need materials for capping, such as that mentioned on page 3-3 for solid waste burial ground remediation.

RESPONSE: As stated in Section 3.1 of the EA, backfill needs have not been estimated for solid waste burial ground remediation in the 100-F, 100-H, 100-N, and 100-K Areas, therefore only foreseeable backfill needs can be evaluated at this time. Potential future impacts of additional fill material requirements would be evaluated should the footprint of Proposed Action excavation exceed greater than 10% of the footprint area estimated in this EA. Addressing fill requirements for other 100-Area activities not associated with the 100-F, 100-H, 100-N and 100-K Areas is not within the scope of this document.

8. COMMENT: No analysis was presented on associated activities such as construction of new haul roads.

RESPONSE: The intent is to use existing roads for the Proposed Action to the extent practicable. This could include upgrading the roads by resurfacing and/or widening or constructing new roads within the active boundaries of the CERCLA Remedial Action Projects. These areas have been previously reviewed for ecological impacts due to remediation activities and no impacts to plant or animal species of concern are anticipated. Most of the remaining alternatives would require construction of new roads that would impact some relatively undisturbed areas

9. COMMENT: All impacts associated with the proposed action must be fully mitigated. USDOE has a responsibility as a natural resource trustee to restore resources and [lost] services resulting from CERCLA related response activities. Therefore, a formal agreement between USDOE and Yakama Nation will be required to document agreed upon mitigation measures for the impacts [to] natural and cultural resources and loss of services resulting from the proposed action.

Appendix C – Public Comment Letters/DOE Responses

RESPONSE: The *Mitigation Action Plan for the 100 and 600 Areas of the Hanford Site* (MAP) (DOE/RL-2001-22, Rev. 0), which was reviewed by the Hanford Natural Resources Trustee Council (NRTC), covers borrow sites for the 100 Area Remedial Action projects and was referenced in the EA. The EA commits to complying with the MAP as well as the *Hanford Site Biological Resources Management Plan* (BRMaP) (DOE/RL-96-32) and the *Biological Resources Mitigation Strategy* (BRMiS) (DOE/RL-96-87). By following these management plans, the planned restoration of these sites will result in a net benefit to habitat value by planting native grasses and shrubs in areas of low-quality habitat.

10. COMMENT: The no-action alternative described in the document is not a no-action alternative since actions would be taken that would impact resources as a result of construction of new haul roads and impair tribal religious/ceremonial view sheds.

RESPONSE: In this case, the No-Action Alternative is the action as it had been planned before the reopening of the former borrow areas was proposed. The Council on Environmental Quality has addressed the “no action alternative” as question 3 (46 FR 18026). Section 1502.14(d) requires the alternatives analysis in the EIS to “include the alternative of no action.” There are two distinct interpretations of “no action” that must be considered, depending on the nature of the proposal being evaluated. The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases “no action” is “no change” from current management direction or level of management intensity. To construct an alternative that is based on no management at all would be a useless academic exercise. Therefore, the “no action” alternative may be thought of in terms of continuing with the present course of action until that action is changed. Consequently, projected impacts of alternative management schemes would be compared in the EIS to those impacts projected for the existing plan. In this case, alternatives would include management plans of both greater and lesser intensity, especially greater and lesser levels of resource development.

The second interpretation of “no action” in such cases would mean the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity or an alternative activity to go forward.

By definition, the No-Action Alternative is not exempt from incurring impacts, but rather it is the environmental baseline against which impacts of the Proposed Actions and Alternatives can be compared. Regrading and recontouring of remediated waste sites is a commitment under the various RODs for the 100 Areas, and would be performed in the absence of any proposed or alternative actions. For remedial action activities in the 100-F, 100-H, 100-K, and 100-N Areas, existing Pits 18, 19, 20, 21, and 23 had been identified as sources of backfill material. Upon further analysis, this intended use of existing borrow sites was not determined preferable due to environmental and operational considerations and limitations. Therefore this EA was developed to identify a Proposed Action to reactivate former borrow areas in already disturbed areas, and explore alternative actions that would provide less impact to the environment.

11. COMMENT: Alternatives dealing with off-site procurement of materials need to include an alternative utilizing rail as the mode of transportation, which would be more cost effective and energy efficient than trucks.

RESPONSE: Utilization of Hanford Site railways for transport of material is not considered a reasonable alternative. The railroad is not in an operable condition. Existing tracks do not connect borrow sites to the areas where the material is needed.

-----Original Message-----

From: Paula_Call@r1.fws.gov [mailto:Paula_Call@r1.fws.gov]

Sent: Tuesday, January 28, 2003 12:55 PM

To: kagano@bhi-erc.com

Cc: Paul_F_Jr_Dunigan@RL.gov; daniel_haas@fws.gov;

Michael_Ritter@r1.fws.gov

Subject: Borrow pit EA

Ken,

Thanks for getting us another copy of the draft EA for Reactivation and Use of Three Former Borrow Sites in the 100-F, 100-H, and 100-N Areas to review. The provisions in the EA look great. We hope your work will help raise the standard for how borrow pits are managed on the Hanford Site in the future. To meet your time schedule, here is basically what we'll say in a letter to DOE regarding the EA.

The project area is located within the corridor of the Hanford Reach of the Columbia River Wild and Scenic River study area. The Hanford Reach segment has been found eligible and suitable for inclusion in the National Wild and Scenic Rivers System (16 U.S.C. 1271-1287), and is under interim protection, as per Public Law (P.L.) 100-605, as amended by Section 404 (Hanford Reach Preservation) of P.L. 104-333. Federal agencies cannot undertake any action which could preclude the river's designation into the National System. We have concerns with the closure, recontouring and revegetation of the borrow pits; however, upon review of applicable requirements within the referenced Draft Industrial Mineral Resources Management Plan, DOE/RL-2000 61, we believe that our concerns are addressed if the DOE follows the restoration plan as outlined in DOE/RL-2000 61.

Paula Call
Hanford Reach National Monument/
Saddle Mountain National Wildlife Refuge
3250 Port of Benton Blvd.
Richland, WA 99352
(509) 371-1801
(509) 375-0196 (Fax)



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

03-ERD-0078

MAR 17 2003

Ms. Melinda Brown
Nuclear Waste Program
State of Washington Department of Ecology
1315 West Fourth Avenue
Kennewick, Washington 99336-6018

Dear Ms. Brown:

RESPONSE TO COMMENTS ON ENVIRONMENTAL ASSESSMENT DOE/EA-1454 FOR
REACTIVATION AND USE OF THREE FORMER BORROW SITES IN THE 100-F, 100-H,
AND 100-N AREAS

The U.S. Department of Energy, Richland Operations Office (RL), has received your comments on the subject Environmental Assessment (EA) and would like to thank you for taking the time to review our document. The comments were considered in preparing the final EA. Responses to the comments are enclosed and resulting changes made to the EA are noted.

If you have additional questions concerning the proposed action, please contact Mr. Chris Smith, Environmental Restoration Division, at (509) 372-1544. Questions on the *National Environmental Policy Act of 1969* (NEPA) process can be directed to me at (509) 376-6667.

Sincerely,

A handwritten signature in cursive script that reads "Paul F. X. Dunigan, Jr.".

Paul F. X. Dunigan, Jr.
NEPA Compliance Officer

NCO:JKL

Enclosure

cc w/encl:
Administrative Record (100 Area)

ENCLOSURE

**Comments and Responses to the Environmental
Assessment for Reactivation and Use of Three
Former Borrow Sites in the 100-F, 100-H, and
100-N Areas (DOE/EA-1454)**

COMMENTS AND RESPONSES TO THE ENVIRONMENTAL ASSESSMENT FOR REACTIVATION AND USE OF THREE FORMER BORROW SITES IN THE 100-F, 100-H, AND 100-N AREAS (DOE/EA-1454)

Comment: The project area is located within the corridor of the Hanford Reach of the Columbia River Wild and Scenic River study area. The Hanford Reach segment has been found eligible and suitable for inclusion in the National Wild and Scenic Rivers System (16 U.S.C. 1271-1287), and is under interim protection, as per Public Law (P.L.) 100-605, as amended by Section 404 (Hanford Reach Preservation) of P.L. 104-333. Federal agencies cannot undertake any action which could preclude the river's designation into the National System. We have concerns with the closure, recontouring and revegetation of the borrow pits; however, upon review of applicable requirements within the referenced *Draft Industrial Mineral Resources Management Plan* (DOE/RL-2000 61), we believe that our concerns are addressed if the DOE follows the restoration plan as outlined in DOE/RL-2000 61.

Response: Thank you for your consideration and support of DOE's proposed action for the reactivation and use of three former borrow sites. The proposed action is intended to prevent impacts to natural resources and will be performed in accordance with applicable management plans, and shall not preclude these areas from eligibility for inclusion within the Monument.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1315 W. 4th Avenue • Kennewick, Washington 99336-6018 • (509) 735-7581

January 23, 2003

Mr. Paul F. X. Dunigan, Jr
United States Department of Energy
Richland Operations Office
P.O. 550
Richland, Washington 99352

Dear Mr. Dunigan:

Re: Draft Environmental Assessment (EA) for New Borrow Sites at 100-F, 100-H, and 100-N Areas, Hanford Site, Richland, Washington (DOE/EA-1454)

The Washington State Department of Ecology has reviewed the *Draft Environmental Assessment for New Borrow Sites at 100-F, 100-H, and 100-N Areas, Hanford Site, Richland, Washington*. We conducted our review to evaluate the proposal by the United States Department of Energy, Richland Operations for the continued use of several areas on the Hanford Site as mineral extraction areas. We have identified several issues that need to be resolved to avoid significant environmental impacts to those areas.

We appreciate the opportunity we had to review the draft of the Environmental Assessment. If you have any questions concerning our comments, please contact me at (509) 736-3027.

Sincerely yours,

A handwritten signature in black ink that reads "Melinda Brown".

Melinda Brown, External Budget Coordinator
Nuclear Waste Program

cc: Chris Smith, DOE RL
Nick Ceto, USEPA
Dennis Faulk, USEPA
Larry Gadbois, USEPA
Ken Gano, BHI
Dan Haas, USFWS
Lauri Vigue, WDFW
Ken Niles, OOE
Administrative Records

Appendix C – Public Comment Letters/DOE Responses

REFERENCE	COMMENTS
P. 2-1, Section 2.0, paragraph 1	The sentence states that preferred sources of borrowed materials are listed in Appendix D of the <i>Comprehensive Land Use Plan (CLUP) Environmental Impact Statement</i> , which is an accurate statement only for 10 sites described there. None of the sites discussed in DOE/EA-1454 is listed or evaluated in the CLUP. It appears that previous evaluations of existing borrow pits in the CLUP and an EA <i>Use of Existing Borrow Areas, Hanford Site</i> , that followed the CLUP, when combined with evaluation of the sites described in DOE/EA-1454 are related actions that should have been addressed in one environmental document.
Same page, section, paragraph	The USDOE states that some of the sites evaluated in the CLUP and EA that were evaluated for use in remedial action backfill “present challenges,” thereby causing a need for reopening the former borrow sites. Justification for using the former borrow sites appears to be that they were not restored to native habitat and therefore can be reopened with few or no impacts to natural resources. Ecology asserts that the creation of the borrow sites resulted in impacts to the environment that the Federal government did not evaluate because the National Environmental Policy Act did not require Federal agencies to do so until 1970. The combination of the creation of the borrow sites, their abandonment without any mitigation or remediation, their possible reuse after extended disuse, and retirement appear to be related actions.
P. 4-2, Section 4.2.1, paragraph 1	The Record of Decision for the CLUP states: “ <i>The remainder of land within the Columbia River Corridor outside the quarter-mile buffer zone will be designated for Conservation (Mining). This designation will allow for DOE-permitted sand, gravel and basalt mining activities and support BLM’s mission of multiple use. Sand, gravel and basalt mining will be permitted only in support of governmental missions or to further the biological function of wetlands (e.g., conversion of a gravel pit to a wetland by excavating to groundwater). A Conservation (Mining) designation will allow USDOE to provide protection to sensitive cultural and biological resource areas, while allowing access to geologic resources.</i> ” The text states that a portion of the 100-F Area borrow site is within 0.4 km (0.25 mi) of the Columbia River, within the Hanford Reach National

	<p>Monument. Ecology views use of the area within the 0.25 mi buffer zone as at variance with USDOE’s commitment to maintain a buffer zone. That ecological and cultural resources were performed does not negate the CLUP ROD’s designation. Ecology does not support removing mineral resources from within the buffer zone.</p>
P. 4-3, Section 4.2.3	<p>As with the 100-F Area, Ecology does not support removing mineral resources from within the buffer zone in the 100-N Area, as is planned in this EA.</p>
P. 5-2, Section 5.1.4 Land Use, paragraph 2	<p>The EA states that additional areas [beyond the borrow pit sites] will be required at the 100-F and 100-N Areas for upgrade or construction of haul roads. The environmental impact of the construction of the new roads is not considered in the cultural or biological reviews contained in the Appendixes of DOE/EA-1454. Ecology does not support construction of new roads into those areas without a cultural/ecological review for State and Federal species of concern and Native American cultural artifacts. No information is provided about the location, size, or capacity of the roads, aside from additional areas required that are given in this section. That information is not sufficient to determine if significant adverse environmental impacts might result from upgrade or construction of the roads.</p>
P. 5-1, Section 5.1.3 Water Quality	<p>This section asserts that water sprinkling for dust control will not infiltrate to the groundwater in the borrow areas or affect the Columbia River; however, two of the sites have areas within 0.25 mi of the River. Ecology cannot evaluate the impact of the extraction of mineral resources upon recharge flows or groundwater because the depth of excavation compared to the groundwater levels is not presented. USDOE’s contention appears to be absent that information.</p>
Same page and section	<p>No source of water or method of sprinkling is identified in DOE-EA-1454. <u>Chapter 90.03 RCW Surface Water Code and Chapter 90.44 RCW Regulation of Public Ground Waters (wells)</u>. If USDOE plans to use water for dust suppression, it must have a legal water right. A water right permit is required for <u>all</u> surface water withdrawal and for any water from a well that will exceed 5,000 gallons per day. If in doubt, check with Department of Ecology, Water Resources. Temporary permits are usually obtainable in a short time-period</p>



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

03-ERD-0078

MAR 17 2003

Ms. Melinda Brown
Nuclear Waste Program
State of Washington Department of Ecology
1315 West Fourth Avenue
Kennewick, Washington 99336-6018

Dear Ms. Brown:

RESPONSE TO COMMENTS ON ENVIRONMENTAL ASSESSMENT DOE/EA-1454 FOR REACTIVATION AND USE OF THREE FORMER BORROW SITES IN THE 100-F, 100-H, AND 100-N AREAS

The U.S. Department of Energy, Richland Operations Office (RL), has received your comments on the subject Environmental Assessment (EA) and would like to thank you for taking the time to review our document. The comments were considered in preparing the final EA. Responses to the comments are enclosed and resulting changes made to the EA are noted.

If you have additional questions concerning the proposed action, please contact Mr. Chris Smith, Environmental Restoration Division, at (509) 372-1544. Questions on the *National Environmental Policy Act of 1969* (NEPA) process can be directed to me at (509) 376-6667.

Sincerely,

A handwritten signature in cursive script that reads "Paul F. X. Dunigan, Jr.".

Paul F. X. Dunigan, Jr.
NEPA Compliance Officer

NCO:JKL

Enclosure

cc w/encl:
Administrative Record (100 Area)

ENCLOSURE

**Comments and Responses to the Environmental
Assessment for Reactivation and Use of Three
Former Borrow Sites in the 100-F, 100-H, and
100-N Areas (DOE/EA-1454)**

**COMMENTS AND RESPONSES TO THE ENVIRONMENTAL ASSESSMENT FOR
REACTIVATION AND USE OF THREE FORMER BORROW SITES IN THE 100-F,
100-H, AND 100-N AREAS (DOE/EA-1454)**

Comment: Page 2-1, Section 2.0, paragraph 1: The sentence states that preferred sources of borrowed materials are listed in Appendix D of the *Comprehensive Land Use Plan (CLUP) Environmental Impact Statement*, which is an accurate statement only for 10 sites described there. None of the sites discussed in DOE/EA-1454 is listed or evaluated in the CLUP. It appears that previous evaluations of existing borrow pits in the CLUP and an EA *Use of Existing Borrow Areas, Hanford Site*, that followed the CLUP, when combined with evaluation of the sites described in DOE/EA-1454 are related actions that should have been addressed in one environmental document.

Response: Development of a single comprehensive document to address all borrow sites, including active, closed, former and abandoned sites is not within the scope of this EA. Borrow areas on the Hanford Site have been previously addressed in a series of documents, including the *Final Hanford Comprehensive Land Use Plan Environmental Impact Statement (HCP-EIS) (DOE/EIS-0222-F)*, *Environmental Assessment for Use of Existing Borrow Areas, Hanford Site, Richland, Washington (DOE/EA-1403)*, and the *Draft Industrial Mineral Resources Management Plan (DOE/RL-2001-61)*. The previous borrow pit EA (DOE/EA-1403) *Use of Existing Borrow Areas Hanford Site* evaluated impacts of continuing to use existing borrow sites. This EA fulfilled the commitment in the Record of Decision for the HCP-EIS for NEPA review of borrow areas. The current EA (DOE/EA-1454) evaluates impacts of reopening borrow areas that were not addressed in the previous EA (DOE/EA-1403). Subsequently, the *EA for Existing Borrow Areas (DOE/EA-1403)*, and *Draft Mineral Resource Management Plan (DOE/RL-2001-61)* were developed to characterize and describe existing borrow sites, and to offer specific guidance for the use, expansion, closure, and restoration of existing or new borrow sites. The *EA for Existing Borrow Areas (DOE/EA-1403)* assumed that expansion of existing borrow sites would not exceed 10% of the current site footprint. Volumes required for remedial actions in the 100-F, 100-N, 100-K, and 100-H areas are in excess of the 10% expansion footprint described in DOE/EA-1403, therefore, additional NEPA evaluation was required. This additional NEPA evaluation is detailed in the current document (DOE/EA-1454), and considered the Proposed Action to reactivate former borrow sites in low-quality habitat in lieu of expansion because impacts to the environment could be greatly reduced.

Comment: Page 2-1, Section 2.0, Paragraph 1: The USDOE states that some of the sites evaluated in the CLUP and EA that were evaluated for use in remedial action backfill “present challenges,” thereby causing a need for reopening the former borrow sites. Justification for using the former borrow sites appears to be that they were not restored to native habitat and therefore can be reopened with few or no impacts to natural resources. Ecology asserts that the creation of the borrow site resulted in

Appendix C – Public Comment Letters/DOE Responses

impacts to the environment that the Federal government did not evaluate because the National Environmental Policy Act did not require Federal agencies to do so until 1970. The combination of the creation of the borrow sites, their abandonment without any mitigation or remediation, their possible reuse after extended disuse, and retirement appear to be related actions.

Response: Evaluation of historical (construction era) environmental impacts that may have resulted from the creation of the former borrow sites described in the Proposed Action is not within the scope of this document. The *Draft Industrial Mineral Resources Management Plan* (DOE/RL-2000-61) states that the use of new borrow sites or expansion of existing borrow sites “will require additional reviews through the site selection and NEPA/CERCLA integrated processes before their use.” This evaluation occurred subsequent to the *Environmental Assessment for Use of Existing Borrow Areas* (DOE/EA-1403).

Reactivation of former borrow sites as stated in the Proposed Action, in addition to minimizing impacts to native vegetation or other natural or cultural resources and restoring native vegetation upon closure, would prevent impacts that may occur under the No-Action Alternative or Alternative Actions. Impacts anticipated under the No-Action Alternative and Alternative Actions that would be avoided by implementing the Proposed Action include: encroachment into the bald eagle buffer zone (as detailed in the *Bald Eagle Site Management Plan for the Hanford Site, South Central Washington* [DOE-RL-94-150]) near Pits 19 and 20; inconsistent use of materials at sites recommended for closure in the *Draft Industrial Mineral Resources Management Plan* (DOE/RL-2000-61); impacts to recognized high-quality and recovering habitat such as that surrounding Pit 18; impacts to native vegetation in restored sites such as Pit 21; and impacts to Washington state Sensitive, Review and Threatened plants and associated habitat in Pits 9, 30, 31, 32, 33, and 35. Implementation of the Proposed Action would ensure active site restoration as described in the *Draft Industrial Mineral Resources Management Plan*.

Comment: Page 4-2, Section 4.2.1, Paragraph 1: The Record of Decision [ROD] for the CLUP states: “*The remainder of land within the Columbia River Corridor outside the quarter-mile buffer zone will be designated for Conservation (Mining). This designation will allow for DOE-permitted sand, gravel and basalt mining activities and support BLM’s mission of multiple use. Sand, gravel and basalt mining will be permitted only in support of governmental missions or to further the biological function of wetlands (e.g., conversion of a gravel pit to a wetland by excavating to groundwater). A Conservation (Mining) designation will allow USDOE to provide protection to sensitive cultural and biological resource areas, while allowing access to geologic resources.*” The text states that a portion of the 100-F Area borrow site is within 0.4 km (0.25 mi) of the Columbia River, within the Hanford Reach National Monument. Ecology views use of the area within the 0.25 mi buffer zone as at variance with USDOE’s commitment to maintain a buffer zone. That ecological and cultural resources [reviews] were performed does not negate the CLUP ROD’s

Appendix C – Public Comment Letters/DOE Responses

designation. Ecology does not support removing mineral resources from within the buffer zone.

Response: The proposed borrow site in the 100-F Area is located within an area that is considered a “Pre-existing, Nonconforming” land-use area under the CLUP and subsequent ROD. This designation, tied to the reactor area and associated remedial action and waste management, is accommodated by the Hanford Reach National Monument designation while remedial action activities are being performed.

Presidential Proclamation 7319 (June 9, 2000) states: “Nothing in this proclamation shall affect the responsibility of the Department of Energy under environmental laws, including the remediation of hazardous substances or the restoration of natural resources at the Hanford facility; nor affect the Department of Energy statutory responsibility to take other measures for environmental remediation, monitoring, security, safety, or emergency preparedness purposes; nor affect any Department of Energy activities on lands not included within the monument.”

Use of materials within this HCP-EIS “Pre-existing, Nonconforming” land-use designation continues to support the overall objective and USDOE’s commitment of preserving the Columbia River Corridor by encouraging waste removal, site remediation and restoration within the 100-F Area and along the Columbia River. Consultations with the U.S. Fish and Wildlife Service, the co-managing agency of the Hanford Reach National Monument, determined that use of borrow materials in support of river corridor restoration is consistent with management objectives for the Monument.

Comment: Page 4-3, Section 4.2.3: As with the 100-F Area, Ecology does not support removing mineral resources from within the buffer zone in the 100-N Area, as is planned in this EA.

Response: See response to previous comment.

Comment: Page 5-1, Section 5.1.3, Water Quality: This section asserts that water sprinkling for dust control will not infiltrate to the groundwater in the borrow areas or affect the Columbia River; however, two of the sites have areas within 0.25 miles of the River. Ecology cannot evaluate the impact of the extraction of mineral resources upon recharge flows or groundwater because the depth of excavation compared to the groundwater levels is not presented. USDOE’s contention appears to be absent that information.

Response: Per recommendation, the distance to groundwater from the design excavation depth for each of the proposed borrow sites was added to Section 4.2, “Specific Site Environment.” The depths from the design excavation floor of the proposed borrow sites to the groundwater interface are as follows: 100-F Area- 3.3 m (10.7 ft); 100-H Area- 8.14 m (26.7 ft); and 100-N Area- 12.0 m (39.4 ft). Dust suppression is a common practice in remedial action activities on the Hanford Site. Water used for

Appendix C – Public Comment Letters/DOE Responses

dust suppression would meet groundwater quality criteria because dust suppression water would be taken from the existing Hanford water system. Therefore, dust suppression activities are exempt liquid discharges to soil. Additionally, dust suppression activities do not involve large volumes of water because high application rates would lead to surface pooling and muddy conditions not well suited for excavation activities. Infiltration to groundwater and the Columbia River is expected to be negligible due to the small quantities of water required for dust suppression and any water used in dust suppression will comply with groundwater standards.

Comment: Page 5-1, Section 5.1.3, Water Quality: No source of water or method of sprinkling is identified in DOE/EA-1454. Chapter 90.03 RCW Surface Water Code and Chapter 90.44 RCW Regulation of Public Groundwater (Wells). If USDOE plans to use water for dust suppression, it must have a legal water right. A water right permit is required for **all** surface water withdrawal and for any water from a well that will exceed 5,000 gallons per day. If in doubt, check with Department of Ecology, Water Resources. Temporary permits are usually obtainable in a short time period.

Response: The Pollution Prevention and Best Management Practices Plan for State Waste Discharge Permit ST4508, ST4509, ST4510, which was approved by Ecology states that following in Section 10.0, industrial wastewater that is discharged to the ground for beneficial use (e.g., irrigation, aesthetics, dust control) does not require permitting. However, industrial wastewater must meet the WAC 173-200 groundwater quality criteria standards at the point of discharge unless it can be demonstrated to the satisfaction of Ecology that the site-specific characteristics will degrade or attenuate contaminants before reaching the groundwater, and will not generate contaminants by discharging wastewater into the environment. The source of water used for dust suppression is the existing Hanford water system using the Department of Energy's (DOE's) federal water rights. Water from this system meets groundwater quality criteria standards and therefore is an exempt from additional permitting.

No additional permits are required for project-specific dust suppression in any of the Proposed Action locations.

Comment: Page 5-2, Section 5.1.4, Land Use, Paragraph 2: The EA states that additional areas [beyond the borrow pit sites] will be required at the 100-F and 100-N Areas for upgrade or construction of haul roads. The environmental impact of the construction of the new roads is not considered in the cultural or biological reviews contained in the Appendixes of DOE/EA-1454. Ecology does not support construction of new roads into those areas without a cultural/ecological review for State and Federal species of concern and Native American cultural artifacts. No information is provided about the location, size, or capacity of the roads, aside from additional areas required that are given in this section. That information is not sufficient to determine if significant adverse environmental impacts might result from upgrade or construction of the roads.

Response: The intent is to use existing roads for the Proposed Action to the extent practicable. This could include upgrading the roads by resurfacing and/or widening or constructing new roads within the active boundaries of the CERCLA Remedial Action Projects. These areas have been previously reviewed for cultural and ecological impacts due to remediation activities and no impacts to cultural resources or to plant or animal species of concern are anticipated. The No-Action Alternative and Alternative Actions would require construction of new roads that would impact some relatively undisturbed areas. As the comment states, compensatory mitigation could be required if the area threshold for shrub steppe habitat is exceeded. For this reason, the No-Action Alternative and Alternative Actions are less desirable than the Proposed Action.

U.S. DEPT. OF ENERGY
FISH AND WILDLIFE SERVICE

DOE



P.2/3

State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N, Olympia, WA 98501-1091 • (360) 902-2200; TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

January 22, 2003

Mr. Paul F.X. Dunigan, Jr.
NEPA Compliance Officer
U.S. Department of Energy
Richland Operations Office
P.O. Box 550
Richland, WA 99352

Dear Mr. Dunigan;

RE: DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR REACTIVATION AND USE OF THREE FORMER BORROW SITES IN THE 100-F, 100-H, AND 100-N AREAS (DOE/EA-1454)

The Washington Department of Fish and Wildlife (WDFW) has completed review of the EA for the reactivation of three former borrow sites in the 100-F, 100-H, and 100-N Areas.

The mandate of WDFW is to preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in the state waters and offshore waters. Wildlife, fish, and shellfish are the property of the state (RCW 77.04.012). The goal of our mitigation policy is to maintain the functions and values of fish and wildlife habitat, and we strive to protect the productive capacity and opportunities reasonably expected of a site in the future. In the long-term WDFW shall seek a net gain in productive capacity of habitat through restoration, creation and enhancement.

WDFW recommends the Department of Energy develop a mitigation action plan for reactivation of the former borrow sites in the 100-F, 100-H, and 100-N areas, based on the uncertainty of the actions as presented in the EA. Since different alternatives are presented, it is unclear which borrow sites would be utilized, for what purpose, and their impacts to natural resources. The information presented in this EA is hard to follow; for example, Figure 3-1 shows existing and proposed borrow pits, and the map seems to indicate the use of new borrow pits rather than existing sites or "reactivation".

Pit 18 is surrounded by high quality mature sagebrush, recognized as Level III in Biological Resources Mitigation Action Plan (BRMaP), which would require compensatory mitigation if impacted. What actions are taken to ensure that this area is protected? The Hanford Site Biological Mitigation Resources Mitigation Strategy Plan (BRMiS) recommends a ratio of 3:1 compensatory mitigation for Level III shrub steppe. WDFW strives for a shrub steppe mitigation

Paul F.X. Dunigan, Jr.
January 22, 2003
Page 2

ratio of 3:1, at minimum, since shrub steppe is difficult to replace, and time delays are certain before functions are fully restored.

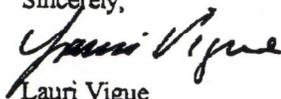
Timing restrictions for the bald eagle nest and roost are not indicated in this document. Specifically pits 19 and 20 are within the bald eagle restricted use area. According to the Bald Eagle Site Management Plan, temporal and spatial restrictions for nesting and roosting are November 15 through August 15. What actions are going to be taken by Department of Energy to ensure that the bald eagles are protected?

Road development was indicated in several sections of this EA, but the ecological survey performed did not consider the impacts of new road construction on ecological resources. If new roads become necessary, WDFW encourages the Department of Energy to route them in such a way that minimizes impacts to shrub steppe habitat, to reduce further fragmentation. If road development is found to impact shrub steppe habitat, compensatory mitigation is necessary.

The ecological review for this EA was performed at a time least likely to find nesting species on site (September 16, 2002). To adequately evaluate impacts to natural resources from these actions, an ecological survey should be conducted once, at minimum, during nesting season (March through July).

WDFW appreciates the opportunity to comment on this EA. I may be reached at (360) 902-2425 if you have questions.

Sincerely,



Lauri Vigue
Fish and Wildlife Biologist

Cc: Ted Clausing, WDFW
Melinda Brown, WDOE
Larry Goldstein, WDOE
Tom Zeilman, Yakama Indian Nation
Don Steffek, USFWS



03-ERD-0081

Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

MAR 17 2003

Ms. Lauri Vigue
Washington Projects Division/Habitat Program
State of Washington Department of Fish and Wildlife
600 Capitol Way North
Olympia, Washington 98501-1091

Dear Ms. Vigue:

RESPONSE TO COMMENTS ON ENVIRONMENTAL ASSESSMENT DOE/EA-1454 FOR REACTIVATION AND USE OF THREE FORMER BORROW SITES IN THE 100-F, 100-H, AND 100-N AREAS

The U.S. Department of Energy, Richland Operations Office (RL), has received your comments on the subject Environmental Assessment (EA) and would like to thank you for taking the time to review our document. The comments were considered in preparing the final EA. Responses to the comments are enclosed and resulting changes made to the EA are noted.

If you have additional questions concerning the proposed action, please contact Mr. Chris Smith, Environmental Restoration Division, at (509) 372-1544. Questions on the *National Environmental Policy Act of 1969* (NEPA) process can be directed to me at (509) 376-6667.

Sincerely,

A handwritten signature in cursive script that reads "Paul F. X. Dunigan, Jr.".

Paul F. X. Dunigan, Jr.
NEPA Compliance Officer

ERD:DCS

Enclosure

cc w/encl:
Administrative Record (100 Area)

ENCLOSURE

**Comments and Responses to the Environmental
Assessment for Reactivation and Use of Three
Former Borrow Sites in the 100-F, 100-H, and
100-N Areas (DOE/EA-1454)**

Appendix C – Public Comment Letters/DOE Responses

COMMENTS AND RESPONSES TO THE ENVIRONMENTAL ASSESSMENT FOR REACTIVATION AND USE OF THREE FORMER BORROW SITES IN THE 100-F, 100-H, AND 100-N AREAS (DOE/EA-1454)

Comment: WDFW recommends the Department of Energy develop a mitigation action plan for reactivation of the former borrow sites in the 100-F, 100-H, and 100-N Areas.

Response: The *Mitigation Action Plan for the 100 and 600 Areas of the Hanford Site* (DOE/RL-2001-22, Rev. 0) covers borrow sites for the 100 Area Remedial Action projects and was referenced in the draft EA. Mitigation actions specific to borrow sites are also specified in the *Draft Industrial Mineral Resources Management Plan* (DOE/RL-2000-61, Rev. 0). The EA commits to complying with both of these documents as well as the *Hanford Site Biological Resources Management Plan* (BRMaP) (DOE/RL-96-32) and the *Biological Resources Mitigation Strategy* (BRMiS) (DOE/RL-96-87). By following these management plans, the planned restoration of these sites will result in a net benefit to habitat value by planting native grasses and shrubs in areas of low-quality habitat.

Comment: Figure 3-1 shows existing and proposed borrow pits, and the map seems to indicate the use of new borrow pits rather than existing sites or “reactivation”.

Response: The call-out for Figure 3-1 on Page 3-1 states: “The locations of the three proposed borrow sites are shown in Figure 3-1.” The figure clearly shows the proposed sites referred to in Section 3.1, Proposed Action.

Comment: Pit 18 is surrounded by high quality mature sagebrush, recognized as Level III in the Biological Resources Management Plan (BRMaP), which would require compensatory mitigation if impacted. What actions are taken to ensure that this area is protected?

Response: Pit 18 is not part of the Proposed Action described in Section 3.1. The use of Pit 18 is stated in the No-Action Alternative (Section 3.2.1) for the 100-F Area. In response to your comment, a field survey was performed at the site (Pit 18), and the habitat was verified as a rabbitbrush-dominated community, which is designated as Level II under the BRMaP. However, if the No-Action Alternative is implemented and this habitat is impacted, mitigation and restoration would be conducted following the guidance described in BRMaP.

Comment: Timing restriction for the bald eagle nest and roost are not indicated in this document. Specifically pit 19 and 20 are within the bald eagle restricted use area. According to the *Bald Eagle Site Management Plan*, temporal and spatial restrictions for nesting and roosting are November 15 through August 15. What actions are going to be taken by Department of Energy to ensure that the bald eagles are protected?

Response: The EA recognizes the temporal restrictions specified in the *Bald Eagle Site Management Plan* (DOE/RL-94-150) and specifically states in Section 4.2.4 that

these restrictions “would make these pits unavailable for use during that time.” For this reason, Pits 19 and 20 are not included in the Proposed Action.

Comment: Road development was indicated in several sections of this EA, but the ecological survey performed did not consider the impacts of new road construction on ecological resources. If new roads become necessary, WDFW encourages the Department of Energy to route them in such a way that minimizes impacts to shrub steppe habitat, to reduce further fragmentation. If road development is found to impact shrub steppe habitat, compensatory mitigation is necessary.

Response: The intent is to use existing roads for the Proposed Action to the extent practicable. This could include upgrading the roads by resurfacing and/or widening or constructing new roads within the active boundaries of the CERCLA Remedial Action Projects. These areas have been previously reviewed for cultural and ecological impacts due to remediation activities and no impacts to plant or animal species of concern are anticipated. Most of the remaining alternatives would require construction of new roads that would impact some relatively undisturbed areas. As the comment states, compensatory mitigation could be required if the area threshold for shrub steppe habitat is exceeded. For this reason, the Alternative Actions are less desirable than the Proposed Action.

Comment: The ecological review for this EA was performed at a time least likely to find nesting species on site (September 16, 2002).

Response: This observation is true. However, the habitat present determines the likelihood of it being used during the nesting season. None of the Proposed Action sites contain unique or high quality nesting habitat. To be consistent with BRMaP, bird surveys are conducted in project areas just prior to the activity if it occurs during the nesting season. If nesting birds are discovered, the activity is postponed or redirected until nesting is complete.

