

## **Appendix O Consultations**

Certain statutes and regulations require the U.S. Department of Energy (DOE) to consider consultations with Federal, State, and local agencies and federally recognized Native American groups regarding the potential for alternatives for surplus plutonium disposition to disturb sensitive resources. These consultations are related to biotic, cultural, and Native American resources. DOE has initiated applicable consultations with Federal and State agencies and federally recognized Native American groups. Appendix O contains copies of the consultation letters sent by DOE to agencies and Native American groups, and any written responses provided by those agencies or groups. Attachments to responses are not included in Appendix O but are, nevertheless, part of the public record.



**Department of Energy**

Washington, DC 20585

October 30, 1998

David Hansen  
State Historic Preservation Officer  
Office of Archaeology & Historical Preservation  
420 Golf Club Road SE, Suite 201  
Lacey, Washington 98503

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process, Under Executive Memorandum Concerning Government-to-Government Relations*

Dear Mr. Hansen:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Office of Archaeology and Historical Preservation may have about the proposal. This consultation is in accordance with the National Environmental Policy Act and Section 106 of the National Historic Preservation Act.

The *Surplus Plutonium Disposition Environmental Impact Statement (SPD EIS)* is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

The purpose and need for the proposed action is to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in an environmentally safe and timely manner. The SPD Draft EIS, a copy of which is attached for your review, examines the potential environmental impacts for 24 alternatives for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion; mixed oxide (MOX) fuel fabrication; and plutonium conversion and immobilization.

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Hanford site (e.g., Alternative 2), a maximum of about 15 hectares

David Hansen, Washington SHPO  
10/30/98  
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(37 acres) of land in the 400 Area would be impacted. No prehistoric or historic archaeological resources have been identified within the proposed construction areas, and no architectural resources in the 200 East of 400 Area. Preconstruction surveys (as required) and construction monitoring for previously unknown resources would be conducted within the framework of the *Hanford Cultural Resources Management Plan* (Battelle 1989; revised draft edition 1998).

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Dee Lloyd, Hanford Cultural Resources Program Manager, at (509) 372-2299.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Dee Lloyd, Cultural Resource Manager, Hanford  
Lois Thompson, Federal Preservation Officer, DOE HQ

SPD EIS enclosure

**Department of Energy**

Washington, DC 20585

October 30, 1998

Mr. Russell Jim, Manager  
Environmental Restoration/Waste Management Program  
Confederated Tribes and Bands of the Yakama Indian Nation  
2808 Main Street  
Union Gap, Washington 98903

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact  
Analysis Process, Under Executive Memorandum Concerning Government-  
to-Government Relations*

Dear Mr. Jim:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Confederated Tribes and Bands of the Yakama Indian Nation may have about the proposal. This consultation is in accordance with the Executive Memorandum (29 April 1994) entitled, "Government-to-Government Relations with Native American Tribal Governments", and DOE Order 1230.2. It also follows prior consultation initiated for compliance with the American Indian Religious Freedom Act (AIRFA) (PL 95-341) and the Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601).

The *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

The purpose and need for the proposed action is to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in an environmentally safe and timely manner. The SPD Draft EIS, a copy of which is attached for your review, examines the potential environmental impacts for 24 alternatives for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion; mixed oxide (MOX) fuel fabrication; and plutonium conversion and immobilization.

Mr. Russell Jim, Manager, Confederated Tribes and Bands of the Yakama Indian Nation  
10/30/98  
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If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Hanford site (e.g., Alternative 2), a maximum of 15 hectares (37 acres) of land in previously disturbed portions of the 400 Area would be impacted. Based on previous investigations, no traditional cultural properties have been identified in the 400 Area or immediately adjacent areas.

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Kevin Clark, Hanford Indian Nation Program Manager, at (509) 376-6332.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Tom Woods, YIN  
Nanci Peters, YIN  
Kevin V. Clark, Indian Nation Program Manager, Hanford  
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure



**Department of Energy**  
Washington, DC 20585

October 30, 1998

Ms. Donna L. Powaukee, Director  
Environmental Restoration/Waste Management Program  
Nez Perce Tribe  
P.O. Box 365  
Lapwai, Idaho 83540

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process, Under Executive Memorandum Concerning Government-to-Government Relations*

Dear Ms. Powaukee:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Nez Perce Tribe may have about the proposal. This consultation is in accordance with the Executive Memorandum (29 April 1994) entitled, "Government-to-Government Relations with Native American Tribal Governments", and DOE Order 1230.2. It also follows prior consultation initiated for compliance with the American Indian Religious Freedom Act (AIRFA) (PL 95-341) and the Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601).

The *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

The purpose and need for the proposed action is to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in an environmentally safe and timely manner. The SPD Draft EIS, a copy of which is attached for your review, examines the potential environmental impacts for 24 alternatives for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion; mixed oxide (MOX) fuel fabrication; and plutonium conversion and immobilization.

Ms. Donna L. Powaukee, Nez Perce Tribe  
10/30/98  
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If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Hanford site (e.g., Alternative 2), a maximum of 15 hectares (37 acres) of land in previously disturbed portions of the 400 Area would be impacted. Based on previous investigations, no traditional cultural properties have been identified in the 400 Area or immediately adjacent areas.

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Kevin Clark, Hanford Indian Nation Program Manager, at (509) 376-6332.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Stan Sobczyk, NPT  
Pat Sobotta, NPT  
Kevin Clark, Indian Nations Program Manager, Hanford  
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure



**Department of Energy**  
Washington, DC 20585

October 30, 1998

Ms. Lenora Seelatsee  
Wanapum Band  
Grant County P.U.D  
30 "C" Street, S.W.  
P.O. Box 878  
Ephrata, Washington 98823

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process, Under Executive Memorandum Concerning Government-to-Government Relations*

Dear Ms. Seelatsee:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Wanapum Band may have about the proposal. This consultation is in accordance with the Executive Memorandum (29 April 1994) entitled, "Government-to-Government Relations with Native American Tribal Governments", and DOE Order 1230.2. It also follows prior consultation initiated for compliance with the American Indian Religious Freedom Act (AIRFA) (PL 95-341) and the Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601).

The *Surplus Plutonium Disposition Environmental Impact Statement (SPD EIS)* is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

The purpose and need for the proposed action is to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in an environmentally safe and timely manner. The SPD Draft EIS, a copy of which is attached for your review, examines the potential environmental impacts for 24 alternatives for the proposed siting, construction, and operation of three types of

Ms. Lenora Seelatsee, Wanapum Band  
10/30/98  
Page 2

facilities: pit disassembly and conversion; mixed oxide (MOX) fuel fabrication; and plutonium conversion and immobilization.

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Hanford site (e.g., Alternative 2), a maximum of 15 hectares (37 acres) of land in previously disturbed portions of the 400 Area would be impacted. Based on previous investigations, no traditional cultural properties have been identified in the 400 Area or immediately adjacent areas.

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Kevin Clark, Hanford Indian Nation Program Manager, at (509) 376-6332.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Rex Buck, Jr., Wanapum  
Robert Tomanawash, Wanapum  
Kevin V. Clark, Indian Nation Program Manager, Hanford  
Brandt Petrusek, EM-20, DOE HQ

SPD EIS enclosure

**Department of Energy**

Washington, DC 20585

October 30, 1998

Mr. J. R. Wilkinson, Manager  
Special Sciences and Resources Program  
Confederated Tribes of the Umatilla Indian Reservation  
P.O. Box 638  
Pendleton, Oregon 97801

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process, Under Executive Memorandum Concerning Government-to-Government Relations*

Dear Mr. Wilkinson:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Confederated Tribes of the Umatilla Indian Reservation may have about the proposal. This consultation is in accordance with the Executive Memorandum (29 April 1994) entitled, "Government-to-Government Relations with Native American Tribal Governments", and DOE Order 1230.2. It also follows prior consultation initiated for compliance with the American Indian Religious Freedom Act (AIRFA) (PL 95-341) and the Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601).

The *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

The purpose and need for the proposed action is to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in an environmentally safe and timely manner. The SPD Draft EIS, a copy of which is attached for your review, examines the potential environmental impacts for 24 alternatives for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion; mixed oxide (MOX) fuel fabrication; and plutonium conversion and immobilization.

Mr. J. R. Wilkinson, Manager, Confederated Tribes of the Umatilla Reservation  
10/30/98  
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If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Hanford site (e.g., Alternative 2), a maximum of 15 hectares (37 acres) of land in previously disturbed portions of the 400 Area would be impacted. Based on previous investigations, no traditional cultural properties have been identified in the 400 Area or immediately adjacent areas.

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U. S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Kevin Clark, Hanford Indian Nation Program Manager, at (509) 376-6332.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Jo Marie Tessman, CTUIR  
Kevin V. Clark, Indian Nation Program Manager, Hanford  
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure



## Department of Energy

Washington, DC 20585  
July 28, 1998

Mr. Richard Roy  
U.S. Department of Interior  
Fish and Wildlife Service  
Post Office Box 1157  
Moses Lake, WA 98837

Dear Mr. Roy:

### **INFORMAL CONSULTATION UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT FOR SURPLUS PLUTONIUM DISPOSITION**

The Department of Energy (DOE) published its Notice of Intent to prepare the *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) in the Federal Register (Vol. 92, No. 99) on May 22, 1997. This SPD EIS is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. To summarize, the purpose of the proposed action is to reduce the threat of nuclear weapons proliferation worldwide in an environmentally safe and timely manner by conducting disposition of surplus plutonium in the United States, thus setting a nonproliferation example for other nations.

The SPD Draft EIS, a copy of which is attached for your review, examines twenty-four alternatives and analyzes the potential environmental impacts for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion, mixed oxide (MOX) fuel fabrication, and plutonium conversion and immobilization. The Hanford Site near Richland, Washington is a candidate site for all three facilities. The candidate sites and alternatives are shown in Table 2-1 of the SPD Draft EIS. Please note that where practical, the modification of existing buildings is being considered.

Alternative 2 proposes locating pit disassembly and conversion, and plutonium conversion and immobilization facilities in the Fuels and Materials Examination Facility (FMEF) and the MOX fuel fabrication facility in new construction adjacent to FMEF in the 400 Area. In addition, the planned high-level waste vitrification facility in the 200 East Area would be used to process the canisters from the plutonium conversion and immobilization facility. Although several alternatives include locating facilities at Hanford, Alternative 2 has the greatest potential for impacts on ecological resources.

Preliminary analyses suggest that overall impacts on ecological resources from constructing and operating the proposed surplus plutonium disposition facilities would be limited because the land area required (15 hectares [37 acres]) is relatively small in comparison to regionally available habitat; habitat disturbance would be minimized because construction would take place in previously disturbed or developed areas; and operational impacts would be minimized because



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facility releases of airborne and aqueous effluents would be controlled and permitted. Section 4.26.1.3 of the SPD Draft EIS presents the ecological resources analysis for the Hanford Site.

Although sources indicate that no critical habitat for any threatened and endangered species exists near the proposed construction area, there may be Washington State-classified special status species associated with shrub-steppe habitat that could be affected due to land disturbance and noise. Animal species include burrowing owl, ferruginous hawk, golden eagle, long-billed curlew, sage thrasher, Swainson's hawk, pygmy rabbit, desert night snake, and striped whipsnake. It is doubtful the loggerhead shrike and sage sparrow would be affected because a fire in the 400 Area previously destroyed most of their habitat. Plant species include crouching milkvetch, piper's daisy, squill onion, and stalked-pod milkvetch.

Consistent with the Endangered Species Act, DOE requests that the Fish and Wildlife Service provide any additional information on the presence of threatened and endangered animal and plant species, both listed and proposed, in the vicinity of the 200 East and 400 Areas at Hanford. Information on the habitats of these species would also be appreciated. DOE also requests information on any other species of concern that are known to occur or potentially occur in the vicinity of the 200 East and 400 Areas.

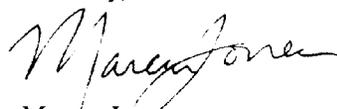
As part of DOE's National Environmental Policy Act process, DOE encourages the Fish and Wildlife Service to identify any concerns or issues that it believes should be addressed in the SPD EIS. To facilitate incorporation of your input into the SPD Final EIS, please provide a written response by September 16, 1998.

Please mail your response to:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
1000 Independence Avenue, SW  
Washington, DC 20585

If you have any questions, please contact me at (202) 586-0149.

Sincerely,



Marcus Jones  
SPD EIS Document Manager

cc: Charles A. Brandt, PNNL  
Dana Ward, DOE



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
517 South Buchanan  
Moses Lake, Washington 98837  
Phone: 509-765-6125 FAX: 509-765-9043

December 3, 1998

Department of Energy  
Office of Fissile Materials Disposition  
Attn: Marcus Jones  
SPD EIS Document Manager  
1000 Independence Avenue, SW  
Washington, DC 20585

RE: Surplus Plutonium Disposition Environmental Impact Statement  
FWS Reference: 1-9-99-SP-052

Dear Mr. Jones:

Thank you for your request of December 3, 1998. Enclosed is a list of threatened and endangered species, candidate species and species of concern (Enclosure A), that may be present at the Hanford Reservation. We are enclosing a list of the whole site, due to the limited site-specific information provided in your December 3, 1998 letter. This list fulfills the requirements of the U. S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act of 1973, as amended (Act).

The Service has included aquatic species due to the possibilities of groundwater transmission of radioactive materials. Thus, we are giving you the opportunity to make an initial evaluation of possible effects to each species, as provided in the Federal Register (Vol. 51, No. 106, pg. 19946) on June 3, 1986. We are enclosing a copy of the requirements for federal agency compliance under the Act (Enclosure B).

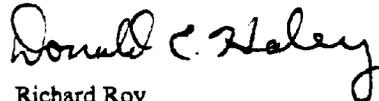
Should the biological assessment for the proposed project determine that a listed species is likely to be affected (adversely or beneficially) by the project, the federal agency should request Section 7 consultation through this office. If the biological assessment determines that the proposed action is "not likely to adversely affect" a listed species, the federal agency should request Service concurrence with that determination through the informal consultation process. If the biological assessment determines the project to have "no effect," we would appreciate receiving a copy for our information.

Candidate species and species of concern are included simply as advance notice to federal agencies of species which may be proposed and listed in the future. Protection provided to these species now may preclude possible listing in the future. If early evaluation of your project indicates that it is likely to adversely impact a candidate species, or species of concern, the federal agency may wish to request technical assistance from this office.

There are other species, including anadromous fishes that have been federally listed by the National Marine Fisheries Service (NMFS). Some of these species may occur in the vicinity of your project. Please contact NMFS in Lacey, WA at (360) 753-5828, or in Portland, OR at (503) 231-2319, to request a species list.

Thank you for your efforts to protect our nation's species and their habitats. If you have additional questions regarding your responsibilities under the Act, please contact Richard Smith of this office at (509) 765-6125.

Sincerely,



Richard Roy  
Acting Assistant Field Supervisor

ENCLOSURES



## Department of Energy

Washington, DC 20585

July 28, 1998

Mr. Jay McConnaughey  
 Washington Department of Fish and Wildlife  
 1315 West 4th  
 Kennewick, WA 99336

Dear Mr. McConnaughey:

The Department of Energy (DOE) published its Notice of Intent to prepare the *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) in the Federal Register (Vol. 92, No. 99) on May 22, 1997. This SPD EIS is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. To summarize, the purpose of the proposed action is to reduce the threat of nuclear weapons proliferation worldwide in an environmentally safe and timely manner by conducting disposition of surplus plutonium in the United States, thus setting a nonproliferation example for other nations.

The SPD Draft EIS, a copy of which is attached for your review, examines twenty-four alternatives and analyzes the potential environmental impacts for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion, mixed oxide (MOX) fuel fabrication, and plutonium conversion and immobilization. The Hanford Site near Richland, Washington is a candidate site for all three facilities. The candidate sites and alternatives are shown in Table 2-1 of the SPD Draft EIS. Please note that where practical, the modification of existing buildings is being considered.

Alternative 2 proposes locating pit disassembly and conversion, and plutonium conversion and immobilization facilities in the Fuels and Materials Examination Facility (FMEF) and the MOX fuel fabrication facility in new construction adjacent to FMEF in the 400 Area. In addition, the planned high-level waste vitrification facility in the 200 East Area would be used to process the canisters from the plutonium conversion and immobilization facility. Although several alternatives include locating facilities at Hanford, Alternative 2 has the greatest potential for impacts on ecological resources.

Preliminary analyses suggest that overall impacts on ecological resources from constructing and operating the proposed surplus plutonium disposition facilities would be limited because the land area required (15 hectares [37 acres]) is relatively small in comparison to regionally available habitat; habitat disturbance would be minimized because construction would take place in previously disturbed or developed areas; and operational impacts would be minimized because

facility releases of airborne and aqueous effluents would be controlled and permitted. Section 4.26.1.3 of the SPD Draft EIS presents the ecological resources analysis for the Hanford Site.

Although sources indicate that no critical habitat for any threatened and endangered species exists near the proposed construction area, there may be Washington State-classified special status species associated with shrub-steppe habitat that could be affected due to land disturbance and noise. Animal species include burrowing owl, ferruginous hawk, golden eagle, long-billed curlew, sage thrasher, Swainson's hawk, pygmy rabbit, desert night snake, and striped whipsnake. It is doubtful the loggerhead shrike and sage sparrow would be affected because a fire in the 400 Area previously destroyed most of their habitat. Plant species include crouching milkvetch, piper's daisy, squill onion, and stalked-pod milkvetch.

As part of DOE's National Environmental Policy Act process, DOE encourages the Washington Department of Fish and Wildlife to identify any concerns or issues that it believes should be addressed in the SPD EIS. To facilitate incorporation of your input into the SPD Final EIS, please provide a written response by September 16, 1998.

Please mail your response to:

Marcus Jones  
SPD EIS Document Manager  
U. S. Department of Energy  
Office of Fissile Materials Disposition  
1000 Independence Avenue, SW  
Washington, DC 20585

If you have any questions, please contact me at (202) 586-0149.

Sincerely,

  
Marcus Jones  
SPD EIS Document Manager

cc: Charles A. Brandt, PNNL  
Dana Ward, DOE



STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE

1701 S 24th Avenue • Yakima, Washington 98902-5720 • (509) 575-2740 FAX (509) 575-2474

c/o Department of Ecology  
1315 W 4th Ave, Kennewick, WA 99336

7 December, 1998

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
1000 Independence Ave. SW  
Washington, DC 20585

Dear Mr. Jones:

Subject: Comments on the *Surplus Plutonium Disposition Draft Environmental Impact Statement, July 1998*, DOE/EIS-0283-D.

Upon a recent request for comments on the aforementioned document by U.S. Department of Energy (USDOE) Washington DC staff, the Washington Department of Fish and Wildlife (WDFW) is providing comments and greatly appreciates the invitation to submit comments even after the official closing of the comment period.

The WDFW supports the identified preferred alternatives in the draft EIS for siting plutonium disposition facilities (i.e. Immobilization at SRS, MOX Fuel Fabrication at SRS and Pit Disassembly and Conversion at SRS or Pantex). We concur with USDOE's determination as stated in the *Summary* "that Hanford's cleanup mission is critical, therefore ... prefers that the cleanup mission remain the site's top priority..." It is important that cleanup continue to remain the focus of the Hanford Site to be protective of the Columbia River ecosystem.

The Hanford Site ecosystem contains biological resources of regional, national, and international significance. The Hanford Reach supports a healthy stock of upriver bright fall chinook salmon (*Oncorhynchus tshawytscha*) and provides essential habitat for the federally listed Upper Columbia River steelhead (*Oncorhynchus mykiss*) which has been listed as endangered. The Nature Conservancy of Washington findings from a multi-year biodiversity inventory confirm the importance of the Hanford Site, and the 1997 annual report states "Findings from the biodiversity inventory to date show that the Hanford Site,

Mr. Jones  
7 December, 1998  
Page 2 of 3

including the Hanford Reach, is home to an irreplaceable natural legacy<sup>1</sup>." Over the duration of the inventory, TNC scientists discovered 40 species new to science. Other biological studies support the significance of these resources as well. The significance of shrub steppe is accurately reflected in the *draft Hanford Site Biological Resource Management Plan* by the following: "...the percentage that Hanford contributes to the existence of shrub steppe within the ecoregion has increased by about 250% since European settlement". The WDFW has designated nearly 80% of the site as Priority Shrub Steppe Habitat including the post-fire habitat. Finally, the National Biological Service (currently known as the National Biological Division of the U.S. Geological Service) has listed native shrub and grassland steppe in Washington and Oregon as an endangered ecosystem<sup>2</sup>.

The Hanford Site has been identified in several alternatives with alternative 2 having the greatest potential for impacts on ecological resources. Impacts would include the loss of 37 acres of habitat and effluent discharge to the Columbia River. The WDFW provides the following comments in the event that the facilities are actually sited at the Hanford Site.

The draft EIS mentions that effluent discharges would occur to the Columbia River. Given this information, the USDOE should enter into consultation with the National Marine Fisheries Service under Section 7 of the Endangered Species Act to ensure that the action is not likely to jeopardize the continued existence of any listed species (16 U.S.C. Sec.1536 (a)(2)) (i.e. Upper Columbia River steelhead). Consultation requirements of Section 7 are nondiscretionary and are effective at the time of species' listing regardless of whether critical habitat is designated. Our concerns are with the release of contaminants and thermal discharge that may adversely affect anadromous fish. Again, as in our comments on DOE/EA-1259, we would expect an aquatic biological review to occur given the evidence that suggest Upper Columbia River steelhead spawn where fall chinook salmon have been previously observed spawning in the Hanford Reach.

We commend USDOE for first looking at the modification of existing buildings before constructing new ones. This action is consistent with the mitigation hierarchy as defined in 40CFR§1508.20. As stated earlier, WDFW designated post-fire shrub steppe habitat located in the southeast portion of the Hanford Site as Priority Shrub Steppe Habitat. Our concerns with this habitat are captured in a letter dated 1 July, 1998 to Mr. Dana Ward,

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<sup>1</sup> The Nature Conservancy of Washington. Biodiversity Inventory and analysis of the Hanford Site, 1997 Annual report, May 1998.

<sup>2</sup> Noss, Reed F., E.T. Laroe III, and J.M. Scott. Endangered ecosystems of the United States: A preliminary assessment of loss and degradation. Biological Report 28, Feb. 1995, National Biological Service, U.S. Department of the Interior.

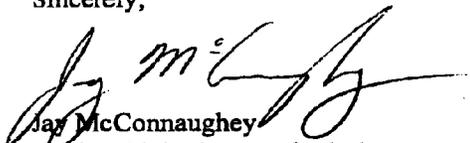
Mr. Jones  
7 December, 1998  
Page 3 of 3

USDOE-RL. We believe every effort should be made to protect this habitat from further fragmentation and degradation which would occur from habitat disturbances, and that any adverse impacts that could not be mitigated through minimization and rectification should be compensated for at a 3:1 ratio. This would be consistent with USDOE's steward role of sustaining the natural ecosystems as stated in the Land and Facility Use Policy. Also, a commitment to fully mitigate adverse impacts to Priority Shrub Steppe Habitat would be consistent with past actions, such as, the Safe Interim Storage EIS, Tank Waste Remediation System EIS, and Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, Infrastructure Upgrades, and Central Waste, Support Complex EA where adverse impacts were compensated.

We would request language be included in the final EIS that states "The project will be reviewed with the Washington Department of Fish and Wildlife and a mitigation action plan be developed and implemented to compensate for the destruction of Priority Shrub Steppe habitat from this project".

Again, thank you for the opportunity to comment. If you have any questions on these comments, please contact me at (509) 736-3095.

Sincerely,



Jay McConaughy  
Habitat Biologist, Hanford Site

Enclosures (2)

cc w/o enc:  
USDOE

Paul Dunigan, Jr.  
Washington Department of Ecology  
Rebecca Inman  
Ron Skinnarland

WDFW  
Ted Clausing  
Neil Rikard



**Department of Energy**  
Washington, DC 20585

October 30, 1998

Robert Yohe  
State Historic Preservation Officer  
100 Main  
Boise, Idaho 83702

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process*

Dear Mr Yohe:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Idaho State Historic Preservation Office may have about the proposal. This consultation is in accordance with National Environmental Policy Act and Section 106 of the National Historic Preservation Act.

The *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

The purpose and need for the proposed action is to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in an environmentally safe and timely manner. The SPD Draft EIS, a copy of which is attached for your review, examines the potential environmental impacts for 24 alternatives for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion; mixed oxide (MOX) fuel fabrication; and plutonium conversion and immobilization.

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Idaho National Environmental and Engineering Laboratory (INEEL) site (e.g., Alternative 7A), a maximum of about 13 hectares (32 acres) of land inside the Idaho Nuclear Technology and Engineering Center (INTEC) protected area adjacent to

Robert Yohe, State Historic Preservation Officer  
10/30/98  
Page 2

the Fuel Processing Facility (FPF) would be impacted. Six prehistoric resources within the vicinity of the proposed construction area have been identified, but none are eligible for nomination to the National Register. A homestead and a trash dump may be eligible for the National Register, and a historic building survey being conducted within INTEC is likely to identify structures potentially eligible for the National Register based on their Cold War associations. Direct impact of the proposed construction would be unlikely; however, consistent with the *INEL Management Plan for Cultural Resources*, surveys and monitoring would be conducted to ensure against impact to National Register-eligible resources.

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Bob Stark, the INEEL Technical Lead for Cultural Resources, at (208) 526-1122.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Bob Stark, Technical Lead for Cultural Resources, INEEL  
Lois Thompson, Federal Preservation Officer, DOE HQ

SPD EIS enclosure



**Department of Energy**  
Washington, DC 20585

October 30, 1998

Mr. Keith Tinno, Tribal Chairman  
Fort Hall Reservation  
P.O. Box 306  
Fort Hall, Idaho 83203

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process, Under Executive Memorandum Concerning Government-to-Government Relations*

Dear Mr. Tinno:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Shoshone and Bannock Tribes may have about the proposal. This consultation is in accordance with the Executive Memorandum (29 April 1994) entitled, "Government-to-Government Relations with Native American Tribal Governments", and DOE Order 1230.2. It also follows prior consultation initiated for compliance with the American Indian Religious Freedom Act (AIRFA) (PL 95-341) and the Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601).

The *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state-delegated environmental legislation.

The purpose and need for the proposed action is to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in an environmentally safe and timely manner. The SPD Draft EIS, a copy of which is attached for your review, examines the potential environmental impacts for 24 alternatives for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion; mixed oxide (MOX) fuel fabrication; and plutonium conversion and immobilization.

Mr. Keith Tinno, Tribal Chairman, Fort Hall Reservation  
10/30/98  
Page 2

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the INEEL site (e.g., Alternative 7A), a maximum of about 13 hectares (32 acres) of land inside the Idaho nuclear Technology and Engineering Center (INTEC) protected area adjacent to the Fuel Processing Facility (FPF) would be impacted. Specific Native American resources have not been identified within the proposed construction area, but operations could result in indirect impacts, such as access restrictions. DOE would conduct direct consultation with the Shoshone and Bannock Tribes, consistent with a working agreement between DOE and the tribes, to ensure there are no direct construction-related impacts.

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Bob Pence, the INEEL American Indian Program Manager, at (208) 526-6518.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Diana Yupe, Fort Hall  
Bob Pence, American Indian Program Manager, INEEL  
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure



## Department of Energy

Washington, DC 20585  
July 28, 1998

Ms. Susan Burch  
U. S. Department of Interior  
Fish and Wildlife Service  
Snake River Basin Office  
Columbia River Basin Ecological Region  
1387 South Vinnell Way  
Room 368  
Boise, ID 83709

Dear Ms. Burch:

### **INFORMAL CONSULTATION UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT FOR SURPLUS PLUTONIUM DISPOSITION**

The Department of Energy (DOE) published its Notice of Intent to prepare the *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) in the Federal Register (Vol. 92, No. 99) on May 22, 1997. This SPD EIS is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. To summarize, the purpose of the proposed action is to reduce the threat of nuclear weapons proliferation worldwide in an environmentally safe and timely manner by conducting disposition of surplus plutonium in the United States, thus setting a nonproliferation example for other nations.

The SPD Draft EIS, a copy of which is attached for your review, examines twenty-four alternatives and analyzes the potential environmental impacts for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion, mixed oxide (MOX) fuel fabrication, and plutonium conversion and immobilization. The Idaho National Engineering and Environmental Laboratory (INEEL) near Idaho Falls, Idaho is a candidate site for the pit disassembly and MOX facilities. Alternatives 7A, 7B, and 8 propose locating pit disassembly and conversion in the Fuel Processing Facility (FPF) and MOX fuel fabrication in new construction in the Idaho Nuclear Technology and Energy Center (INTEC) area. The candidate sites and alternatives are shown in Table 2-1 of the SPD Draft EIS. Please note that where practical, the modification of existing buildings is being considered.

Preliminary analyses suggest that overall impacts on ecological resources from constructing and operating the proposed surplus plutonium disposition facilities would be limited because the land area required (13 hectares [32 acres]) is relatively small in comparison to regionally available habitat; habitat disturbance would be minimized because construction would take place in previously disturbed or developed areas; and operational impacts would be minimized because facility releases of airborne and aqueous effluents would be controlled and permitted. Section



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4.26.2.3 of the SPD Draft EIS presents the ecological resources analysis for INEEL.

Although sources indicate that no critical habitat for any threatened and endangered species exists near the proposed construction area, there may be Federal or State-classified special status species in the area surrounding INTEC. These species include bald eagle, black tern, burrowing owl, ferruginous hawk, loggerhead shrike, long-eared and small-footed myotis, northern goshawk, northern sagebrush lizard, peregrine falcon, pygmy rabbit, Townsend's western big-eared bat, trumpeter swan, and white-faced ibis. Noise disturbance is probably the most important impact affecting local wildlife populations.

Consistent with the Endangered Species Act, DOE requests that the Fish and Wildlife Service provide any additional information on the presence of threatened and endangered animal and plant species, both listed and proposed, in the vicinity of the INTEC area at INEEL. Information on the habitats of these species would also be appreciated. DOE also requests information on any other species of concern that are known to occur or potentially occur in the vicinity of INTEC.

As part of DOE's National Environmental Policy Act process, DOE encourages the Fish and Wildlife Service to identify any concerns or issues it believes should be addressed in the SPD EIS. To facilitate incorporation of your input into the SPD Final EIS, please provide a written response by September 16, 1998.

Please mail your response to:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
1000 Independence Avenue, SW  
Washington, DC 20585

If you have any questions, please contact me at (202) 586-0149.

Sincerely,



Marcus Jones  
SPD EIS Document Manager

cc: Roger Twitchell, DOE  
Tim Reynolds, ESRF



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Snake River Basin Office, Columbia River Basin Ecoregion  
1387 South Vinnell Way, Room 368  
Boise, Idaho 83709

August 18, 1998

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
1000 Independence Avenue S.W.  
Washington, D.C. 20585

Subject: Surplus Plutonium Disposition--Section 7 Consultation  
File #506.0000 SP #1-4-98-SP-247

Dear Mr. Jones:

The U.S. Fish and Wildlife Service (Service) has received your letter announcing your Notice of Intent to prepare the Surplus Plutonium Disposition Environmental Impact Statement. Your letter to us, dated July 28 1998 and received here August 10, 1998 dealt specifically with issues related to species listed under the Endangered Species Act of 1973 (Act). Your letter noted a number of rare and sensitive species that could occur at the Idaho National Engineering and Environmental Laboratory site. Two listed species, the threatened bald eagle and peregrine falcon, are included on your list. The Service concurs that the list you developed is accurate, and we are providing you a reference number to document our concurrence with your list (SP #1-4-98-SP-247).

At this time, staffing and funding constraints will preclude our direct involvement with your analysis of this project. As you know, Idaho Department of Fish and Game's Conservation Data Center is the repository for information about status and distribution of species of concern, including those listed under the Act. We encourage you to work with them to obtain the most current information about the species that may occur at the site. If you determine that a listed species may be affected by the project, Section 7 of the Act requires that you consult with the Service. In that event, we will be available for informal consultation.

Thank you for providing the Service with the opportunity to comment on the proposed project. Contact Alison Beck Haas of my staff in Boise (208) 378-5384 or Mike Donahoo in Pocatello (208) 233-8550 if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Russink". The signature is written in a cursive style with a large, prominent initial "R".

Supervisor, Snake River Basin Office

cc: FWS-CBE, Portland (Diggs)  
FWS, Pocatello (Donahoo)



## Department of Energy

Washington, DC 20585

July 28, 1998

Mr. George Stephens  
Idaho Department of Fish and Game  
Conservation Data Center  
600 South Walnut  
Boise, ID 83705

Dear Mr. Stephens:

The Department of Energy (DOE) published its Notice of Intent to prepare the *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) in the *Federal Register* (Vol. 92, No. 99) on May 22, 1997. This SPD EIS is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. To summarize, the purpose of the proposed action is to reduce the threat of nuclear weapons proliferation worldwide in an environmentally safe and timely manner by conducting disposition of surplus plutonium in the United States, thus setting a nonproliferation example for other nations.

The SPD Draft EIS, a copy of which is attached for your review, examines twenty-four alternatives and analyzes the potential environmental impacts for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion, mixed oxide (MOX) fuel fabrication, and plutonium conversion and immobilization. The Idaho National Engineering and Environmental Laboratory (INEEL) near Idaho Falls, Idaho is a candidate site for the pit disassembly and MOX facilities. Alternatives 7A, 7B, and 8 propose locating pit disassembly and conversion in the Fuel Processing Facility (FPF) and MOX fuel fabrication in new construction in the Idaho Nuclear Technology and Energy Center (INTEC) area. The candidate sites and alternatives are shown in Table 2-1 of the SPD Draft EIS. Please note that where practical, the modification of existing buildings is being considered.

Preliminary analyses suggest that overall impacts on ecological resources from constructing and operating the proposed surplus plutonium disposition facilities would be limited because the land area required (13 hectares [32 acres]) is relatively small in comparison to regionally available habitat; habitat disturbance would be minimized because construction would take place in previously disturbed or developed areas; and operational impacts would be minimized because facility releases of airborne and aqueous effluents would be controlled and permitted. Section 4.26.2.3 of the SPD Draft EIS presents the ecological resources analysis for INEEL.

Although sources indicate that no critical habitat for any threatened and endangered species exists near the proposed construction area, there may be Federal or State-classified special status species in the area surrounding INTEC. These species include bald eagle, black tern, burrowing owl, ferruginous hawk, loggerhead shrike, long-eared and small-footed myotis, northern goshawk,



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northern sagebrush lizard, peregrine falcon, pygmy rabbit, Townsend's western big-eared bat, trumpeter swan, and white-faced ibis. Noise disturbance is probably the most important impact affecting local wildlife populations.

As part of DOE's National Environmental Policy Act process, DOE encourages the Idaho Department of Fish and Game to identify any concerns or issues it believes should be addressed in the SPD EIS. To facilitate incorporation of your input into the SPD Final EIS, please provide a written response by September 16, 1998.

Please mail your response to:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
1000 Independence Avenue, SW  
Washington, DC 20585

If you have any questions, please contact me at (202) 586-0149.

Sincerely,



Marcus Jones  
SPD EIS Document Manager

cc: Roger Twitchell, DOE  
Tim Reynolds, ESRF



IDAHO CONSERVATION DATA CENTER



Idaho Department of Fish and Game • 600 South Walnut • P.O. Box 25 Boise, Idaho 83707 • (208) 334-3402 • FAX 334-2114

12 August 1998

Marcus Jones, SPD EIS Document Manager  
Department of Energy  
Washington, D. C. 20585

Dear Mr. Jones:

I am responding to your request for input relative to special status species associated with INEEL and construction at the Idaho Nuclear Technology and Energy Center (INTEC). Enclosed is a list of special status plants and animals known to occur at INEEL. These represent species for which the Conservation Data Center (CDC) has documentation of occurrence.

Within a 10-mile radius of INTEC, the only occurrences in the CDC database are ferruginous hawk nesting territories and Merriam's shrew capture sites. In the eastern part of Idaho, gray wolf is considered an experimental, nonessential population. With regard to the species listed in your letter, the Lower Snake River Basin office of the U. S. Fish and Wildlife Service does not consider northern sagebrush lizard to be a Species of Concern.

If you have questions regarding this response, please contact me.

Sincerely,

George Stephens  
Fish and Game Data Coordinator



## IDAHO CONSERVATION DATA CENTER



Idaho Department of Fish and Game • 600 South Walnut • P.O. Box 25, Boise, Idaho 83707 • (208) 334-3402 • FAX 334-2114

gstephen@idfg.state.id.us

<http://www.state.id.us/fishgame/cdchome.htm>

## MEMORANDUM

TO: Kevin Folk  
 FROM: George Stephens  
 DATE: 12 February 1999  
 RE: INTEC area at INEEL

I am responding to your phone call this morning. After reviewing the original request (28 Jul 1998, from Marcus Jones) and looking at my response (12 Aug 1998), I can provide an update to our phone conversation.

Jones' request was not clear. His letter refers to the INTEC "area," to multiple sites on INEEL, and to Idaho Fish and Game addressing any concerns it has with the EIS. With regard to special status species, I think my response to Jones' letter is in tune with his request. In the body of my (1998) letter, I addressed (1) the two known species occurrences in the INTEC "area" and (2) the known occurrences on the entirety of INEEL with regard to the multiple sites. If you check the species list accompanying my letter, you will note INEEL is indicated (at the top) of the list.

On the phone, I explained the basis for conducting a database search of a 10-mile radius around a project area. Primarily, it is to check whether a peregrine falcon eyrie or hawk site is known from the area. That 10-mile guideline came from the U. S. Fish and Wildlife Service for the CDC to use when developing a Sec. 7 (ESA) species list. Many other species don't have well-defined guidelines, and I simply included other known occurrences found within the 10-mile radius. Animals generally tend to move around and are often found over a larger area than where an individual was observed or trapped.

The pages accompanying this memorandum contain printed database records for the known occurrences in the INTEC area. In addition to these species, pygmy rabbit should be considered as a probable occurrence in any area of big sagebrush habitat. The printout contains a rare plant not addressed in the 1998 response. The CDC only recently began to track nonvascular plants; this plant occurrence had not been processed at the time of Jones' request.

If you have additional questions, please contact me.



**Department of Energy**

Washington, DC 20585

October 30, 1998

Mr. Virgil Franklin Sr.  
Cheyenne-Arapaho Tribe of Oklahoma  
P.O. Box 38  
Concho OK 73022

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process, Under Executive Memorandum Concerning Government-to-Government Relations with Native American Tribal Governments*

Dear Mr. Franklin:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Cheyenne-Arapaho Tribe of Oklahoma may have about the proposal. This consultation is in accordance with the Executive Memorandum (29 April 1994) entitled, "Government-to-Government Relations with Native American Tribal Governments", and DOE Order 1230.2. It also follows prior consultation initiated for compliance with the American Indian Religious Freedom Act (AIRFA) (PL 95-341) and the Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601).

The *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

The purpose and need for the proposed action is to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in an environmentally safe and timely manner. The SPD Draft EIS, a copy of which is attached for your review, examines the potential environmental impacts for 24 alternatives for the proposed siting, construction, and operation of three types of facilities: pit disassembly and conversion; mixed oxide (MOX) fuel fabrication; and plutonium conversion and immobilization.

Mr. Virgil Franklin Sr.  
Cheyenne-Arapaho Tribe of Oklahoma  
10/30/98  
Page 2

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Pantex plant (e.g., Alternative 9A), a maximum of 16 hectares (39 acres) of land in or near Zone 4 would be impacted. Based on previous consultations, no traditional cultural properties have been identified in Zone 4 or immediately adjacent areas.

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Vicki Battley, Pantex Environmental Protection Team Leader, at (806) 477-3189.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Vicki Battley, DOE – Amarillo Area Office  
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure



**Department of Energy**  
Washington, DC 20585

October 30, 1998

Mr. Billy Evans Horse  
Kiowa Tribe of Oklahoma  
P.O. Box 369  
Carnegie OK 73015

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process, Under Executive Memorandum Concerning Government-to-Government Relations with Native American Tribal Governments*

Dear Mr. Evans Horse:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Kiowa Tribe of Oklahoma may have about the proposal. This consultation is in accordance with the Executive Memorandum (29 April 1994) entitled, "Government-to-Government Relations with Native American Tribal Governments", and DOE Order 1230.2. It also follows prior consultation initiated for compliance with the American Indian Religious Freedom Act (AIRFA) (PL 95-341) and the Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601).

The *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

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Mr. Billy Evans Horse  
Kiowa Tribe of Oklahoma  
10/30/98  
Page 2

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Pantex plant (e.g., Alternative 9A), a maximum of 16 hectares (39 acres) of land in or near Zone 4 would be impacted. Based on previous consultations, no traditional cultural properties have been identified in Zone 4 or immediately adjacent areas.

If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Vicki Battley, Pantex Environmental Protection Team Leader, at (806) 477-3189.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Vicki Battley, DOE – Amarillo Area Office  
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure



**Department of Energy**

Washington, DC 20585

October 30, 1998

Mr. D. J. Mowatt  
Apache Tribe of Oklahoma  
P.O. Box 1220  
Anadarko OK

*Subject: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process, Under Executive Memorandum Concerning Government-to-Government Relations with Native American Tribal Governments*

Dear Mr. Mowatt:

The purpose of this letter is to notify you that the United States Department of Energy (DOE) is in the process of conducting an Environmental Impact Analysis concerning the disposition of surplus plutonium.

With this letter we are soliciting specific concerns the Apache Tribe of Oklahoma may have about the proposal. This consultation is in accordance with the Executive Memorandum (29 April 1994) entitled, "Government-to-Government Relations with Native American Tribal Governments", and DOE Order 1230.2. It also follows prior consultation initiated for compliance with the American Indian Religious Freedom Act (AIRFA) (PL 95-341) and the Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601).

The *Surplus Plutonium Disposition Environmental Impact Statement* (SPD EIS) is tiered from the *Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic EIS* (DOE/EIS-0229), issued in December 1996, and the associated Record of Decision (62 FR 3014), issued on January 14, 1997. DOE is producing the SPD EIS in compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality regulations implementing NEPA, DOE's NEPA Implementing Regulations (10 CFR 1021), and other applicable federal and state environmental legislation.

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Mr. D. J. Mowatt  
Apache Tribe of Oklahoma  
10/30/98  
Page 2

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If you have any specific concerns about the SPD EIS proposal, we would like to hear from you. Please contact me with your concerns or questions at:

Marcus Jones  
SPD EIS Document Manager  
U.S. Department of Energy  
Office of Fissile Materials Disposition  
P.O. Box 23786  
Washington, DC 20026-3786  
(202) 586-0149.

You may also contact Vicki Battley, Pantex Environmental Protection Team Leader, at (806) 477-3189.

Sincerely,

Marcus Jones  
SPD EIS Document Manager

cc: Vicki Battley, DOE – Amarillo Area Office  
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure