Department of Energy
Washington, DC 20585

October 30, 1998

Mr. Don Wauahdooah
Comanche Tribe of Oklahoma
HC32 P.O. Box 1720
Lawton OK 73502

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. Wauahdooah:

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 Comanche 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. Don Wauahdooah
Comanche Tribe of Oklahoma
10/30/98
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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
July 28, 1998

Mr. Robert Short
Field Supervisor
U.S. Department of Interior
Fish and Wildlife Service
Ecological Services Field Office
711 Stadium Drive East
Suite 352
Arlington, TX 76001

Dear Mr. Short:

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 Pantex Plant near Amarillo, Texas is a candidate site for receiving the pit conversion and MOX facilities. Alternatives 9A, 9B, and 10 propose locating both the pit conversion and MOX facilities in new construction in Zone 4 at Pantex. Although there are other alternatives that would locate only the pit conversion facility at Pantex, the alternatives that include both facilities have the greater potential for impacts on ecological resources. 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 (16 hectares [39 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 4.26.3.3 of the SPD Draft EIS presents the ecological resources analysis for Pantex.

Although sources indicate that no critical habitat for any threatened and endangered species exists at Pantex, three special status species (ferruginous hawk, western burrowing owl, and Texas horned lizard) may potentially be found within the areas surrounding Zone 4. 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 Zone 4 at Pantex. 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 Zone 4.

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: Tim Greene, Battelle
Vicky Loucks, DOE

Department of Energy
Washington, DC 20585
July 28, 1998

Ms. Pat Martin
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

Dear Ms. Martin:

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 Pantex Plant near Amarillo, Texas is a candidate site for receiving the pit conversion and MOX facilities. Alternatives 9A, 9B, and 10 propose locating both the pit conversion and MOX facilities in new construction in Zone 4 at Pantex. Although there are other alternatives that would locate only the pit conversion facility at Pantex, the alternatives that include both facilities have the greater potential for impacts on ecological resources. 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 (16 hectares [39 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 4.26.3.3 of the SPD Draft EIS presents the ecological resources analysis for Pantex.

Although sources indicate that no critical habitat for any threatened and endangered species exists at Pantex, three special status species (ferruginous hawk, western burrowing owl, and Texas horned lizard) may potentially be found within the areas surrounding Zone 4. Noise disturbance is probably the most important impact affecting local wildlife populations.

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As part of DOE's National Environmental Policy Act process, DOE encourages the Texas Parks and Wildlife Department 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: Tim Greene, Battelle
Vicky Loucks, DOE

TEXAS PARKS & WILDLIFE

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CHAIRMAN-EMERITUS
FT. WORTH

ANDREW SANSOM
EXECUTIVE DIRECTOR

To manage and conserve the natural and cultural resources of Texas for the use and enjoyment of present and future generations.

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512-389-4800
www.tpwd.state.tx.us

March 22, 1999

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

Dear Mr. Jones:

Many, many apologies for the delay, but this letter is in response to your request for information on rare species with regard to the July 1998 Surplus Plutonium Disposition Draft Environmental Impact Statement. Although rare species have been mostly addressed, I am concerned about potential impacts to a few more species than I found indicated in the relevant sections and tables in the SPD EIS. To that end, I have enclosed an annotated list of rare species for Carson County and printouts for known nearby occurrence records. I must stress that protection of playa lake quality in this area is imperative to resident and migratory birds, dependent on these diminishing resources. In addition, please minimize disturbance to the numerous prairie dog towns in the immediate vicinity (see enclosed printouts).

The information included is based on the best data available to the state regarding rare species. However, these data do not provide a definite statement as to the presence or absence of rare species within your project area, nor can these data substitute for an on-site evaluation by qualified biologists. This information is intended to assist you in avoiding harm to species that may occur on your site. **Please do not include species occurrence printouts in your draft or final documents. Because some species are especially sensitive to collection or harassment, these records are for reference only.**

Thank you for the opportunity to comment on this project. Again, many apologies for the delay. Please contact me if you have any questions or need additional assistance (512/912-7021 or shannon.breslin@tpwd.state.tx.us).

Sincerely,

Shannon Breslin, Environmental Review Coordinator
Wildlife Diversity Program, Wildlife Division

SLB:sb

enclosures

CELEBRATING THE 75TH ANNIVERSARY OF TEXAS STATE PARKS IN 1998

Department of Energy
Washington, DC 20585

October 30, 1998

Dr. Rodger Stroup
State Historic Preservation Officer
8301 Parklane Road
Columbia, South Carolina 29223

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

Dear Dr. Stroup:

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 South Carolina 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 Savannah River site (e.g., Alternatives 3A or 3B), a maximum of about 31 hectares (77 acres) of land adjacent to the Actinide Packaging and Storage Facility (APSF) in F-Area, would be impacted. Not all areas within the proposed construction

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Mr. Rodger Stroup
State Historic Preservation Officer
10/30/98
Page 2

area have been completely surveyed for cultural resources, and this area has a high potential to yield subsurface deposits with cultural material. Based on previous archaeological investigations, four archaeological sites have been recorded in or near the proposed construction areas. One of these sites (38AK546) has been recommended as eligible for nomination to the National Register. All compliance activities, including survey, testing, and impact mitigation would be conducted in accordance with *Programmatic Memorandum of Agreement for the Savannah River Site* (1989).

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 Mark Brooks, the Cultural Resources Manager at Savannah River Site, at (803) 725-3724.

Sincerely,

Marcus Jones
SPD EIS Document Manager

cc: Mark Brooks, Archaeological Program Manager, SRS
Lois Thompson, Federal Preservation Officer, DOE HQ

SPD EIS enclosure

South Carolina Archives History Center
History & Heritage For All Generations

November 12, 1998

Mr. Marcus Jones
SPD EIS Document Manager
Department of Energy
Washington, DC 20585

Re: Consultation for Surplus Plutonium Disposition Environmental Impact Analysis Process
Savannah River Site, Aiken County

Dear Mr. Jones:

Thank you for providing the draft Environmental Impact Statement for the disposition of surplus plutonium.

We note that Alternatives 3A and 3B, if selected, will affect the Savannah River Site. If these alternatives are selected, we further note that cultural resources survey, testing, and impact mitigation will be conducted. These measures will be conducted in

Mr. Tom Berryhill, Council Member
National Council of the Muskogee Creek
10/30/98
Page 2

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Savannah River Site (e.g., Alternatives 3A or 3B), a maximum of about 31 hectares (77 acres) of land adjacent to the Actinide Packaging and Storage Facility (APSF) in F-Area, would be impacted. No Native American cultural sites are known to exist within the proposed construction area.

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 A. Ben Gould, Savannah River Site Indian Liaison Officer, at: (803) 725-3969.

Sincerely,

Marcus Jones
SPD EIS Document Manager

cc: A. Ben Gould, SRS
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure

Department of Energy
Washington, DC 20585

October 30, 1998

Ms. Nancy Carnley, Secretary
Ma Chis Lower Alabama Creek Indian Tribe
Route 1
708 S. John Street
New Brockton, Alabama 36351

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

Dear Ms. Carnley:

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 Ma Chis Lower Alabama Creek Indian 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. Nancy Carnley, Secretary
Ma Chis Lower Alabama Creek Indian Tribe
10/30/98
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If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Savannah River Site (e.g., Alternatives 3A or 3B), a maximum of about 31 hectares (77 acres) of land adjacent to the Actinide Packaging and Storage Facility (APSF) in F-Area, would be impacted. No Native American cultural sites are known to exist within the proposed construction area.

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 A. Ben Gould, Savannah River Site Indian Liaison Officer, at: (803) 725-3969.

Sincerely,

Marcus Jones
SPD EIS Document Manager

cc: A. Ben Gould, SRS
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure

Department of Energy
Washington, DC 20585

October 30, 1998

Miko Tony Hill
Indian People's Muskogee Tribal Town Confederacy
P.O. Box 14
Okemah, OK 74859

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

Dear Miko Hill:

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 Indian People's Muskogee Tribal Town Confederacy 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.

Miko Tony Hilll
Indian People's Muskogee Tribal Town Confederacy
10/30/98
Page 2

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Savannah River Site (e.g., Alternatives 3A or 3B), a maximum of about 31 hectares (77 acres) of land adjacent to the Actinide Packaging and Storage Facility (APSF) in F-Area, would be impacted. No Native American cultural sites are known to exist within the proposed construction area.

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 A. Ben Gould, Savannah River Site Indian Liaison Officer, at: (803) 725-3969.

Sincerely,

Marcus Jones
SPD EIS Document Manager

cc: A. Ben Gould, SRS
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure

Department of Energy
Washington, DC 20585

October 30, 1998

Ms. Virginia Montoya
Pee Dee Indian Association
101 E. Tatum Avenue
McColl, South Carolina 29570

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

Dear Ms. Montoya:

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 Pee Dee Indian Association 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

Mr. Al Rolland, Project Director
Yuchi Tribal Organization, Inc.
10/30/98
Page 2

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Savannah River Site (e.g., Alternatives 3A or 3B), a maximum of about 31 hectares (77 acres) of land adjacent to the Actinide Packaging and Storage Facility (APSF) in F-Area, would be impacted. No Native American cultural sites are known to exist within the proposed construction area.

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 A. Ben Gould, Savanna River Site Indian Liaison Officer, at (803) 725-3969.

Sincerely,

Marcus Jones
SPD EIS Document Manager

cc: A. Ben Gould, SRS
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure

Department of Energy
Washington, DC 20585

October 30, 1998

Mr. John Ross, Chief Elect
United Keetoowah Band
2450 S. Muskogee
Tahlequah, Oklahoma 74464

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. Ross:

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

Mr. John Ross, Chief Elect
United Keetoowah Band
10/30/98
Page 2

If an alternative is selected that includes siting of surplus plutonium disposition facilities at the Savannah River Site (e.g., Alternatives 3A or 3B), a maximum of about 31 hectares (77 acres) of land adjacent to the Actinide Packaging and Storage Facility (APSF) in F-Area, would be impacted. No Native American cultural sites are known to exist within the proposed construction area.

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 A. Ben Gould, Savannah River Site Indian Liaison Officer, at: (803) 725-3969.

Sincerely,

Marcus Jones
SPD EIS Document Manager

cc: A. Ben Gould, SRS
Brandt Petrasek, EM-20, DOE HQ

SPD EIS enclosure

Department of Energy
Washington, DC 20585
July 28, 1998

Mr. Roger Banks
Field Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
Post Office Box 12559
217 Fort Johnson Road
Charleston, SC 29422-2559

Dear Mr. Banks:

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 Savannah River Site (SRS) near Aiken, South Carolina 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 3A proposes locating the three surplus plutonium disposition facilities in new construction adjacent to the Actinide Packaging and Storage Facility in F-Area at SRS. In addition, the canister receipt area at the Defense Waste Processing Facility in S-Area would be modified to accommodate the receipt and processing of the canisters from the plutonium conversion and immobilization facility. Although several alternatives include locating facilities at SRS, Alternative 3A 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 (31 hectares [77 acres]) is relatively small in comparison to regionally available habitat; habitat disturbance would be minimized because construction would take place in

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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 4.26.4.3 of the SPD Draft EIS presents the ecological resources analysis for SRS.

Although sources indicate that no critical habitat for any threatened and endangered species exists at SRS, there may be Federal or State-classified special status species in the environs surrounding F-Area. These species include American alligator, bald eagle, Oconee azalea, red-cockaded woodpecker, smooth purple coneflower, and wood stork. 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 F- and S-Areas at SRS. 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 F- and S-Areas.

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: John B. Gladden, WSRC
David P. Roberts, DOE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
P.O. Box 12559
217 Fort Johnson Road
Charleston, South Carolina 29422-2559

September 8, 1998

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

Re: FWS Log No. 4-6-98-364, Surplus Plutonium Disposition, Savannah River Site (SRS), Aiken County, South Carolina

Dear Mr. Jones:

We have reviewed the information received August 4, 1998 concerning the above-referenced project in Aiken County, South Carolina. The following comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543), as well as, general comments from the review of the Draft Environmental Impact Statement (DEIS).

As indicated in your August 4 letter there is potential habitat for federally protected species within the action area of your proposed project. Therefore, we are providing you with the list of the federally endangered (E) and threatened (T) species which potentially occur in Aiken South Carolina (Table 1) and the habitat information you requested (Table 2). The list also includes species of concern under review by the Service. Species of concern (SC) are not legally protected under the Endangered Species Act, and are not subject to any of its provisions, including Section 7, until they are formally proposed or listed as endangered/threatened. We are including these species in our response for the purpose of giving you advance notification. These species may be listed in the future, at which time they will be protected under the Endangered Species Act. Therefore, it would be prudent for you to consider these species early in project planning to avoid any adverse effects.

TABLE 1. SOUTH CAROLINA COUNTY DISTRIBUTION RECORDS OF ENDANGERED, THREATENED, AND CANDIDATE SPECIES FOR AIKEN COUNTY
Updated July 18, 1996

These lists should be used only as a guideline. The lists include known occurrences and areas where the species has a high possibility of occurring. Records are updated continually and may be different from the following.

Aiken County		
Bald eagle (Haliaeetus leucocephalus)	T	Known
Wood stork (Mycteria americana)	E	Known
Red-cockaded woodpecker (Picoides borealis)	E	Known
Shortnose sturgeon (Acipenser brevirostrum)*	O	Known
Relict trillium (Trillium reliquum)	E	Known
Piedmont bishop-weed (Ptilimnium nodosum)	E	Known
Smooth coneflower (Echinacea laevigata)	E	Known
Rafinesque's big-eared bat (Corynorhinus rafinesquii)	SC	Possible
Southeastern myotis (Myotis austroriparius)	SC	Possible
Loggerhead shrike (Lanius ludovicianus)	SC	Possible
Painted bunting (Passerina ciris)	SC	Known
Gopher tortoise (Gopherus polyphemus)	SC	Known
Gopher frog (Rana areolata capito)	SC	Known
Aphodius tortoise commensal scarab (Aphodius troglodytes)	SC	Possible
Onthophagus tortoise commensal scarab (Onthophagus polyphemi)	SC	Possible
Georgia aster (Aster georgianus)	SC	Possible
Sandhills milk-vetch (Astragalus michauxii)	SC	Possible
Chapman's sedge (Carex chapmanii)	SC	Possible
Burhead (Echinodorous tenellus var. parvulus)	SC	Known
Stream-bank spider-lily (Hymenocallis coronaria)	SC	Known
Bog spicebush (Lindera subcoriacea)	SC	Known
Boykin's lobelia (Lobelia boykinii)	SC	Possible
Carolina birds-in-a nest (Macbridea caroliniana)	SC	Known
Loose watermilfoil (Myriophyllum laxum)	SC	Known
Pickering's morning-glory (Stylisma pickeringii)	SC	Known
Meadow rue (Thalictrum subrotundum)	SC	Known
American sandfiltering mayfly (Dolania americana)	SC	
Arogos Skipper (Atrytone Arogus Arogos)	SC	Known

E=Endangered; T=Threatened; SC=Service has on file limited evidence to support proposals for listing these species; 0=Contact National Marine Fisheries Service.

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TABLE 2. HABITAT, FRUITING/FLOWERING PERIOD & COUNTY OCCURRENCES		
Scientific Name	**Common Name**	**Federal Status**
Haliaeetus leucocephalus	Bald eagle	E
Associated with coasts, rivers, lakes, usually nesting near bodies of water where it feeds. Aiken, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Dorchester, Fairfield, Georgetown, Jasper, Kershaw, Lexington, Marion, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Sumter, Williamsburg.		
Mycteria americana	Wood stork	E
Freshwater and brackish wetlands, primarily nesting in cypress or mangrove swamps. Feeding in freshwater marshes, flooded pastures, flooded ditches. Aiken, Allendale, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Horry, Jasper, Marion, Williamsburg.		
Picoides borealis	Red-cockaded woodpecker	E
Open stands of pines 60+ years old provide roosting/nesting habitat. Foraging habitat is pine and pine/hardwood stands 30+ year old. Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Orangeburg, Richland, Saluda, Sumter, Williamsburg.		
Alligator mississippiensis	American alligator	T(S/A)
Rivers systems, canals, lakes, swamps.		
Echinacea laevigata	Smooth coneflower	E
Piedmont- mountains. Basic or circumneutral soils (Hayesville, Cecil, Porter, Madison) of meadows and woodlands. Successful colonies are almost always at sites featuring open, bare soil, a fairly high soil pH, and exposures allowing optimal sunshines. Late May-July. Aiken, Allendale, Anderson, Barnwell, Lancaster, Lexington, Oconee, Pickens, Richland.		

From review of the DEIS for this project, it does not appear that the proposed siting or construction of the proposed facilities represent a substantial risk to federally listed or proposed endangered or threatened plant or animal species. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act have been satisfied. However, obligations under Section 7 of the Act must be reconsidered if (1) new information reveals

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impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not considered in this assessment, or (3) a new species is listed or critical habitat determined that may be affected by the identified action.

In addition, the operation of these facilities and the subsequent disposition of large quantities of immobilized plutonium in geologic repositories at the SRS, may impact the future quality of the environment at the site. The DEIS does not fully address the issues associated with geological disposition and therefore they are not a part of this consultation. Once the issue of disposition in geologic repositories is addressed we would be glad to consult with DOE and provide any information necessary for the assessment of potential impacts to the environment.

Also, the DEIS does not present an adequate analysis of potential environmental impacts to the non-human environment. While human health is considered throughout the document, ecological health is rarely discussed. This presumably occurred due to the assumption that environmental receptors are not present within the action area. This assumption does suggest that substantial environmental impacts are improbable in the action area, but does not justify the exclusion of this analysis as a part of the environmental impact assessment. We suggest that the final Environmental Impact Statement (EIS) reflect that appropriate consideration was given not only to the human environment, but the ecological environment as well.

Your interest in ensuring the protection of endangered and threatened species and our nation's valuable wetland resources is appreciated. We hope this letter and the accompanying information on endangered and threatened species will be useful in project development. If you require further assistance please contact Mr. Rusty Jeffers of my staff at (803) 727-4707 ext. 20. In future correspondence concerning the project, please reference FWS Log No. 4-6-98-364.

Sincerely yours,

Edwin M. EuDaly

Edwin M. EuDaly
Acting Field Supervisor

EME/RDJ/km

Department of Energy
Washington, DC 20585
July 28, 1998

Mr. Tom Murphy
South Carolina Department of Natural Resources
Lower Coastal Wildlife Diversity
585 Donnelley Drive
Green Pond, SC 29446

Dear Mr. Murphy:

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 Savannah River Site (SRS) near Aiken, South Carolina 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 3A proposes locating the three surplus plutonium disposition facilities in new construction adjacent to the Actinide Packaging and Storage Facility in F-Area at SRS. In addition, the canister receipt area at the Defense Waste Processing Facility in S-Area would be modified to accommodate the receipt and processing of the canisters from the plutonium conversion and immobilization facility. Although several alternatives include locating facilities at SRS, Alternative 3A 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 (31 hectares [77 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 4.26.4.3 of the SPD Draft EIS presents the ecological resources analysis for SRS.

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Although sources indicate that no critical habitat for any threatened and endangered species exists at SRS, there may be Federal or State-classified special status species in the environs surrounding F-Area. These species include American alligator, bald eagle, Oconee azalea, red-cockaded woodpecker, smooth purple coneflower, and wood stork. 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 South Carolina Department of Natural Resources 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: John B. Gladden, WSRC
David P. Roberts, DOE