EASTERN SHAWNEE TRIBE
OF OKLAHOMA
P.O. Box 350 • Seneca, MO 64865 • (918) 666-2435 • FAX (918) 666-3325

July 23, 2002

Department of Energy
Gary S. Hartman, EIS Document Manager
Oak Ridge Operations Office
PO Box 2001
Oak Ridge, Tennessee 37831

Re: Paducah Gaseous Diffusion Plant,
McCracken County, Kentucky
Portsmouth Gaseous Diffusion Plant.
Pike County, Ohio

Dear Mr. Hartman:

Thank you for notice of the referenced project. The Eastern Shawnee Tribe of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Eastern Shawnee Tribe request notification and further consultation.

The Eastern Shawnee Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

Sincerely,

Charles Enyart

Charles Enyart, Chief
Eastern Shawnee Tribe of Oklahoma

PEORIA TRIBE OF INDIANS OF OKLAHOMA
118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538
P.O. Box 1527
MIAMI, OKLAHOMA 74355

CHIEF
John P. Froman

SECOND CHIEF
Joe Goforth

July 26, 2002

Gary S. Hartman
Department of Energy
Oak Ridge Operations Office
P. O. Box 2001
Oak Ridge, Tennessee 37831

RE: DUF conversion facilities

Thank you for notice of the referenced project. The Peoria Tribe of Indians of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Peoria Tribe request notification and further consultation.

The Peoria Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

John P. Froman
Chief

xc: Bud Ellis, Repatriation/NAGPRA Committee Chairman

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AMESQ
Log No. 71278
Date Received AUG 2 2002
File Code

TREASURER LeAnne Reeves
SECRETARY Hank Downum
FIRST COUNCILMAN Claude Landers
SECOND COUNCILMAN Jenny Rampey
THIRD COUNCILMAN Jason Dollarhide

July 26, 2002

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Mr. Gary S. Hartman
Oak Ridge Operations/DP-80
Post Office Box 2001
Oak Ridge, Tennessee, 37831

RE: DOE, DUF MANAGEMENT/ETTP, OAK RIDGE, ANDERSON COUNTY

Dear Mr. Hartman:

In response to your request, received on Wednesday, July 24, 2002, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

Considering available information, we find that the project as currently proposed MAY AFFECT PROPERTIES THAT ARE ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. You should continue consultation with our office, designated consulting parties and invite them to participate in consultation, and provide us with appropriate survey documentation for review and comment. Please direct questions and comments to Joe Garrison (615) 532-1559. We appreciate your cooperation.

Sincerely,

Herbert L. Harper

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg

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AUG 8 2002
Date Received
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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6950 Americana Parkway, Suite H
Reynoldsburg, Ohio 43068-4127

(614) 469-6923/FAX (614) 469-6919

March 16, 2004

Dr. James L. Elmore
Oak Ridge Operations Office
Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831

OFFICIAL FILE COPY
AMESQ
Log No. 151493
Date Received MAR 25 2004
File Code

Dear Dr. Elmore:

This is in response to your January 9, 2004 letter (which we received on February 10, 2004) and attached Biological Assessment of the Effects of Construction and Operation of a Depleted Uranium Hexafluoride Conversion Facility at the Portsmouth Site, January 2004, regarding informal consultation under section 7 of the Endangered Species Act for the proposed depleted uranium hexafluoride conversion facility at the Portsmouth Gaseous Diffusion Plant located in Pike County, Ohio.

In response to our September 23, 2002 letter, you prepared and submitted a Biological Assessment (BA). The BA addresses two species, the Indiana bat, a Federally listed endangered species which is listed in all 88 counties of Ohio, and the timber rattlesnake, which has not been assigned a Federal listing status, but the Service has initiated a pre-listing Conservation Action Plan to support State and local conservation efforts.

Your BA provides a thorough assessment of habitat for the above two species. The BA concludes that most of the site was found to have poor summer habitat for the Indiana bat because of the small size, isolation, and insufficient maturity of the few woodlands on the site. Potential summer habitat for the Indiana bat was identified and sampled during surveys conducted in 1994 and 1996. No Indiana bats were collected during those surveys. Nevertheless, the Department agreed that any unavoidable cutting of trees, associated with the proposed facility, with summer roost characteristics would be done between September 15 and April 15. Thus, the proposed action is not likely to adversely affect the Indiana bat. Also, the Department concludes that habitat for the timber rattlesnake is not present on the Portsmouth site; therefore, the propose action would not affect the rattlesnake species.

We concur with the Department of Energy's conclusion regarding the above two species. Regarding the Indiana bat, we recommend your continued efforts to avoid impacting summer bat habitat and/or enhance other areas which could be developed into good summer habitat. The Indiana bat surveys were conducted at least seven years ago; new surveys on the Portsmouth site could result in the capture of this species.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973, as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy.

If you have questions, or if we may be of further assistance in this matter, please contact Ken Lammers at extension 15 in this office.

Sincerely,

Mary Knapp

Mary Knapp, Ph.D.
Supervisor

cc: ODNR, Div. of Wildlife, SCEA Unit, Columbus, OH
ODNR, Div. of RELM, Columbus, OH
Ohio EPA, Water Quality Monitoring, Columbus, OH

United States Department of the Interior
FISH AND WILDLIFE SERVICE
3761 GEORGETOWN ROAD
FRANKFORT, KY 40601

March 2, 2004

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Date Received MAR 6 2004
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Mr. James L. Elmore, Ph.D.
U.S. Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

Subject: FWS #04-0582; Biological Assessment for the Indiana bat, Informal Consultation for the Proposed Depleted Uranium Hexafluoride Conversion Facility, McCracken County, Kentucky

Dear Dr. Elmore:

Thank you for your letter and enclosures transmitting a biological assessment (BA) for the federally endangered Indiana bat in association with the Proposed Depleted Uranium Hexafluoride Conversion Facility in McCracken County, Kentucky. Fish and Wildlife Service (Service) biologists have reviewed the document, and we offer the following comments.

Based on the information provided in the BA, tree clearing will be necessary in one of the three proposed facility construction locations. Of the proposed sites, Location A covers 35 acres, with approximately 10 acres of mature hardwood; Location B covers 59 acres, with the southern half occupied by mature hardwood forest; Location C is 53 acres, with its western half recently disturbed and occupied by young growth (trees and saplings). Once construction begins on the selected location, the facility will occupy approximately 10 acres with up to 45 acres potentially affected by construction activities.

The project area is known to have Indiana bat summer foraging and roosting habitat (of varying quality) in the vicinity. Indiana bats typically roost under exfoliating bark, in cavities of dead and live trees, and in snags (i.e. dead trees or dead portions of live trees). Trees in excess of 16 inches in diameter at breast height (DBH) are considered optimal for maternity colony roosts, but trees in excess of 9 inches DBH appear to provide suitable roosting habitat. Male Indiana bats have been observed roosting in trees as small as 3 inches DBH. The BA states that tree removal would occur between September 15th and April 15th. However, to be fully protective of Indiana bat summer roosting and foraging seasons, we recommend that trees only be removed between October 15th and March 31st. There are no known or suspected Indiana bat hibernacula within 10 miles of the project area, therefore, hibernacula mitigation measures will not be necessary.

Provided that tree and vegetation clearing occurs during the above-specified interval of October 15 to March 31, the Service concurs that the proposed action is "not likely to adversely affect"

the federally endangered Indiana bat. In view of this, we believe that the requirements of section 7 of the Endangered Species Act have been fulfilled for this project. Your obligations under section 7 must be reconsidered, however, if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

If you have any questions or if we can be of further assistance, please contact Anthony Velasco at (502)/695-0468 (ext.225).

Sincerely,

Virgil Lee Andrews, Jr.
Field Supervisor