United States Department of the Interior

FISH AND WILDLIFE SERVICE
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6-13-02

June 10, 2002

Mr. David Allen
U.S. Department of Energy
Oak Ridge Operations Office
200 Administration Road
Oak Ridge, Tennessee 37831

Dear Mr. Allen:

Thank you for your May 17, 2002, letter and enclosure regarding the National Environmental Policy Act (NEPA) Programmatic Environmental Assessment (EA) for the U.S. Department of Energy, Oak Ridge Operations Implementation of a Comprehensive Management Program for the Storage, Transportation, and Disposition of Potentially Re-usable Uranium Materials (DOE/EA-1393). We received your request for informal consultation under Section 7 of the Endangered Species Act for this proposal on May 28, 2002. The draft PEA was submitted for review prior to consideration and incorporation of our comments on the request for informal consultation. The PEA evaluates potential storage, transportation, accidental release, and the ultimate disposition of re-useable uranium at the following Department of Energy (DOE) facilities: Portsmouth Gaseous Diffusion Plant in Ohio; Paducah Gaseous Diffusion Plant in Kentucky; Y-12 National Security Complex and East Tennessee Technology Park in Tennessee; Savannah River Site in South Carolina; and the Idaho National Engineering and Environmental Laboratory in Idaho. The PEA evaluates the ultimate disposition of approximately 14,200 metric tons of uranium (MTU). Based on existing storage space and the lowest potential for cumulative impacts due to construction/renovation, the preferred location for storage of this material is the Portsmouth Gaseous Diffusion Plant in Ohio.

The draft PEA does not include copies of correspondence requesting informal Section 7 consultation with U.S. Fish and Wildlife Service (Service) Ecological Services Field Offices in Ohio, South Carolina, or Idaho. Service personnel have reviewed the information submitted and offer the following comments relative to the PGDP in McCracken County, Kentucky and the Oak Ridge Reservation (ORR) in Roane and Anderson Counties, Tennessee, for consideration.

The description of Federally endangered and threatened species present in the vicinity of PGDP (Section 3.2.5) generally reflects information provided by this office to DOE on February 23, 2001. The evening bat (*Nycticeius humeralis*) does not currently have Federal protection pursuant to the Endangered Species Act. Based on our review of the Tennessee Natural Heritage database, Tennessee Valley Authority biological collection records on and adjacent to the ORR, Tennessee Wildlife Resource Agency collection records on the ORR, Oak Ridge National Laboratory observations and habitat evaluations, DOE ORR Environmental Management program ecological

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risk assessment evaluations, and internal Tennessee/Kentucky Field Office records, the descriptions of ecological resources, including Federally threatened and endangered species, at the Y-12 National Security Complex (Section 3.3.5) and the East Tennessee Technology Park (Section 3.4.5) are not comprehensive and do not reflect the current knowledge of ecological resources present on the ORR. They also do not reflect past Service informal consultations for a number of previous DOE proposals.

According to our records, the following federally listed endangered species are known from or have the potential to occur within the project impact areas on the ORR:

gray bat	*Myotis grisescens*
Indiana bat	*Myotis sodalis*
pink mucket	*Lampsilis abrupta*

We recommend that qualified biologists assess potential impacts and determine if the proposed ORR alternative may affect the species. We recommend that you submit a copy of your assessment and finding to this office for review and concurrence. A finding of "may affect" could require the initiation of formal consultation procedures.

Since the Portsmouth Gaseous Diffusion Plant has been tentatively selected as the preferred alternative storage location, we recommend that the ecological resources sections of this draft PEA referenced above be modified to accurately reflect the current extent of knowledge regarding biological/ecological resources of the Y-12 and ETTP areas, including East Fork Poplar Creek, Poplar Creek, and the Clinch River. Since the American robin (*Turdus migratorius*) was modeled in the risk assessment in Appendix C of this draft PEA and given the responsibilities placed on Federal agencies by Executive Order 13186, we believe it would also be prudent to include discussions regarding migratory birds.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703-711), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), and the National Environmental Policy Act (42 U.S.C. 4321-4347; 83 Stat. 852). We appreciate the opportunity to comment. Should you have any questions or need further assistance, please contact Steve Alexander of my staff at 931/528-6481, ext. 210, or via e-mail at *steven_alexander@fws.gov*.

Sincerely,

Lee A. Barclay, Ph.D.
Field Supervisor

xc: Michael Holland, DOE, Oak Ridge
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