FINDING OF NO SIGNIFICANT IMPACT
U. S. DEPARTMENT OF ENERGY
CONVEYANCE OF PARCEL ED-6
TO THE CITY OF
OAK RIDGE, TENNESSEE

AGENCY: U. S. Department of Energy

ACTION: Finding of No Significant Impact

SUMMARY: The U. S. Department of Energy (DOE) has completed an Environmental Assessment (EA) (DOE/EA-1514) for the proposed conveyance of Parcel ED-6 to the city of Oak Ridge. The need for DOE action is the result of a request from the city of Oak Ridge to convey Parcel ED-6 under 10 *Code of Federal Regulations* (*CFR*) 770. The proposed action would also help the city to meet the goals stated in the Oak Ridge City Council's Strategic Plan, *The Path Forward: 2003-2007*, which identifies the development of new housing as a major initiative. DOE also recognizes that transferring land for local economic development purposes can benefit the federal government by reducing financial costs associated with ownership and management of underutilized and excess real property.

Based on the results of the analysis reported in the EA, DOE has determined that the proposed action is not a major federal action that would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an Environmental Impact Statement (EIS) is not necessary, and DOE is issuing this Finding of No Significant Impact (FONSI).

PUBLIC AVAILABILITY: The EA and FONSI may be reviewed at and copies of the documents obtained from:

U. S. Department of Energy
Information Center
475 Oak Ridge Turnpike
Oak Ridge, Tennessee 37830
Phone: (865) 241-4780

FURTHER INFORMATION ON THE NEPA PROCESS: For further information on the NEPA process, contact:

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DESCRIPTION OF PROPOSED ACTION: DOE has determined that Parcel ED-6 is excess property and under 10 *CFR* Part 770 proposes to convey this property to the city of Oak Ridge for the development of new residential housing. For the purposes of analysis, the EA assumed that after Parcel ED-6 is conveyed, the city of Oak Ridge would sell the property to a private developer. City staff would review the residential development plans to ensure compliance with all applicable zoning

ordinance requirements and other engineering-related ordinances and standards. Constraints on developing portions of the parcel include the Tennessee Valley Authority (TVA) power line and right-of-way (ROW), steep topography (i.e., slopes >10%), and the North Boundary Greenway Trail. Thus, all 336 acres are not equally developable and other complimentary uses (e.g., open space, recreational elements, etc.) may be incorporated into any future development. The U. S. Environmental Protection Agency concurred with the DOE identification of Parcel ED-6 as uncontaminated property, in accordance with Sect. 120(h)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

ALTERNATIVES: In addition to the proposed action, impacts were also evaluated for the no action alternative, a mixed development alternative, and a conservation easement alternative. If no action were taken, Parcel ED-6 would not be conveyed for development. The parcel would be retained as DOE property and would continue in its current use (e.g., utility easement, limited security and facility buffer, wildlife management, forestry, and environmental monitoring). The mixed development alternative is similar to the proposed action because the same amount of acreage would be conveyed to the city of Oak Ridge. However, in addition to residential development, a portion of Parcel ED-6 could be used for commercial development (e.g., retail businesses or offices). The most likely location for any commercial development would be the portion of the parcel located between the Oak Ridge Turnpike (State Route 95) and East Quarry Road. Under the conservation easement alternative, DOE could add all or a portion of Parcel ED-6 located west of Wisconsin Avenue into the Blackoak Ridge Conservation Easement area. The remaining portion of Parcel ED-6 would be transferred to the city of Oak Ridge.

ENVIRONMENTAL IMPACTS: The EA assessed direct and indirect impacts of the proposed action and alternatives on the following resources: land use, air quality, geology and soils, water resources, floodplains and wetlands, ecological resources, cultural resources, socioeconomics, infrastructure, and noise. Cumulative impacts on land use, air quality, socioeconomics, transportation, and biodiversity were also assessed.

Under the proposed action, the present land use of Parcel ED-6 would change over time as the residential development occurs. The visual character of the majority of the parcel would change from a more natural to a more man-made-looking environment as development progressed. Conveyance of the property and the subsequent residential development would also remove the area from the National Environmental Research Park and the Oak Ridge Wildlife Management Area. Constraints on the parcel [i.e., TVA power line and ROW, steep topography (i.e., slopes >10%), and the North Boundary Greenway Trail] would limit development and other complimentary uses (e.g., open space, recreational elements, etc.) may be incorporated.

Potential air quality impacts would be minor and consist primarily of short-term, sporadic, and localized emissions of particulates resulting from soil disturbance and vehicle traffic during development activities. Emissions would not exceed National Ambient Air Quality Standards and control measures for lowering fugitive dust emissions (i.e., covers and water or chemical dust suppressants) would minimize the amount of particulates generated.

Potential impacts to soils include soil disturbance and topsoil loss. Because Parcel ED-6 is within the city of Oak Ridge and has been zoned to include non-agricultural uses (i.e., industrial and research), the parcel is exempt from consideration as prime farmland. The only surface water features on Parcel ED-6 are intermittent streams, which are dry for much of the year and typically have only ephemeral flow after precipitation events. However, runoff into these intermittent streams eventually discharges into East Fork Poplar Creek, which could be impacted by runoff and sedimentation from soil erosion and potential fuel or waste spills. Soil erosion impacts would be minor with the use of best management practices and appropriate sedimentation and erosion control measures. The potential for

impacts to occur would exist until the disturbed areas were stabilized. Storm detention basins used to capture and treat storm water runoff should be designed and constructed to handle the additional runoff associated with any new development to minimize impacts. Storm water runoff would be discharged to surface water in accordance with limitations established under state or other regulatory permits. No use of groundwater resources is expected to be permitted. Parcel ED-6 is not located within any floodplain and no wetlands have been identified on the property.

Development on Parcel ED-6 would have direct impacts on terrestrial plants and animals. Construction impacts would include direct mortality or injury to biota and the elimination or further fragmentation of the majority of the existing habitat present on the parcel, including the loss of interior forest habitat. Elimination of this habitat and the resulting increase in forest fragmentation would have an adverse impact on neo-tropical migratory birds that use the area for both breeding and migration. Minimizing the amount of ground disturbance would reduce the impacts to ecological resources. Natural habitat around areas of development should be left as a buffer zone between the developed areas and other undeveloped portions of the site. Areas disturbed during development, but not used for housing, should be revegetated with native species after construction is completed. No federal- or state-listed threatened and endangered plants or animals are known to exist at Parcel ED-6. DOE concluded, based on the results of the mist net surveys and the information presented in a biological assessment prepared for the U. S Fish and Wildlife Service (USFWS), that the proposed conveyance of Parcel ED-6 is not likely to adversely affect either the gray bat or Indiana bat. The USFWS determined that the requirements of Sect. 7 of the Endangered Species Act have been fulfilled and that no further consultation is needed.

Under the proposed action, no adverse impacts would occur to any cultural resources. Based on the results of a Phase I archaeological survey performed on Parcel ED-6, DOE determined that no archaeological resources would be affected by the proposed action. It was also determined that none of the historical resources present on the parcel would be eligible for listing in the National Register of Historic Places (NRHP) pursuant to 36 *CFR* 60.4. The Tennessee Historical Commission reviewed the archaeological survey report and concurred with DOE that no archaeological resources eligible for listing in the NRHP are located within the project area.

The analysis of socioeconomic impacts was based on the assumption that between 315 and 385 new homes could be built on Parcel ED-6. If the maximum number of new homes is built, the population increase would be about 1000 residents, which would be about a 3.5% increase for the city of Oak Ridge. This increase is not expected to have any significant adverse impacts on city and county services such as schools and police and fire protection. Residential development of Parcel ED-6 would have no direct impact on employment other than temporary construction employment. No environmental justice impacts would occur from the proposed action. The main impact of the proposed action is likely to be its effect on city of Oak Ridge and Roane County finances. Positive impacts include additional tax revenues generated by private ownership and development of Parcel ED-6, increased land values, and potential increases in sales tax revenue. Potential negative fiscal impacts include loss of DOE payment-in-lieu-of-tax revenues and any additional costs to provide services to the new residential development.

New development at Parcel ED-6 would not be large enough to have more than a minor increase in the amount of traffic entering and exiting Wisconsin Avenue and the Oak Ridge Turnpike. A minor increase in the amount of traffic should also not substantially increase the chance of accidents occurring. Under the proposed action, utility impacts would be expected to be minimal. New development at Parcel ED-6 could connect to the existing city of Oak Ridge utility systems that already exist in the area. Construction of new utility infrastructure would be limited to the new housing development. The additional utility demand for the new residential development should not exceed the capacities of the existing Oak Ridge utility systems.

Cumulative impacts would occur from increased development and growth under the proposed action. However, because of the small amount of land involved, the cumulative contribution of impacts that the conveyance and subsequent development of Parcel ED-6 makes on land use, air quality, socioeconomics, transportation, and biodiversity is minor.

DETERMINATION: Based on the findings of this FONSI, and after careful consideration of all public and agency comments, DOE has determined that the proposed conveyance of Parcel ED-6 to the city of Oak Ridge does not constitute a major federal action that would significantly affect the quality of the human environment within the context of NEPA. Therefore, preparation of an EIS is not required.

Issued at Oak Ridge, Tennessee, this 9TH day of May 2007.

Robert J. Brown

for Gerald G. Boyd, Manager
U.S. Department of Energy
Oak Ridge Operations