

RESOLUTION

WHEREAS, on May 20, 2002, the Council on Environmental Quality (CEQ) established a National Environmental Policy Act (NEPA) Task Force to review current NEPA implementing practices and procedures; and

WHEREAS, the Task Force will specifically address the following areas: technology and information management; interagency and intergovernmental collaboration including joint-lead processes; programmatic analyses and subsequent tiered documents; and adaptive management; and

WHEREAS, on July 9, 2002, the CEQ published a notice in the *Federal Register* of the formation of the NEPA Task Force and a request for comments pursuant to the specific areas to be addressed by the Task Force; and

WHEREAS, the City of Oak Ridge desires to officially comment to the CEQ on NEPA implementing practices and procedures; and

WHEREAS, the City of Oak Ridge's Environmental Quality Advisory Board prepared comments entitled *Comments to the Council on Environmental Quality's Task Force on the National Environmental Policy Act*; and

WHEREAS, the City Manager recommends transmittal of the attached comments entitled *Comments to the Council on Environmental Quality's Task Force on the National Environmental Policy Act*.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCILMEN OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached comments entitled *Comments to the Council on Environmental Quality's Task Force on the National Environmental Policy Act* be transmitted to the Council on Environmental Quality as the official comments of the City of Oak Ridge.

This the 19th day of August 2002.

APPROVED AS TO FORM AND LEGALITY:

Kiruth R. Kuschenski
City Attorney

Dan R. Bradshaw
Mayor

Jaquelyn J. Bernard
City Clerk

***Comments to the Council on Environmental Quality's
Task Force on the National Environmental Policy Act***

Context for Comments: The City of Oak Ridge, Tennessee, population 27,387, is located approximately 20 miles west of Knoxville and 170 miles east of Nashville, Tennessee. Since the City's inception during the World War II Manhattan Project, the U.S. Department of Energy and its predecessor agencies have operated three very large industrial facilities in support of national defense, science, and energy missions. These facilities are situated on a 33,331-acre complex called the Oak Ridge Reservation, which is located entirely within the city limits of Oak Ridge. Because the complex is owned and operated by the federal government, the City regularly reviews and comments on proposed federal actions that are governed by the NEPA and CEQ regulations.

Document distribution and timing of comment periods – In recent years, the U.S. Department of Energy and other federal agencies have increased the opportunity for nonfederal involvement in environmental assessments (EAs). The City of Oak Ridge has appreciated the greater opportunity to participate in the decision process for actions addressed in EAs, although the CEQ NEPA regulations do not require public involvement in these documents. Unfortunately, unpredictable document distribution and brief comment periods often results in the local government not having a meaningful opportunity for involvement.

Oak Ridge is a small city, governed by a City Council composed of volunteer members that normally meets twice each month. Because the matters addressed in federal NEPA documents affecting our City are often of significant consequence to the City, most City comments and related communications regarding these documents need to be approved by the City Council, often following advice from the City's Environmental Quality Advisory Board (EQAB). The EQAB's regular meeting schedule is monthly.

When fewer than 45 days are allowed for comment on a document after we receive it, it is difficult for the City to respond, as there is insufficient time for the local government's deliberative process to occur. Draft EAs sometimes are issued for comment periods as short as 14 days from the date the document was approved for release, which may be several days before the City receives it. This puts the City in a difficult position. A minimum comment period for EAs of 45 days from the date of receipt would make it easier for local governments such as ours to participate effectively and substantively in the process.

Local governments as cooperating agencies – The CEQ invited comment on barriers or challenges that have inhibited local government involvement as a cooperating agency in the NEPA process. The principal barrier affecting the City of Oak Ridge has been lack of federal agency interest. The City has never been given an opportunity for involvement in a federal NEPA process, although there have been several NEPA reviews (principally by the U.S. Department of Energy) of proposals in which the City had a strong interest and about which the City could supply expertise (for example, in matters of land use planning and zoning for land being considered for transfer from federal ownership to the private sector).

HP OfficeJet K Series K80
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Log for
City of Oak Ridge
865 425 3409
Aug 26 2002 10:33am

CQ124

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Aug 26	10:32am	Fax Sent	9-18015171021-8101	0:00	0	Busy

HP OfficeJet K Series K80
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Log for
City of Oak Ridge
865 425 3409
Aug 26 2002 9:23am

CQ124

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Aug 26	9:22am	Fax Sent	9-18015171021-8101	0:00	0	Busy

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Personal Printer/Fax/Copier/Scanner

Log for
City of Oak Ridge
865 425 3409
Aug 26 2002 8:39am

CQ124

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Aug 26	8:38am	Fax Sent	9-18015171021-8101	0:00	0	Busy

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Personal Printer/Fax/Copier/Scanner

Log for
City of Oak Ridge
865 425 3409
Aug 25 2002 7:01pm

CQ124

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Aug 25	7:00pm	Fax Sent	918015171021-8101	0:00	0	Busy

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Log for
City of Oak Ridge
865 425 3409
Aug 23 2002 2:46pm

CQ124

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Aug 23	2:45pm	Fax Sent	918015171021-8101	0:00	0	Busy

HP OfficeJet K Series K80
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Log for
City of Oak Ridge
865 425 3409
Aug 23 2002 3:18pm

CQ124

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
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Log for
City of Oak Ridge
865 425 3409
Aug 23 2002 4:06pm

CQ124

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Aug 23	4:05pm	Fax Sent	918015171021-8101	0:00	0	Busy

HP OfficeJet K Series K80
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Log for
City of Oak Ridge
865 425 3409
Aug 23 2002 4:45pm

CQ124

Last Transaction

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Aug 23	4:44pm	Fax Sent	918015171021-8101	0:00	0	Busy

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Log for
City of Oak Ridge
865 425 3409
Aug 23 2002 5:19pm

CQ124

Last Transaction

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Aug 23	5:18pm	Fax Sent	918015171021-8101	0:00	0	Busy

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Log for
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865 425 3409
Aug 23 2002 8:21pm

CQ124

Last Transaction

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Aug 23	8:20pm	Fax Sent	918015171021-8101	0:00	0	Busy

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Log for
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865 425 3409
Aug 25 2002 6:34pm

CQ124

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Aug 25	6:33pm	Fax Sent	918015171021-8101	0:00	0	Busy
