Cleanup to Clean Energy - Interested Party Comments and DOE Responses on Hanford Final RFQ

Comment/Question	**DOE Response**
While we're preparing for the RFQ, I wanted to ask a question regarding the available lands: in the attached map, is it correct to say that it's better and noncontroversial to develop CFE project on the Minimal Known Ecological Resources Value areas (3737 & 1611) than on the Known Ecological Resource Value areas (2596 & 1887)? Assuming it's just for permitting purpose and nothing else. Also, the fourth bullet point under section 5.1.1 item c. states that incorporating some form of community and tribal ownership can be a factor for consideration. … Can you clarify what it means to have community or tribal ownership of the project?	In regard to available lands, the map reflects current information for the identified lands and is subject to change based upon any future site specific surveys. It is up to the Offeror to identify the needed property and state its interest in all or a portion of the available property in its proposal. It is reasonable to expect that areas with known ecological resource value may require additional review and mitigation to address potential impacts to sensitive or high value ecological resources. In regard to factors for consideration, the Government will evaluate proposal(s) based upon an integrated and cumulative assessment of all the consideration factors and sub-factors listed in Table 1 of Section 4. Additional consideration may be given to Offerors with high rankings in Factors 1 and 3. As indicated in Section 5.1.1 Factors for Consideration, the Selection Official may also consider program policy factors in determining which proposal(s) to select, such as (although not limited to), "The degree to which the proposed project incorporates some form of community and/or tribal ownership". DOE encourages industry to think creatively about whether and how community and/or tribal ownership could work based on each entity's specific proposals. While such ownership is not a requirement, it could be a distinguishing factor in making selections. Generally, DOE considers community/tribal ownership in the context of the ownership structure, the governance structure, and the distribution of profits/benefits from the project.

Can DOE please clarify whether the parcels in Figure 9 that are "withdrawn from U.S Department of Interior Public Land Office" (~11,700 acres) are eligible for inclusion in a real estate agreement and development under this RFQ? Can DOE please clarify any additional jurisdictional, leasing, and permitting requirements if these "withdrawn" parcels are included in a proposed site plan? If these ~11,700 acres are not eligible for development, it will be difficult to identify sufficient contiguous acreage to satisfy the DOE's goal of a 200MW+ CFE project.; Would the Government consider a provision that the Selectee must restore the Property "to the condition in which it existed on the date the Realty Agreement was executed" to the extent that such changes were caused by the activity of the Selectee (for example, the Selectee would not be responsible for restoring changes caused by Government activity or natural forces during the development period)	Yes, the areas indicated as “withdrawn from U.S Department of Interior Public Land Office" are eligible for inclusion in a real estate agreement and development under this RFQ. There are no specific additional requirements identified, at this time, specific to the RFQ for proposals that may identify/utilize the withdrawn parcels. In regard to restoration requirements, please see Section 3.1.l Terms and Requirements of the Final RFQ, which indicates "Upon the expiration or earlier termination of the realty agreement, the Selectee(s) shall, at no cost to the Government and to the reasonable satisfaction of the Government, demolish or remove all or a portion of, as designated by the Government, structures or improvements located on the Property, abandon, vacate or remove utilities or other infrastructure from the Property, restore the Property and surrender Property to the Government in the condition it existed on the date the Realty Agreement was executed, ...

The Final RFQ removed language about "ultra-hazardous uses or activities." Why was this language removed? DOE should not allow uses that generate ultra-hazardous materials. Such uses would be inconsistent with multiple objectives identified in the Executive Summary, including: finding projects that minimize risk to the Government; implementing the program to remain compatible with the Hanford Cleanup mission and adjacent Government uses; minimizing and/or mitigating environmental and cultural impacts; and, supporting relationships with Tribal Governments, local Governmental authorities, and the surrounding communities. The public process for C2CE has been far too limited to introduce new ultra-hazardous uses at Hanford, such as the operation of small modular nuclear reactors and indefinite storage of the waste they produce.; This section states that the government is responsible for government-to-government consultation with federally recognized Tribes. Did DOE consult with the Confederated Tribes of the Yakama Nation Reservation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs, or the Nez Perce Tribe prior to finalizing the RFQ? Adequate and robust consultation only works if the federal government conducts it prior to making the final decision. ; DOE's response to comments does not meaningfully address limitations with the Comprehensive Land Use Plan, NRDA implications, or overly limited NEPA reviews for potential projects. The Government should conduct a full EIS for the entire 14,000 acres and include analysis of areas outside the 14,000 acres that may be directly impacted by the C2CE program. Additionally, the Final RFQ still does not acknowledge in some way that the Natural Resources Damages Assessment (NRDA) process is not complete for Hanford. RFQ, Section 2.c states, "DOE must fully comply with NEPA prior to realty agreement execution, or if the NEPA process is not completed before realty agreement execution then the agreement shall be contingent on completion of the NEPA process. DOE may require a larger study area than the proposed project planned size, but such study area will not exceed the identified 14,000 acres." Energy must develop a full Environmental Impact Statement ("EIS") for this proposal, including an overall EIS for the proposed plan, along with project-specific EISs. In the absence of this information, project	Section 3.3.j.3 was removed in the Final RFQ, in that it was redundant to constraints remaining in Section 3.3.j, and potentially misinterpreted to restrict potential Carbon Pollution-Free Electricity project alternatives, such as solar, energy storage, and nuclear. The purpose of the RFQ is to identify and qualify Offerors/Proposals from entities interested in entering into a long-term realty agreement for the deployment of Carbon Pollution-Free Electricity project(s). The RFQ and selection of Qualified Offerors is not the final step, determination, and/or approval for the project(s). As indicated in the Final RFQ, DOE's decision whether to execute a realty agreement is subject to several environmental laws and regulations, including NEPA (42 U.S.C. § 4321, et seq.) and Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108; implementing regulations at 36 CFR Part 800). All Qualified Offerors/Selectee(s) will be required to assist in the timely and effective completion of applicable regulatory processes, as appropriate, in the manner most pertinent to their proposed project. DOE will fully comply with applicable regulatory processes (e.g., NEPA and Section 106 of the NHPA). Furthermore, DOE has and will continue to inform and consult with Hanford-area tribes, which will include government-to-government consultation as appropriate.

proponents may not be equipped with information necessary to comply with NEPA. Accordingly, having agreements contingent on the completion of the NEPA process may end up putting the cart before the horse and inviting projects that are inconsistent with the objectives and limitations of the C2CE program. NEPA requires a hard look at the full range of potential direct, indirect, and cumulative impacts of the proposal as a whole, as well as project-specific impacts. The RFQ suggests that NEPA conducted for the CLUP will be used, at least in part, to justify the designation of these 14,000 acres for development. NEPA analysis from the late 1990s is outdated. Additionally, the RFQ should acknowledge in some way that the Natural Resources Damages Assessment (NRDA) process is not complete for Hanford. Lastly, NEPA compliance must happen before Energy signs real estate agreements committing to a particular Offeror, and the scope of NEPA analysis is limited by the direct, indirect, and cumulative impacts of the project—not the geographic boundary of the proposal area.	