



POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001  
October 2, 2020

Dr. Mark Watson, City Manager  
Honorable Mayor and Member of City Council  
PO Box 1  
Oak Ridge, TN 37831

Re: Proposed Motorsports Park in Horizon Center

Dear Dr. Watson, Honorable Mayor and Members of City Council,

The Environmental Quality Advisory Board (EQAB) is opposed to the permitting, construction, or operation of a Motorsports "Park" in Horizon Center. The proposal (which we note is constantly shifting depending on the audience) is profoundly flawed, on the grounds of ecology, economy, and good and open governance.

When the 1100-acre Horizon Center was created in 1996, a little less than half the land (491 acres according to the deed filed in Roane County Courthouse (notarized copy attached for your convenience, excepting the "meets-and-bounds" surveyor's language) was transferred by the United States Department of Energy (DOE) to the Community Reuse Organization of East Tennessee (CROET) for industrial development and thence to the Industrial Development Board (IDB). (Industrial area is about 460 acres now after the western-most parcel (#4) was deemed un-developable by CROET and re-designated as a natural area.) The greater half is still retained by and still belongs to US Government, not to the IDB.



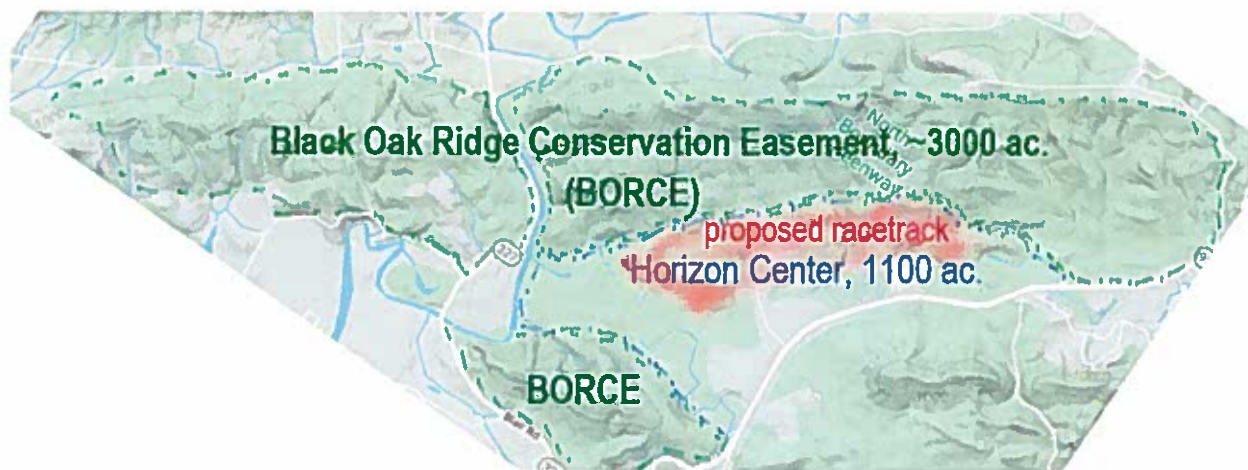
In order to avoid a full Environmental Impact Statement (EIS) as formally required by the National Environmental Policy Act (NEPA) for this action, the US Government (DOE) instead made a solemn commitment to the stakeholders in 1996 to protect the greater half consisting of ecologically significant and environmentally sensitive land, hence their name "Exclusion Areas". These Exclusion Areas were delineated for good scientific reasons—they are home to very rare internationally-recognized beech-and-maple groves, pictured here. It takes centuries for nature to achieve the open park-like look (see 24" diameter beech on left). On right,



a half-century beech growing through and intertwined with a century-old maple provides a perfect visual metaphor for the connection between people and their environment. Exclusion Areas also host wildlife corridors used by Threatened and Endangered species such as birds, bats, and salamanders, to biologically connect to the surrounding Black Oak Ridge Conservation Easement (BORCE). EQAB members walked the lands in question and verified these facts. We also observed numerous sinkholes in this triangular area that are not suitable for supporting roadbeds safely.

The instrument for this commitment is a "mitigated Finding of No Significant Impact" (FONSI) with strict conditions. Absent a very good reason for doing otherwise, e.g., national security, the US Government (DOE) should continue to honor the commitment it made to us back then.

Under the Natural Resources Damage Assessment (NRDA) Act, in the early 2000s, the US Government (DOE) made an even more solemn commitment to the citizens of Tennessee to compensate us for harm that DOE operations caused to Watts Bar Lake. Thus, the roughly 3000-acre BORCE was created "for recreation and enjoyment of the citizens of Tennessee" to remain "in a natural state in perpetuity". Management of BORCE was given to Tennessee Wildlife Resources Agency (TWRA). (TWRA's counsel has informed EQAB members that they were not consulted or notified of the racetrack proposal.) Back then, the Easement itself was valued at \$10 million and its recreational value assessed at \$250,000 per year. EQAB can prove that in today's money, the present value of future stream of benefits plus the physical capital is at least \$40 million, perhaps \$50 million, because BORCE is now visited tens of thousands of times per year by people near and far looking for peace, quiet, and healthy physical exercise in a natural setting. Volunteers donated thousands of hours building and maintaining a very popular network of trails that connect to the Greenway system. Because BORCE surrounds the Horizon Center on three sides, the proposed racetrack would be smack dab in the geometric middle of BORCE. Noise pollution propagating from high-performance motor vehicles will unavoidably harm BORCE's principal value to its visitors (not to mention the residential neighborhoods beyond BORCE), while the traffic and commotion will harm and kill its resident wildlife. It is not prudent to spoil one \$50 million asset being enjoyed by thousands of regular middle-class people right now in exchange for an idea, dubiously claimed to be worth \$50 million, which will only benefit a few wealthy self-described elite racing enthusiasts, most of whom do not live here.



Commercial activity, such as racing cars and mass entertainment as described by the promoter in the *Oak Ridger*, is prohibited by the covenants and use restrictions built into the deed itself for the development area in the Horizon Center as filed in Roane County Courthouse. Only activity described in Exhibit B is permitted. Item (6) on page 9 of the Quitclaim Deed between DOE and Horizon Center LLC provides: "**all activities and development of the land by the GRANTEE [Horizon Center LLC] its successors, transferees and assigns shall 1) be consistent with those land uses analyzed in the Environmental Assessment dated April 1996 and set forth in the Addendum to the Environmental Assessment dated April 2003 – both documents on file at the Oak Ridge Operations Office Information Center; and 2) be consistent with the GRANTEE's proposal to the GRANTOR which was approved by the GRANTOR on November 22, 2002. Said land uses are set forth in Exhibit "B" to this Quitclaim Deed.**

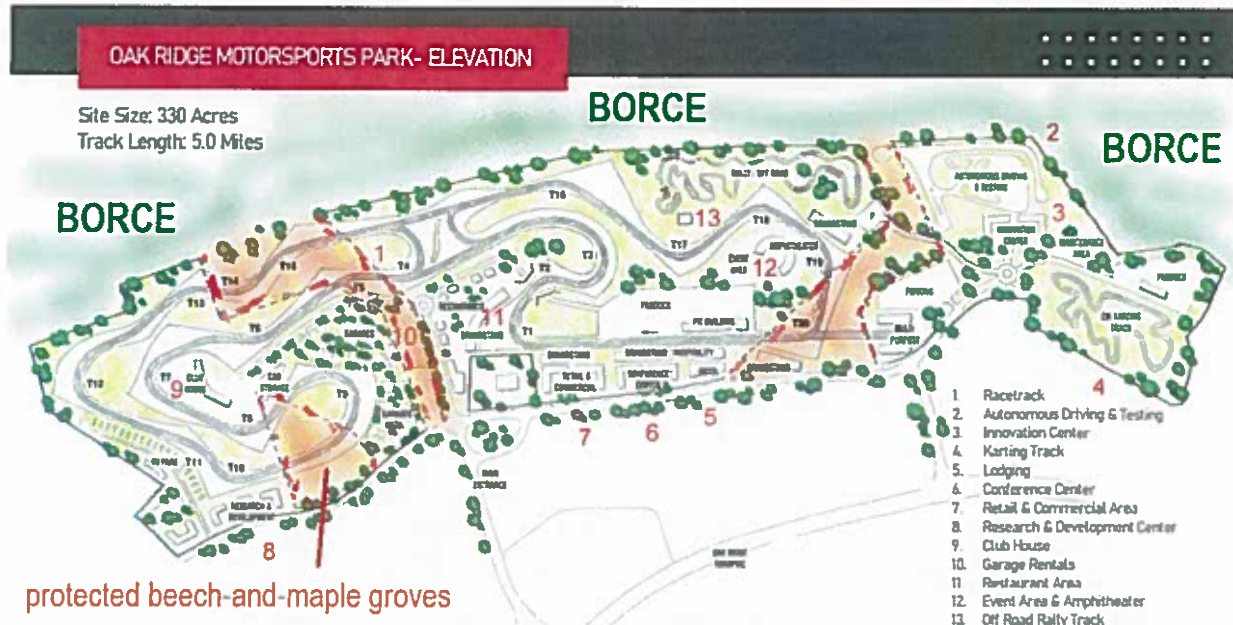
Exhibit "B" says: "**USES OF PROPERTY**

*"The developable acreage of the parcel may be used for the following activities:*

- a. *Light and heavy manufacturing and processing plants*
- b. *Research and development facilities*
- c. *Warehousing and wholesaling facilities*
- d. *Public or semi-public uses including utility structures*
- e. *Offices*
- f. *Service industries.*



Racing cars and hosting mass entertainment events will unavoidably affect (noise, light, general commotion) the abutting Exclusion Areas that do not belong to the IDB. Worse, the promoter's conceptual design presented to the Chamber of Commerce in February depicts all three Exclusion Areas between the parcels being wiped out by either multiple lane crossings or completely cleared and replaced with grass and landscaping. It is self-evident in the conceptual design that IDB had no intention to obey the restrictions and covenants in the deed that they signed, which presents a governance issue. See red-colored areas:



Like chopping off a limb, building this facility as depicted would not only sever the connections to BORCE, it would destroy the principal biological value of the Exclusion Areas. In this day and age of climate change and mass extinction, connectivity for race cars is not worth spoiling connectivity for critters. Furthermore, per last month's news from California, internal combustion-powered cars are not the future. According to the terms of the Mitigated FONSI, severing the connection to BORCE or any lesser encroachment or interference with the Exclusion Areas is prohibited. Item (7) on page 10 of the Quitclaim Deed between DOE and Horizon Center LLC provides: ***"Activities on the premises herein conveyed which cause or have the potential to cause a significant adverse impact to the sensitive areas which are a part of the Natural Area on GRANTOR's abutting land shall be avoided or mitigated by the GRANTEE at the GRANTEE's expense under the requirements of the revised Mitigation Action Plan dated April 2003, which is on file at the Oak Ridge Operations Office Information Center. Said requirements are set forth in the Declaration of Covenants, Conditions and Restrictions cited in Condition No. 8 of this Quit Claim Deed."***

The real estate developer claimed in a front-page article that not getting the Exclusion Areas would be a deal-breaker. They claim they only want an "easement" to cross the Exclusion Areas, but this "easement" would in fact completely despoil them ecologically. Also, EQAB wonders, does the developer expect to get this additional land (about 100 acres) for free, and without compensating the community? Is this part of the developer's financial calculus which has not been revealed to the public? The financial interests behind this proposal have still not been disclosed by IDB despite a specific request from the Mayor.

EQAB members have conducted research which shows that half of similar venues across the US are closed and/or bankrupt, and that racetracks are generally not good neighbors to nearby residential areas. We also conducted research which shows no agreements nor even memorandums of understanding have been concluded with any local or regional research or industrial institutions (e.g., UT, ORNL, Volkswagen).

The proposal is vague and full of dubious and unsubstantiated claims. Members of EQAB have attended multiple presentations by this developer—the content is never the same twice. It constantly shifts depending on audience. EQAB members were present at the Council meeting on February 10, 2020, and we believe the promoter did a "bait and switch", misrepresenting their intentions by saying one thing to Council ("research and technical test track") and a completely different thing ("Formula race cars, mass

entertainment amphitheater”) to their primarily out-of-town car enthusiast base who do not reside here, do not pay taxes here, and will not have to bear the consequences of this folly. As a matter of good governance, we do not believe the obfuscation exhibited by the IDB and the misdirection by this developer or the IDB should be rewarded.

**EQAB requests that Council communicate with DOE’s Office of Science before the comment period closes on October 21, 2020 to abandon the proposed Motorsports Park and instead honor its existing commitments to utilize the property as stipulated by covenant in the deed.**

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Kennedy", written in a cursive style.

Robert Kennedy, PE, Chair  
Environmental Quality Advisory Board