October 28, 2024

Reviewing Official, Michiko Martin, Regional Forester

333 Broadway Blvd SE

Albuquerque, NM 87102

Re: Objections to Proposed Los Alamos National Laboratory Electrical Power Capacity Upgrade Project (LANL EPCU) based on NEW Information

Dear Reviewing Official, Michiko Martin, Regional Forester:

I provide the following comments based on new information. The Department of Energy (DOE), National Nuclear Security Administration (NNSA), Los Alamos National Laboratory (LANL) did not disclose the active negotiations for a viable alternative to the Los Alamos National Laboratory (LANL) Electrical Power Capacity Upgrade (EPCU) Project that should have been considered in the draft Environmental Assessment (EA) as required by the National Environmental Policy Act (NEPA).

The undisclosed alternative is called the Foxtail Flats Solar and Battery Energy Storage System (Foxtail Flats + BESS). Foxtail Flats + BESS will provide an alternative electrical power capacity upgrade (EPCU) project for Los Alamos using the Public Service Company of New Mexico (PNM) transmission lines from San Juan County. The solar field for the project is located near the retired San Juan Generating Station.

Some background is needed to show the energy resource relationship between DOE/NNSA, LANL and Los Alamos County. In 1985, DOE/LANL established the Los Alamos Power Pool (LAPP) with Los Alamos County. That agreement requires the electrical power transmitted to be pooled and divided: 80 percent to DOE/LANL (and now, NNSA) and 20 percent to Los Alamos County:

*Foxtail Flats will supply power to both the County and LANL. We have long pooled our electricity resources. Roughly 80% of the pooled power goes to the Lab. County customers use about 20%.* <https://www.losalamosnm.us/News-articles/Large-scale-Solar-Power-is-Coming-to-Los-Alamos>

On December 11, 2023, just before the draft EA public comment period began on December 19, 2023, DOE/NNSA, LANL and Los Alamos County, through the Los Alamos Power Pool (LAPP) Operating Committee, recommended:

*the 170 MW Foxtail Flats Solar generation and Battery Energy Storage System resource be approved to be added, to the new Electric Coordination Agreement (ECA) [formerly the Los Alamos Power Pool]…expected to be signed by July 1, 2025…and approval by the Board [of Public Utilities] and [Los Alamos County] Council and DOE NNSA.*

<https://losalamos.legistar.com/LegislationDetail.aspx?ID=6518240&GUID=00184A75-3E8D-4C09-B2EB-2C2D5AA1154C> , Attachment 2. [B - Foxtail Flats Solar PPA-ESA Presentation](https://losalamos.legistar.com/View.ashx?M=F&ID=12669806&GUID=A3FC9F97-032F-442E-ABAF-F4309A3E1B86) , p. 3.

On February 21, 2024, the day after the draft EA public comment period ended, the Los Alamos County Board of Public Utilities (BPU), by a vote of 4 to 1, approved the Foxtail Flats + BESS agreements to bring 170 megawatts (MW) on the PNM line to Los Alamos. Six days later, the Los Alamos County Council unanimously approved the agreements.

DPU partners with the Department of Energy (DOE) in the Los Alamos Power Pool (LAPP), an arrangement dating back to 1985 in which the parties pool resources for a combined electric load between Los Alamos County and Los Alamos National Laboratory (LANL). The ratio of power usage between the two parties is roughly 1:4 with a combined peak load of 90 MW. The pool is a mutually beneficial partnership which allows economies of scale that reduce electricity costs for both parties, making it easier for the County and LANL to achieve shared environmental energy goals.

<https://www.losalamosnm.us/News-articles/New-Solar-and-Battery-Contracts-Set-to-Double-Clean-Electricity-Supply>

The draft EA should be withdrawn based on this new information. The Foxtail Flats + BESS project was not considered in the Los Alamos National Laboratory Electrical Power Capacity Upgrade (EPCU) Project, DOE/EA-2199, LA-UR-23-32753, November 2023, but it should have been evaluated as a reasonable alternative.

In summary, the Foxtail Flats + BESS project is underway to deliver 170 MW of electricity to the Los Alamos Power Pool (LAPP) from the north along the same existing PNM power lines that were previously used to convey electric power from the San Juan Generating Station to LANL. DOE/NNSA, however, failed to disclose and consider Foxtail Flats + BESS as a reasonable alternative to the proposed LANL EPCU Project in its NEPA analysis.

DOE/NNSA have therefore failed to demonstrate a current need to install new electrical line infrastructure through the Caja del Rio sacred area, across the Rio Grande and the Pajarito Plateau.

Predictions of future need must be based on articulable facts, not speculation.

The new information requires the federal agencies to reassess the need for the proposed EPCU Project.

Forest Service Decision Notice and FONSI

The proposed Forest Service amendments are also based on a “need” that no longer exists.

The Forest Service must therefore reconsider its draft Decision Notice and FONSI that would amend the 2022 Santa Fe National Forest Land Management Plan to establish a new management area, and other associated amendments for the construction of new utility infrastructure and changes to scenery and recreation classification systems.

Nor should the Forest Service issue a Special Use Permit to establish a 100-foot wide utility Right of Way (ROW) to install new power poles and create temporary staging areas for construction equipment, all of which would cut through the heart of the Caja del Rio traditional cultural landscape, an area sacred to its Pueblo stewards.

Additionally, the proposed Forest Service amendments fly in the face of its recently revised 2022 Forest Service Land Management Plan goals and the collaborative co-stewardship opportunities that it intends to foster among Tribes, Hispanic land grants and Acequias, wilderness advocates, recreational and other forest users.

Thank you for your careful consideration of my comments.