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October 27, 2024

Reviewing Official, Michiko Martin, Regional Forester  
333 Broadway Boulevard SE  
Albuquerque, NM 87102  
objections-southwestern-regional-office@usda.gov

Re: Public Comment for the Forest Service Draft Notice of Decision, FONSI and plan to amend the 2022 Santa Fe National Forest Service Land Management Plan regarding the proposed LANL Electrical Power Capacity Upgrade Project (LANL EPCU)

Dear Reviewing Official, Michiko Martin, Regional Forester:

I respectfully ask the Forest Service, NNSA, DOE, BLM and LANL to rescind the LANL EPCU Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), and for the Forest to rescind their decision to amend the 2022 Santa Fe National Forest Land Management Plan to establish a S/N Transmission Line Utility Corridor Management Area and utility Right of Way and alter plan wording as stated in the Forest Service Draft Decision Notice and Finding of No Significant Impact.

The terms of the 2022 Santa Fe National Forest Land Management Plan, NEPA rules, and common-sense planning dictate this action as my letter will show.

The Draft Decision Notice and Finding of No Significant Impact (FONSI) issued by the Forest Service regarding the proposed LANL EPCU project will render the 2022 Santa Fe National Forest Land Management Plan ineffective and negates its fundamental purpose of protecting our public resources. The amendments directly contradict the Vision of the Santa Fe National Forest Service from the 2022 plan:

“We will be a leader, both in the forest and partnering on lands across northern New Mexico, in achieving three goals: (1) **restore fire resiliency to our forest landscapes**, (2) **provide clean and abundant water**, and (3) **honor and strengthen ties to the land.**” (2022 Santa Fe National Forest Land Management Plan, page 16).

This plan, created after the devastating escaped burns of 2021, Hermits Peak and Calf Canyon, was a document that many viewed as a way forward in mending relations between the residents of the area and the governing agency of the Santa Fe National Forest. Should the Forest Service stay with this decision to amend the plan and create the specially permitted utility Right of Way, public mistrust will justifiably reach points higher than it has in the aftermath of the devastating fires.

The LANL EPCU project and EA are flawed, and there are multiple reasons why. The following lists some, but likely not all of them that will arise in the coming months.

## **1. Alternatives and Need for Project not properly researched or vetted by Forest Service, NNSA, LANL or DOE**

### **A. Efforts to shave Coincidental Peak demand by LANL and by Los Alamos County have been minimal to non-existent.**

These includes conservation, equipment maintenance and upgrading, on-site energy production, and on-site energy storage.

Neither LANL nor the County of Los Alamos has significantly completed needed repairs, upgrades, and maintenance of the equipment inside of the Power Pool's boundaries. In contrast, they have added significant new facilities requiring power and power infrastructure without installing onsite power generation for these facilities.

In 2008, DOE issued an Order (DOE O 430.2B) requiring its facilities to construct renewable energy generation on its sites. Other DOE sites in the state and the nation have worked to adhere to this rule. LANL, on the other hand, has worked mostly to state infeasibility, and has made minimal effort to generate renewable power or even create power storage onsite. A 10 MW Solar Array at LANL TA-3 promised in an October, 2022 online announcement from LANL to come online in 2023-2024 never materialized. The announcement is found here:

<https://discover.lanl.gov/publications/connections/2022-october/campus-master-plan/>

The County of Los Alamos has not installed any solar generation beyond the Japanese-funded 1 MW solar array atop the old landfill. It has, on the other hand enlarged its footprint and created large areas of waste and rubble without plans to utilize them for solar or power storage.

### **B. The Final LANL EPCU EA relies on statements of need that are historically unfounded and continually contradicted**

The Los Alamos Power Pool (LAPP) has entered into an agreement with Foxtail Flats that will provide it with up to 170 MW of power, coming online in stages starting 2026. The County of Los Alamos has stated that the power from the Foxtail Flats solar array and battery storage will supply the Los Alamos Power Pool with more than enough power and that power will be transmitted on existing lines.

From the Los Alamos DPU website

<https://www.losalamosnm.us/Initiatives/Foxtail-Flats-Solar-Power-and-Battery-Storage> :

- "This project will produce 170 MW/hour, which is more than enough to supply the daytime load for the Los Alamos Power Pool (LAPP), which is a partnership that combines the energy needs and resources for Los Alamos County (LAC) and Los Alamos National Laboratory (LANL). DPU plans to sell 50 MW/hour over 10 years under a separate Power Purchase Agreement (PPA) with Mercuria. This will leave 120 MW/hour for LAPP, which will serve load and charge the Battery Energy Storage System (BESS). If appropriate, DPU may enter into additional separate agreements with third parties to sell excess power as needed. "
- "Power will flow from San Juan's 345 KV transmission line directly onto PNM's system. LAC will use its existing contract with PNM to transport power to LAPP"
- "We should start receiving power toward the end of 2026"

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

- " The ratio of power usage between the two parties [of the LAPP] is roughly 1:4 with a combined peak load of 90 MW. "

(County of Los Alamos)

The existing lines have been more than adequate for the entirety of the LAPP's existence. Peak Power demand for the LAPP indeed remains flat at around 90 MW, according to Los Alamos County DPU, a partner of the LAPP, and will remain so. In fact, the LAPP plans that it will be selling power in excess of 120 MW/hour, and maybe more, in the future.

**Question:** What are the reasons for the Forest Service not including this new information regarding the Foxtail Flats/BESS agreement in your Draft Decision Notice?

Examples of inconsistent dates and numbers negated by actual usage abound, and here are a few to demonstrate my point:

- **From the Meeting Agenda from the May, 2021 Virtual Scoping Meeting:**

"LANL's mission will require higher capacity electrical power that is reliable and redundant by **2026**"

- **From LANL's website at <https://environment.lanl.gov/resources/epcu/>:**

"An additional power line and associated electrical infrastructure upgrades are required because the two existing electric power transmission lines are forecast to approach their capacity limit by the end of **2027**."

- **From the 2019 Final EA for the Proposed Construction and Operation of a Solar Photovoltaic Array at Los Alamos National Laboratory, Los Alamos, New Mexico:**

"...additional demand could double current electrical usage (LANL 2017). Based on these projections, the Los Alamos Power Pool load will exceed the Norton Line SOL in the summer months of **July 2021** and the Reeves Line SOL will be reached by **July 2024**." (LANL 2017).

Use of an on-site LANL PV array could meet an increasing or decreasing electricity demand quickly, over a short period of time by providing the ability to start and stop multiple times per day."

- **From Page 6 of the March 2000 Final EA for Electrical System Upgrades at Los Alamos National Laboratory:**

The mid-range forecast of peak load requirements for the Power Pool is estimated to be about **107 MW in the year 2001**, and the long-range forecast of mid-range peak load requirements is estimated to be about **124 MW by about the year 2007** (DOE 1999a)3

LANL has not explained how their current predictions will be more accurate than those of the past two and a half decades that were blatantly incorrect and misleading.

The Forest Service has an obligation to make sure that it relies on accurate and scientifically founded information, especially when organizations are asking for a change of Forest Service rules.

## **2. Use of the Environmental Assessment in lieu of the more rigorous Environmental Impact Statement is a rejection of scientific truths regarding the project's impact on people and nature**

Adherence to NEPA and to NEHP rules is rightfully questioned by leadership of the local tribes and conservation advocates. By putting forward only the Environmental Assessment, the least rigorous method, the Forest Service is pursuing a questionable course of action that is not fully transparent. For full public transparency, the Forest Service, along with LANL, NNSA, DOE, and the BLM must put forward an Environmental Impact Study with meaningful participation by leaders of all affected peoples.

Every aspect of this project impacts the environment and the health of the people in the region. These effects include ground-heating from de-vegetation, construction noise and pollution, new corridors for invasive species such as "tumbleweed" and cheat grass that ignite easily as well as illegal dumping, poaching, shooting and camp fires that will creep deeper into the region. Native species habitat and migration corridors will be affected. The Forest Service has no comprehensive plan to address these issues, nor does the BLM, DOE, NNSA or LANL.

Heat islands created by vegetation removal are proven to affect surrounding environment. The EA does not cover this issue with any rigor or detail. The southwest, in particular the high desert and arid mountain regions such as ours are warming at a much faster rate than the rest of the country.

I live on Potrillo Canyon, White Rock, and the temperatures there have increased from rare highs of 90 degrees F in the late 1980's to highs in the 100's today. The EA does not mention the accelerated warming of the area already taking place. Our neighbor's online weather station on Potrillo Drive, White Rock showed an extreme high of 104.7 degrees F during a heat wave in 2018. This October of 2024 has been the hottest October on record for the area. The mentioned weather station has been well-maintained and online for several years and historical data can be viewed at <https://www.wunderground.com/dashboard/pws/KNMWHITE35> .

The EPA published an informative document on the subject found here: <https://www.epa.gov/climate-indicators/southwest>

No longer a "secret" location, the public can now see activities on DOE property at LANL due to tree loss and Google Earth. LANL has a propensity to remove vegetation completely with drastic means when constructing or maintaining any project. Historically, LANL's words do not equal action in land management.

## **3. Environmental Justice Requirements of NEPA are not met by the EPCU Project**

The LANL EPCU project EA does not fully account for the cultural, religious, and historical values of the lands affected due to the lack of early consultation with the tribal people whose ties to the land are the longest and deepest in the region.

Pueblo tribal leaders were left out of the EA process until the announcement of the scoping period in 2021. They were left off the list of agencies involved and agencies contacted. The EA represents the absolute minimum engagement federal agencies could choose, and negates wording in the 2022 Santa Fe National Forest Land Management Plan to:

“Work closely with **traditional communities, including tribes and community land grants**, to ensure access to sacred sites, ceremonies, and forest products. Protect, enhance, and to provide interpretation for our cultural resources.” (SFNF Land Management Plan 2022, p. 17)

New Mexicans are wondering why the DOE/NNSA, Forest Service, and BLM do not consider tribal governments important enough to consult earlier in the process because those peoples have a collective wisdom about the area and its wildlife far beyond that of the agencies listed as “involved” and “contacted”. The following is taken from section 4, page 4-1 of the Final EA, and shows that the agencies involved and the agencies contacted during the creation of the EA did not include local tribal governments:

#### **4 Consultation and Coordination**

*DOE/NNSA is the lead agency for the EA; therefore, consultation with potentially impacted Tribal Nations from elements of the Proposed Action is conducted in accordance with DOE Order 144.1, Department of Energy American Indian Tribal Government Interactions and Policy. Coordination and consultation among DOE/NNSA, USDA Forest Service SFNF, USDO I BLM, and nearby Tribal Nations have been ongoing. Interaction between federal agencies and Native American Tribes would continue throughout project phases, including planning, initiation, and potential mitigations. Various federal interagency meetings were conducted to share project information, determine the scope of the EA, and develop the EA.*

##### **4.1 Agencies Involved**

*The DOE/NNSA (lead agency) was assisted by the USDA Forest Service-Santa Fe National Forest (cooperating agency) and the USDO I Bureau of Land Management-Taos Field Office (participating agency) in preparing this EA.*

##### **4.2 Agencies Contacted**

- *Advisory Council on Historic Preservation*
- *National Park Service*
- *State Historic Preservation Office*
- *U.S. Department of the Interior*
- *U.S. Fish and Wildlife Service*

##### **4.3 Tribal NEPA Coordination**

*On April 15, 2021, NNSA sent notifications to New Mexico Tribal Nations announcing the NEPA EA scoping period and inviting Tribes to provide comments regarding potential environmental impacts related to the Proposed Action.*

Adding insult to injury, the LANL EPCU Project benefits only the Los Alamos Power Pool (Los Alamos County and LANL), a group whose 2022 United States Census Bureau median income is \$135,801.00. The lion's share of the tax-payer funded project's destructive consequences will be felt by communities not so rich and not identifying as white. This violates the National Environmental Policy Act's environmental justice requirements.

#### **4. The Forest Service, BLM, LANL, NNSA and DOE are operating without full information regarding LANL's activities and alternatives, current and future.**

The work on the LANL Site-Wide EIS (SWEIS) has gone missing from public view since October, 2022. New Mexicans are waiting for this SWEIS and have been asking for it repeatedly.

From a letter dated October 17, 2022 from the New Mexico Environment Department to NNSA regarding their comment on the LANL SWEIS found at <https://www.env.nm.gov/wp-content/uploads/2022/11/2022-10-17-NMED-Comments-5873-LANL-SWEIS-Scoping-Final.pdf>

“All activities at LANL are of importance to the residents of New Mexico, and strong intergovernmental coordination, as required by the National Environmental Policy Act (NEPA), is essential to ensure continued progress in addressing potential impacts to human health and the environment from ongoing and proposed activities at LANL. Strong coordination and rigorous public process are also imperative in addressing LANL's legacy contamination in New Mexico and on tribal lands, as clean-up delayed is clean-up denied.

Furthermore, in the recent past, New Mexico residents and both the city and county of Santa Fe, have requested a new SWEIS. NMED recognizes the significance of NNSA's decision to begin a new SWEIS after electing not to do so in previous years and appreciates the opportunity for a robust process for seeking input and involvement from State, Tribal and community partners.”

The delay in creating the LANL SWEIS has denied the public, tribal, state, federal, and local government agencies of New Mexico the opportunity to properly assess impacts of LANL's current and planned activities and alternatives to those activities.

In South Carolina a federal court ruling says nuclear weapons regulators violated the National Environmental Policy Act by failing to properly analyze alternatives to production of the nuclear warhead components at Savannah River and Los Alamos. I anticipate more legal scrutiny regarding issues of environmental impact at DOE/NNSA nuclear facilities, not less.

At this juncture, all federal agencies involved in the creation of the Final EA for the LANL EPCU project must take this ruling seriously. By not producing a SWEIS as per the scoping process LANL announced in 2022 and the above federal court ruling, NNSA, DOE, and LANL are pushing forward on projects without proper analysis of alternatives as required by NEPA.

In addition, DOE, LANL, and NNSA have attempted to bundle a maintenance project for the transmission systems on LANL property with a separate project of a new transmission line on public lands. It is an all-or-nothing approach that does not consider the alternative of accomplishing transmission equipment upgrades on LANL property or a new fiber optic line into the area separate from building a brand-new overhead high voltage transmission line on public lands. This approach is counter-productive to the

national security missions at LANL and puts all activities at LANL at risk, including vital clean-up of legacy waste. This affects Forest Service land as well as the health of the Rio Grande and other waterways. I see this as a risky political maneuver to obtain approval for a new power line project historically deemed unnecessary and unduly destructive, but that remains on a “wish list” from LANL since the 1990’s.

**Statement relating this letter to previous comment submitted:**

My previous comments submitted to the DOE, NNSA, LANL during the previous public comment period for DOE agencies are consistent regarding the comments here regarding the EA. Comments are included in this letter that relate to specifically to the Santa Fe National Forest Land Management Plan, 2022 because this is comment on the Draft Decision Notice, FONSI, and EA. New information regarding the Foxtail Flats/BESS agreement has been made available since the closing of the previous public comment period in February, 2024, and this new information impacts the accuracy of the EA and represents a probable alternative not previously discussed.

**In Summary:**

I ask the Forest Service to immediately rescind its published Draft Notice of Decision, FONSI, and the Final LANL EPCU EA for all the above reasons. Handing control to NNSA for the use of public lands for purposes evidentially unjustifiable and contradictory to the Forest Service goals of inter-cultural collaboration, clean water, clean air and fire resiliency is reckless when considering the lack of transparency and will of NNSA, DOE, and LANL to thoroughly analyze their activities and produce the new LANL SWEIS. Without this complete SWEIS information, the Final EA for the LANL EPCU lacks authority and transparency and should not be used as justification for any amendment of the Forest Service Santa Fe National Forest Land Management Plan of 2022.

Respectfully,

Laura Ellen Walton

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cc:

Governor Michelle Lujan Grisham

Senator Martin Heinrich

Senator Ben Ray Lujan

Representative Teresa Leger Fernandez

US Secretary of the Interior Deb Haaland