

June 18, 2007

By email to: NMcomments@nm.blm.gov

Buckman Water Diversion Project FEIS
Project Manager, Bureau of Land Management
Taos Field Office
226 Cruz Alta Road
Taos, NM 87571

Re: Need for the Forest Service and Bureau of Land Management to Prepare a Supplement or Revision to the Final Environmental Impact Statement for Buckman Water Diversion Project

Dear Project Manager:

The following non-governmental organizations and individuals submit the following comments about the Final Environmental Impact Statement (FEIS) for the Buckman Water Diversion Project: Concerned Citizens for Nuclear Safety (CCNS); Robert H. Gilkeson, Registered Geologist and RCRA Groundwater Specialist; Amigos Bravos; Rio Pueblo/Rio Embudo Watershed Protection Coalition; Rio Grande/Rio Bravo Project; Tewa Women United; Sebia Hawkins and Spin Dunbar, Aamodt Settlement Defendants; Maurice Weisberg, M.D.; and Marian Naranjo. We request that the Forest Service and Bureau of Land Management (BLM) prepare a revision or supplement to the FEIS for the Buckman Water Diversion Project based on the significant new information released since public comments which were due about the Draft EIS on February 14, 2005.

In February 2005, CCNS and Amigos Bravos provided comments to the Draft EIS about the transport of radioactive, toxic and hazardous contaminants from Los Alamos National Laboratory (LANL) through surface and ground water pathways to the location of the proposed Buckman Water Diversion Project. FEIS, p. 233, 243. We provided references to reports about the transport of LANL contaminants through these pathways. Our concerns were not taken seriously and were considered "speculative." FEIS, pp. 265, 273. Since that time, there are a number of new reports released that further support our concerns. The BLM and Forest Service have a duty to conduct a careful review of the previously cited reports, as well as the significant new information found in the following reports, before \$171 million (March 2, 2007 estimate) of taxpayer money is spent on this project.

The Department of Energy (DOE), owner of LANL, has polluted the rivers that either run through or border their sites in Washington state (Columbia), Idaho (Snake),

Tennessee (Clinch) and the Savannah River, which forms the border between South Carolina and Georgia. It would be foolish for BLM and Forest Service to ignore the fact that LANL contaminants have been found in surface, storm, ground and drinking water and sediments and soils above background levels on the LANL site, as well as off-site in the Buckman Wells and at the proposed Buckman Water Diversion site.

Further, DOE has not wanted to bring attention to the fact that contaminants are being transported through the canyon systems to the Rio Grande and drinking water supplies. For example, the July 9, 2002 record of a meeting between Steve Fong (DOE), Mat Johansen (DOE), Gene Turner (DOE), Sandy Hurlocker (USFS) and Chuck Pergler (Tetra Tech) to "determine the level of DOE desired participation in the Buckman Water Diversion Project EIS," statesL

Mat indicated that there may be a higher concern about [contaminants] in the surface water when compared to ground water at the Buckman location. He doesn't think there would be any new regulatory requirements to either the diversion project or to the DOE. *This is mainly a political issue* rather than any kind of health concern. Mat stated that he doesn't believe there are any LANL derived contaminants in the Rio Grande that present a human health risk. [Plutonium] is above background but does not present a health risk. It would probably be counter productive to have DOE as a Cooperating Agency as that may needless[ly] raise DOE issues that are not associated with the proposed project. Mat suggested that we do not state in the EIS that based on the Elizabeth Keating's model that less pumping will mean less [contaminant] transport. A statement like this would be misleading as groundwater transport of [contaminants] would be in the hundreds of years and even with severe pumping there is no eminent risk. Mat suggested that we contact Ralph Ford-Schmid of the State Office of DOE Oversight for additional data. [Emphasis added.]

Steve has raised the issue with the DOE/LANL and Los Alamos County regarding their exploitation of San Juan - Chama. Sandy Hurlocker stated this would be outside the scope of the Buckman EIS.

Action Items:

1. Mat will recommend to Joe Vozella, DOE Associate Director for Facility Operations, that the DOE cooperate with the USFS on this project but not become a Cooperating Agency. p. 2

At the July 9, 2002 meeting, Mat Johansen made the statement that "groundwater transport of [contaminants from LANL sources to the Buckman wells] would be in the hundreds of years and even with severe pumping there is no eminent risk." This statement was based on a LANL report titled, "Analysis of Capture Zones of the

Buckman Wellfield and a Proposed Horizontal Collector Well North of the Otowi Bridge,” by Velimir V. Vesselinov and Elizabeth H. Keating, May, 2002.

However, three years later in a paper by Keating, Elizabeth, B.A. Robinson, and V.V. Vesselinov titled, “Development and Application of Numerical Models to Estimate Fluxes through the Regional Aquifer beneath the Pajarito Plateau,” published in *Vadose Zone Journal*, Volume 4, August, 2005, the LANL scientists acknowledge that because of great uncertainty, travel times for contaminants from LANL sources to the Buckman wells are not known, but may be as short as 20 years instead of a minimum of hundreds of years. Excerpts from the 2005 paper are below:

The implication of this work for contaminant transport issues is that because of parameter *uncertainty*, predicted fluxes and velocities are quite *uncertain*. *Uncertainties* in permeability and porosity values lead to additional model *uncertainty*. These *uncertainties* can be reduced meaningfully with more data collection, including multi-well pumping and tracer tests. [Emphasis added.] Keating, page 668.

The current understanding of hydrostratigraphy, as implemented in the numerical models, is sufficient to explain general trends in heads (spatial and temporal) but is lacking in a few key areas such as in the vicinity of [LANL characterization wells] R-9, R-12, R-22, and R-16. Detailed transport calculations in the vicinity of these wells would benefit from a refinement of the hydrostratigraphic framework model.” Keating, pp. 667 - 668.

The LANL characterization wells R-9, R-12, R-22, and R-16 are all located on the western side of the Laboratory and between the LANL contaminant sources, the Buckman wells, and the proposed location of the collector well.

A report released on June 8, 2007 by the National Academy of Sciences (NAS) about the LANL groundwater protection practices has an overarching finding that:

Many if not all of the [characterization] wells drilled into the regional aquifer under the Hydrogeologic Workplan [R-wells] appear to be compromised in their ability to produce water samples that are representative of ambient groundwater for the purpose of monitoring. Plans and Practices for Groundwater Protection at the Los Alamos National Laboratory, prepublication copy, p. 79.

The NAS report did not identify any characterization wells in the regional aquifer at LANL that produce reliable and representative water samples for the identification of contamination. Instead, the NAS identified that LANL did not have a sufficient number of monitoring wells installed between the LANL contaminant sources and the Rio Grande and on to the Buckman well field.

The land between LANL and the Buckman well field is the property of the San Ildefonso Pueblo. The NAS report identified the need for the installation of more monitoring wells on the Pueblo land:

Another area that appears to be undersampled is the Pueblo de San Ildefonso to the east of LANL, which is generally downgradient from the site. Plans to install monitoring wells on Pueblo lands under the Memorandum of Understanding⁸ described in Section 3 of LANL (2006a) are a step in the right direction. Additional monitoring to ensure early detection of contaminant plumes beneath these Pueblo lands will likely be required. NAS, p. 73.

The conclusions section of the 2002 report by Vesselinov and Keating also acknowledged that there was uncertainty in the travel times and that “[t]he introduction of geochemical data in our inverse model could further decrease uncertainty of our estimates and predictions (especially travel times).” The NAS report also brought attention to the failure of the LANL scientists to apply geochemical data to transport of LANL contaminants. NAS, p. 2. The NAS report also described the need for “large-scale pumping tests” to gain knowledge of the travel times for contaminated groundwater to travel away from LANL in the downgradient direction to the Rio Grande and the Buckman wells. *Id.*, p. 77.

The National Environmental Policy Act states: “Agencies shall prepare supplements to either draft or final environmental impact statements if ...

- (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. 40 CFR §1502.9(c).
- (2) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.” 40 CFR §1502.9(c)(2).

We believe that the new reports referenced below represent “significant new circumstances or information” that require either a supplement to or revision of the FEIS be prepared and released for public review and comment.

The significant information involves new reports involving the transport of radioactive, toxic and hazardous contaminants from LANL through surface and ground water pathways to drinking water wells and the area of the proposed Buckman Water Diversion Project. These new reports include:

1. National Academy of Sciences, "Plans and Practices for Groundwater Protection at the Los Alamos National Laboratory," prepublication copy, release June 8, 2007. See comments above and below.

2. New Mexico Environment Department (NMED), "Distribution of Radionuclides in Northern Rio Grande Fluvial Deposits near LANL, New Mexico," April 2007. The report details its findings of plutonium-239/240, cesium-137, strontium-90, cobalt-60, sodium-22 and uranium from LANL in Cañada Ancha, at the site of the Buckman Water Diversion Project. These contaminants were also reported in the drinking water supplies of Los Alamos National Laboratory and the City of Santa Fe wells at the Buckman Wellfield. Draft LANL Site-Wide Environmental Impact Statement (draft LANL SWEIS), Appendix F, August 2006 and Final LANL SWEIS, Appendix C, 1999. The NMED report finds:

- a. Plutonium-239/240 "was the most persistent radionuclide found in terraces downstream of LANL." p. 63.
- b. Cesium-137 was also elevated by the greatest amount at Ancha site."
- c. Strontium-90 was found to be elevated at the Ancha site.
- d. The "137-Cs and 90-Sr are the largest contributors to the hypothetical risk and contribute approximately 79% of the total risk, 66% for 137-Cs and 13% for 90-Sr."
- e. Cobalt-60 and sodium-22 yielded detection limits up to three times greater than measured [at the background site] at the Santa Clara site." p. 61. Further, "the 60-Co and 22-Na cancer risk for the mid-interval Ancha site samples was calculated to be 6.98E-06, 33% of the total risk there." p. 61
- f. Anomalous uranium levels were also identified at the Ancha and Frijoles sites.

NMED conducted an EPA risk evaluation exercise, which revealed the hypothetical risk is four to five times greater at deeper intervals [96-186 cm] from the Ancha site than at the surface sediments from the Santa Clara [background] Site. p. 63

Previously referenced NMED reports in comments to the draft Buckman EIS. These reports document the highest levels of plutonium leaving LANL since the 1950's and 1960's through storm water events in the Pueblo/Los Alamos Canyon system, which discharges to the Rio Grande less than two miles above the diversion site.

- "Post Cerro Grande Fire Channel Morphology in Lower Pueblo Canyon, Reach P-4 West: and Storm Water Transport of Plutonium 239/240 in Suspended Sediments, Los Alamos County, New Mexico," by Dave Englert, Ralph Ford-Schmid and Kenny Bransford, November 2003, http://www.nmenv.state.nm.us/DOE_Oversight/pubs.htm.

- “Post Cerro Grande Fire Channel Morphology in Lower Pueblo Canyon, Reach P-4 East, Los Alamos County, New Mexico,” by Ralph Ford-Schmid and Dave Englert, http://www.nmenv.state.nm.us/DOE_Oversight/pubs.htm.

BLM and Forest Service provided an inadequate response to the request to “review, consider and incorporate the findings and conclusion found in the following reports in the final EIS for the Buckman Water Diversion Project, including NMED reports documenting the highest levels of plutonium leaving the LANL site since the 1950’s and 1960’s through storm water events in the Pueblo/Los Alamos Canyon system, which discharges to the Rio Grande above the diversion site.” FEIS, p. 234. BLM and Forest Service responded:

The recommendations include environmental restoration which would help return Lower Pueblo Canyon to a more natural condition effectively locking contaminants in sediment units that are not as vulnerable to erosion. FEIS, p. 265.

However, BLM and the Forest Service never asked if the recommendations had been implemented by DOE/LANL. As demonstrated in the latest NMED report,

- “Distribution of Radionuclides in Northern Rio Grande Fluvial Deposits near Los Alamos National Laboratory, New Mexico”, http://www.nmenv.state.nm.us/DOE_Oversight/pubs.htm.

DOE/LANL has not followed those recommendations and radionuclide contaminants are still being transported and deposited off-site, including in Cañada Ancha, the site of the Buckman Wellfield and the proposed locations of the Buckman Water Diversion Project.

For example, LANL and NMED persuaded Los Alamos County to move their new sewage treatment plant outfall upstream about one-third-mile from its proposed location in the Los Alamos/Pueblo Canyon system to enhance the establishment of more wetlands.

While DOE/LANL has planted some willows and placed jute-matting over some of the bank sediments with higher concentrations of contaminants, much more needs to be done.

- Eroding, contaminated banks need to be evaluated for hard engineered (e.g., gabion baskets, root wads, wing-dams, etc.) protection or soft engineered (e.g., bioengineering) protection to reduce their vulnerability to erosion.
- Rapidly advancing head-cuts need to be hard engineered to prevent the continued loss of sediment trapping wetlands (over one-third of a mile of

wetlands, and associated contaminated sediment) have been lost in lower Pueblo Canyon since the fire.

- Low-head weirs, as were installed in Los Alamos Canyon, need to be implemented to stop contaminated sediment that is already eroded and moving before it leaves DOE property.
- Wetlands that have been damaged by high flood flows need to be repaired to enhance their sediment trapping capacity.
- A comprehensive monitoring program needs to be established that can gauge the improvements in water quality achieved by the implementation of these measures.
- An early-warning system needs to be implemented to warn City of Santa Fe water operators when Los Alamos Canyon is discharging to the Rio Grande so that operators can stop potentially contaminated surface water withdrawal.

How will the BLM and Forest Service require the above recommendations be implemented when DOE is not a Cooperating Agency?

3. Two Environmental Protection Agency (EPA), National Risk Management Research Laboratory, Ground Water and EcoSystems Restoration Division, reports:

- a. LANL Impacts of Hydrogeologic Characterization Well Construction Practices, February 10, 2006
- b. LANL Well Screen Analysis Report (LA-UR-05-8615), February 16, 2005

The EPA reports found that the LANL characterization wells were drilled with methods that allowed the screened intervals to be invaded with organic drilling fluids and often with bentonite clay drilling muds. The impacted screens had properties to mask the detection of many LANL contaminants, and especially radionuclide contaminants including plutonium-239, -240, americium-241, cesium-137, and strontium-90. The EPA reports also described the failure of the LANL scientists to develop a scientifically valid process to identify wells that produced reliable and representative water samples.

4. Department of Energy (DOE) Inspector General, "Characterization Wells at LANL," DOE/IG-0703, September 2005,
<http://www.ig.energy.gov/documents/CalendarYear2005/ig-0703.pdf>

As with the EPA reports, the DOE IG Report identified that the drilling fluids were masking the detection of many LANL contaminants of concern in the water samples produced from the LANL characterization wells. The DOE IG Report described the requirement of DOE Order 450.1 for the Laboratory to have a network of monitoring wells installed across the facility by December 31, 2005. LANL is not in compliance with this DOE Order, nor with DOE Orders 5400.5 and 435.1.

Other Drinking Water and Ground Water Issues. CCNS and Robert H. Gilkeson raised a number of issues in our comments about the draft LANL SWEIS concerning groundwater issues and the lack of a reliable monitoring system to produce representative water samples as required under DOE Orders 450.1, 435.1 and 5400.5, and the Resource Conservation and Recovery Act (RCRA) 40 CFR §§264.90 - 101, Subpart F. The regional aquifer below LANL provides 100% of the drinking water for Los Alamos County residents and 60% of the recharge for the Buckman Wellfield comes from the Pajarito Plateau. The Buckman Wellfield provides over 40% of the drinking water for residents of the City and County of Santa Fe.

Before any funding is dedicated to the Buckman Water Diversion Project, DOE must reconcile the drinking water data for Los Alamos County and the City and County of Santa Fe presented in the draft 2006 LANL SWEIS and the 1999 final LANL SWEIS. In both documents, high levels of radionuclides, including americium, cesium, cobalt-60, neptunium, plutonium, strontium and tritium, were reported. When this issue was brought to the attention of the LANL scientists in September 2006, they refuted the data in the SWEIS documents and claimed that no radionuclide contamination exists in the drinking water wells. DOE/LANL did not provide the necessary data to support their position. These documents and other information about our concerns are available on the CCNS website at www.nuclearactive.org.

The neptunium levels exceeded the current standard of 15 pCi/L for drinking water. In order to protect public health and the environment, there is an effort to lower the standards for radionuclides in drinking water to 0.15 pCi/L based on new scientific evidence about the impacts to pregnant women and her fetus, infants and children. See www.ieer.org. If this standard were in place, LANL contaminants would exceed this exposure level for americium and neptunium.

These groundwater arguments are further strengthened by the recent release on June 8, 2007 of the National Academy of Sciences final report "Plans and Practices for Groundwater Protection at the Los Alamos National Laboratory." The findings in the NAS report are summarized on pages 2 to 4 of the report.

Performance Assessment/Composite Analysis for LANL Material Disposal Area G.

The draft LANL SWEIS relies on data from the Performance Assessment and Composite Analysis (PA/CA) for Area G, which has been unavailable to the public since its original release in 1997. As required by DOE Order 435.1, an annual review of the adequacy of the PA/CA is required. Radioactive Waste Management Manual, Change 1, Ch. IV, P(4)(b). Yet, only the 1997 PA/CA was referenced in the draft 2006 LANL SWEIS. There are no references to **any** annual reviews.

The 1997 PA/CA reports that it would be hundreds of years before the most mobile contaminants at MDA G dump would reach the groundwater. However, the first samples from regional well R-22, which is located 500 feet east of Area G, demonstrate

that toxic and hazardous contaminants have reached the groundwater in 50 years or less. Further, the R-22 well completion report identified data gaps in the published 1997 PA/CA report. This is another example of a data gap that must be reconciled by compliance with DOE Order 435.1.

The PA/CA relies on computer modeling for analysis. However, as described above, a LANL report by Keating, et al., brings attention to the great uncertainty in the direction and speed of travel of groundwater in the basalt strata beneath MDA G, and nearby MDA L, as follows:

As shown in Table 3, a significant proportion of *uncertainty* in fluxes downgradient of LANL results from *uncertainty* in the permeability of the basalts. Basalt units are very important for potential contaminant transport because of their expected low effective porosity. Therefore, we can expect *at least a factor of 3 uncertainty* in the associated travel times resulting in *uncertainty* in the flow equation." [Emphasis added.] Keating, Elizabeth, B.A. Robinson, and V.V. Vesselinov, 2005, "Development and Application of Numerical Models to Estimate Fluxes through the Regional Aquifer beneath the Pajarito Plateau," *Vadose Zone Journal*, Volume 4, August 2005, p. 666.

The current understanding of hydrostratigraphy, as implemented in the numerical models, is sufficient to explain general trends in heads (spatial and temporal) but is lacking in a few key areas such as in the vicinity of R-9, R-12, R-22, and R-16. Detailed transport calculations in the vicinity of these wells would benefit from a refinement of the hydrostratigraphic framework model.

Well R-22 is located immediately downgradient of MDA G in the direction of groundwater travel to the Rio Grande and the Buckman wells. Well R-16 is located a short distance west of the Rio Grande along the flow path of contaminated groundwater traveling from MDA G to the Rio Grande and the Buckman wells.

The uncertainty in the Keating, et al., report for the impact of Area G on the water resources is an issue that must be resolved by the installation of the needed network of monitoring wells immediately at material disposal areas at TA-54 as required by RCRA 40 CFR §§264.90 – 101, Subpart F.

There is also a need to characterize the flow of groundwater away from TA-54 to the San Ildefonso Pueblo, the Rio Grande, and the Buckman well field. This characterization requires the installation of monitoring wells at appropriate locations for multi-well large-scale pumping tests and tracer tests. The need for additional monitoring wells and large-scale pumping tests was identified in the 2007 report by the

NAS on the LANL groundwater protection practices. NAS, pp. 3 - 4.

We note that DOE is self-regulating for radionuclides in groundwater under DOE Order 5400.1. As demonstrated, DOE has not complied with its own Orders at LANL to protect ground water and drinking water supplies.

Unresolved Comments to Draft Buckman EIS.

1. Over 18 million cubic feet of radioactive and hazardous waste has been buried in unlined trenches, shafts and pits on the Pajarito Plateau over the past 60 years by the Department of Energy (DOE). This amount is almost three times the waste than will be disposed at the Waste Isolation Pilot Plant (WIPP), located near Carlsbad, New Mexico. Sampling efforts by the NMED indicate that LANL contaminants are being found in the springs that discharge groundwater from the Pajarito Plateau and feed the Rio Grande.

Furthermore, Charlie Nylander, of the LANL Water Research Technical Assistance Office, recently reported at the October 14, 2004 meeting of 1000 Friends of New Mexico in Santa Fe that over 60% of the recharge for the Buckman Wellfield comes from the Pajarito Plateau.

Los Alamos County depends on groundwater for 100% of its drinking water. Pete Padilla, of Los Alamos County, reported on September 8, 2004 at the CCNS offices that Los Alamos County has shut off two of its municipal wells due to recent findings of contamination in them.

Therefore, CCNS strongly urged the Forest Service and BLM to review, consider and incorporate the findings and conclusions found in the following reports in the final EIS for the Buckman Water Diversion Project, including:

The recent CCNS report about LANL groundwater contamination data from the wells on the Pajarito Plateau and springs at the Rio Grande.

- “New Mexico’s Right to Know: The Potential for Groundwater Contaminants from Los Alamos National Laboratory to Reach the Rio Grande,” by George Rice, prepared for CCNS, July 2004, www.nuclearactive.org. This report compiles LANL and NMED data about groundwater contamination.

The above-referenced NMED reports. These reports document the highest levels of plutonium leaving LANL since the 1950’s and 1960’s through storm water events in the Pueblo/Los Alamos Canyon system, which discharges to the Rio Grande less than two miles above the Buckman Diversion Site.

- “Post Cerro Grande Fire Channel Morphology in Lower Pueblo Canyon, Reach P-4 West: and Storm Water Transport of Plutonium 239/240 in Suspended

Sediments, Los Alamos County, New Mexico,” by Dave Englert, Ralph Ford-Schmid and Kenny Bransford, November 2003, http://www.nmenv.state.nm.us/DOE_Oversight/pubs.htm.

- “Post Cerro Grande Fire Channel Morphology in Lower Pueblo Canyon, Reach P-4 East, Los Alamos County, New Mexico,” by Ralph Ford-Schmid and Dave Englert, http://www.nmenv.state.nm.us/DOE_Oversight/pubs.htm.
- “Ground-Water Quality Atlas for Los Alamos County, New Mexico,” by Dennis McQuillan, Michael Dale, John Young and Kim Granzow, http://www.nmenv.state.nm.us/gwb/GWQ%20Atlas/Los_Alamos_County.html. This report demonstrates a chemical composition connection between LANL’s Test Well 1 and the CCNS Spring through the use of Stiff Diagrams. CCNS Spring is located about four miles hydraulically down-gradient from Test Well 1. It is located near the proposed diversion site. These findings may demonstrate a contaminant travel time of more than 350 feet per year.

None of these reports are referenced in the FEIS under “References Cited.” FEIS, p. 203.

2. We strongly urge the FS and BLM to supplement or revise the final EIS with a chapter on potential LANL impacts. We suggest that the FS and BLM consult with the County of Los Alamos about their water usage, San Juan-Chama water rights and contamination before any supplement or revision to the FEIS is prepared. We strongly recommend that DOE be required to participate as a Cooperating Agency in this process.

3. At the scoping meeting and on the October 16, 2002 tour, CCNs expressed our concern that LANL is not represented on the maps about the proposal. In fact, we were surprised to see on Figure 2 that the label “Proposed Diversion Location” covers the LANL site. p. 18 draft EIS. In the FEIS, the response to comment 5-12 states: “The location of LANL has been added to Figure 1 (Draft EIS, p. 8). In addition, LANL has been added to Figure 2 (Draft EIS, p. 18).” These additions may have been made to the Draft EIS, but not to the FEIS. It is disingenuous not to label the location of LANL on the maps.

4. We strongly suggest that the proposed Aamodt Settlement Area be included on the maps in the final EIS. This was not done.

5. We believe that the impacts to water quality and quantity should be analyzed as issues in the final EIS, along with waste generation, storage and disposal as a result of acting on the proposal. Please examine these issues in the supplement or revision to the FEIS. p. 4 draft EIS. If the alternative for disposing of solids in the Caja del Rio Landfill is chosen, please explain how that disposal will impact the life of the landfill. p. 49 draft EIS.

Unfortunately, because we were not granted a 30-day extension of time to comment, our focus has been limited to bringing to the attention of the BLM and Forest Service our concerns about transport of LANL contaminants off-site.

We request a copy of the public service announcements and a list of when and where they were aired, along with the press releases and the articles which resulted from them, announcing the availability of the FEIS for public comment.

In the alternative to a revision or supplement to the FEIS, we made the following comments:

The Pueblos of Tesuque and Pojoaque have raised concerns about the San Juan Chama Project (SJCP) water in comments to the draft EIS. FEIS, p. 221. There is no guarantee there will be sufficient water, either SJCP or native Rio Grande, for both political and environmental reasons. For example, in 2002 only 6,000 acre-feet per year (afy) came through the Azotea Tunnel into Heron Lake. The drought could continue to lower native waters amounts. The SJCP water also is vulnerable with regard to the Navajo and Colorado Ute adjudication settlements. The Navajo Settlement has not been finalized, so a priority call is still possible, which would affect SJCP. The Ute Mountain Ute Tribe already has a priority call in the San Juan Basin.

Any short supply of water will mean, of course, higher probability of contamination. See June 2007 issue of *La Jicarita News* and the editorial, which reviews all of the Indian water settlements. www.lajicarita.org

Thank you for your careful consideration of our request for BLM and the Forest Service to prepare a supplement or revision of the Buckman FEIS. Please contact us at your earliest convenience to discuss this matter and how we can be of assistance.

Sincerely,

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