

December 19, 2023

NNSA Los Alamos Field Office
ATTN: EPCU Project NEPA
3747 West Jemez Road
Los Alamos, NM 87544



Submitted via email to EPCUEA@nnsa.doe.gov

Re: Request for Extension of Public Comment Period on Los Alamos National Laboratory Electrical Power Capacity Upgrade (EPCU) Project Draft Environmental Assessment (DOE/EA-2199) (EA).

Dear National Nuclear Security Administration:

We recently became aware of plans by the National Nuclear Security Administration (NNSA) to issue a draft Environmental Assessment (EA) for the above-referenced EPCU Project on December 19, 2023, for a 30-day comment period ending January 17, 2024. On behalf of the undersigned organizations, **we respectfully request that you extend the upcoming comment period by 60 days, with a new end date of March 17, 2024.**

The public has shown significant interest in the EPCU Project, which has the potential to adversely impact ecological and cultural resources on the Caja del Rio plateau. An extension is needed to accommodate the fact that the current comment period falls across numerous federal and major holidays, including but not limited to Christmas Day, New Year's Day, and Martin Luther King Jr. Day. The comment period also overlaps with multiple Pueblo feast days and events, and will occur during a major shift in Pueblo leadership. Given the significance of this project and the fact that many Pueblos will have new incoming leadership, it is important that adequate time be given to engage in meaningful Tribal consultation.

The Caja del Rio is a deeply spiritual place for many. A time extension is needed to ensure that people and communities are not forced to choose between practicing their religious and traditional customs and their ability to meaningfully participate in the public process for the EPCU Project.

A time extension is also needed to allow interested organizations, sovereign governments, communities, and individuals to better consider the implications of the proposal. The EPCU Project implicates a web of complex issues demanding considerable scrutiny, including but not limited to the following:

- Potential adverse impacts to the Caja del Rio Wildlife and Cultural Interpretive Management Area;
- Potential adverse impacts to the Arroyo Montoso Inventoried Roadless Area;
- Potential adverse impacts to the White Rock Canyon Recommended Wilderness Management Area;
- Potential adverse impacts to the El Camino Real de Tierra Adentro National Historic Trail;

- Potential adverse impacts to cultural, water, air, wildlife, and soil resources;
- Whether it is appropriate to amend the Land Management Plan for the Santa Fe National Forest, which was recently approved in August 2022 after a long and arduous public process;
- Whether it is appropriate for the BLM to grant a right-of-way for this project;
- Whether it is appropriate for the Santa Fe National Forest to grant a special use permit for this project; and
- Whether the NNSA process complies with applicable federal law, including the requirement to evaluate all reasonable alternatives under the National Environmental Policy Act (NEPA), *see* 40 C.F.R. 1502.14(a).

It appears that the draft EA violates NEPA by exceeding the 75-page limit that Congress recently enacted through the Fiscal Responsibility Act of 2023. *See* 42 U.S.C. § 4336a(e)(2). The excessive length of the EA demonstrates that this proposal should be evaluated through an environmental impact statement and subject to a longer public comment period.

Of particular concern is the process and manner through which NNSA is seeking an amendment to the Santa Fe National Forest Land Management Plan. The recently concluded forest planning process was a multi-year effort that generated an enormous amount of public engagement resulting in tens of thousands of comments in support of the designation of management areas to protect cultural and ecological resources. It is fundamentally unfair for NNSA to try to amend the conservation provisions set forth in the final plan through a condensed thirty-day comment period over the holidays.

The public, particularly communities that stand to be most directly impacted by the EPCU Project, cannot be expected to meaningfully consider and comment on the draft EA given the time of year and tight timeline. The NNSA, along with the Santa Fe National Forest and the Bureau of Land Management, should give additional time and make significant efforts to reach rural communities and interested stakeholders. Moreover, NNSA should extend the comment period to ensure full Tribal consultation as required by authorities including E.O. 13175 and Forest Service Handbook 1509.13.

We appreciate your consideration of our request, and we urge you to act quickly to extend the deadline by an additional 60 days to ensure the public has a full and fair opportunity to comment on these important issues. Please contact Sally Paez, Staff Attorney at New Mexico Wild (sally@nmwild.org), if you have any questions regarding this request.

Respectfully submitted,

Andrew Black
EarthKeepers 360 & National Wildlife Federation

Keegan King
Native Land Institute

Brophy Toledo
Flowerhill Institute

Julian Gonzales
Caja del Rio Cattle Permittee

Max Trujillo
Hispanics Enjoying Camping and Hunting Outdoors

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Romir Lahiri
Conservation Lands Foundation

Jesse Deubel
New Mexico Wildlife Federation

CC:

Secretary Debra Haaland, Department of the Interior
Secretary Tom Vilsack, Department of Agriculture
Honorable Martin Heinrich, United States Senate
Honorable Ben Ray Lujan, United States Senate
Honorable Teresa Leger-Fernandez, United States House of Representatives
Honorable Melanie Stansbury, United States House of Representatives
Director Tracy Stone-Manning, Bureau of Land Management
Supervisor Shaun Sanchez, Santa Fe National Forest
State Director Melanie Barnes, New Mexico Bureau of Land Management
Chairman Mark Mitchell, All Pueblo Council of Governors

