

October \_\_\_, 2024

Reviewing Official, Michiko Martin, Regional Forester  
333 Broadway Blvd SE  
Albuquerque, NM 87102

Re: Proposed Los Alamos National Laboratory Electrical Power Capacity Upgrade Project (LANL EPCU) Objections 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 was not 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), which would bring a similar electrical power capacity upgrade (EPCU) project to Los Alamos using the Public Service Company of New Mexico (PNM) transmission lines from San Juan County. The solar field 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 energy received is pooled and divided between the entities: 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](#) , 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 new information requires the draft EA to be withdrawn. The Foxtail Flats + BESS project was not considered as an alternative to the Los Alamos National Laboratory Electrical Power Capacity Upgrade (EPCU) Project, DOE/EA-2199, LA-UR-23-32753, November 2023. It is a similar project – transmission of energy to LANL.

The new information requires the federal agencies to prepare a draft Environmental Impact Statement (EIS) for review and comment by the public.

As a result of the DOE/NNSA and LANL non-disclosure of the Foxtail Flats + BESS alternative as required by NEPA, the Forest Service must withdraw the draft EA and the Draft Decision allowing a Special Use Permit to install new power poles, establish a 100-foot wide utility Right of Way (ROW) and create temporary staging areas for construction equipment.

As a result of the DOE/NNSA and LANL non-disclosure of the Foxtail Flats + BESS alternative as required by NEPA, the Forest Service must withdraw the draft EA and the Draft Decision allowing programmatic Amendments to the 2022 Santa Fe National Forest Land Management Plan.

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 existing PNM power lines used to bring San Juan Generating Station energy to LANL. DOE/NNSA omitted it from consideration as an alternative to the LANL EPCU Project, even though it is a viable alternative under NEPA.

DOE/NNSA have failed to demonstrate the need for the 173 MW LANL EPCU Project to install new electrical line infrastructure to cross the Caja del Rio sacred area, the Rio Grande and the Pajarito Plateau.

Thank you for your careful consideration of my comments.

Sincerely,

cc: Senator Martin Heinrich - <https://www.heinrich.senate.gov/contact/write-martin>  
Senator Ben Ray Lujan - <https://www.lujan.senate.gov/contact/contact-form/>  
Representative Teresa Leger Fernandez - <https://fernandez.house.gov/contact>  
Governor Michelle Lujan Grisham - <https://www.governor.state.nm.us/contact-the-governor/>