



General

Department of Energy **LIBRARY COPY**  
Albuquerque Operations Office  
Los Alamos Area Office  
Los Alamos, New Mexico 87544

Los Alamos Land Transfer Project Office

October 1, 2001



James Bearzi, Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87502

Dear Mr. Bearzi:

Pursuant to Public Law 105-119 the Department of Energy (DOE) has identified ten tracts of land as suitable for conveyance to the County of Los Alamos or for transfer to the Department of the Interior, to be held in trust for San Ildefonso Pueblo. Following completion of the Final Environmental Impact Statement for Conveyance and Transfer, in September 2000 DOE submitted a Conveyance and Transfer Plan to the Congress, as required by the law. A copy of this report is enclosed for your reference.

This letter notifies you of the pending conveyance or transfer of these tracts of land, and requests your participation in this endeavor with DOE and the land recipients, and requests your review of the Environmental Baseline Surveys and the reports required by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). These documents will be prepared for each tract or partial tract, and will be submitted for your review. I anticipate sending you these documents for some tracts or partial tracts in the near future.

I would be pleased to meet with you or your staff to discuss this project of major importance to DOE, and to conduct a tour of the identified tracts. Please let me know if I can be of assistance to you in your reviews.

Please call me at 505-665-7203 if you have questions or concerns.

Sincerely,

Theodore J. Taylor  
Project Manager

Enclosure: As stated



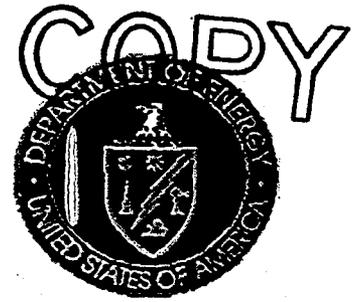
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James Bearzi  
October 1, 2001

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Cc w/o enclosure:

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LandTran File



**CONVEYANCE AND TRANSFER PLAN  
FOR CERTAIN LAND TRACTS ADMINISTERED  
BY THE U.S. DEPARTMENT OF ENERGY  
LOCATED AT THE  
LOS ALAMOS NATIONAL LABORATORY,  
LOS ALAMOS AND SANTA FE COUNTIES,  
NEW MEXICO**

**Report to Congress**

**Under Public Law 105-119**

**September 2000**

**U.S. Department of Energy  
Washington, DC**

## EXECUTIVE SUMMARY

Public Law 105-119 (Act), enacted November 26, 1997, requires this report, *Conveyance and Transfer Plan for Certain Land Tracts Administered by the U.S. Department of Energy Located at the Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico*, be submitted to Congress by the Secretary of Energy 90 days after the Incorporated County of Los Alamos and the San Ildefonso Pueblo transmit their County/Pueblo Land Allocation Agreement for the land tracts at or near the Los Alamos National Laboratory to the Secretary of Energy. This Agreement, attached as Appendix C, was transmitted to the Secretary on January 7, 2000.

This report presents the Department of Energy's (DOE) plan for accomplishing the conveyance and transfer within the timeframes established in the Act based on consideration of the national security mission needs, estimated costs, duration for environmental cleanup, administrative real property transfer requirements, the priorities of the land recipients for certain parcels, and other environmental, regulatory, and logistical requirements. DOE will convey or transfer about 4,046 acres to the County and the Pueblo in accordance with the Record of Decision (March 8, 2000) for the "Conveyance and Transfer" Environmental Impact Statement.

DOE costs for conveying and transferring these tracts between Fiscal Years 2000 through 2008 are estimated at \$123 million: \$64.0 million from the Office of Environmental Management and \$59.0 million from the Office of Defense Programs. Since DOE always had plans to remediate contaminated areas at Los Alamos, the conveyance and transfer process does not necessarily create new efforts, but rather changes the priorities of the remediation work to be done. Thus, this work is within Environmental Management planned funding levels. The Defense Programs costs of the conveyance and transfer process are not within current budget requests.

The work to be performed by DOE has a certain degree of uncertainty in its scope, estimated costs, and projected schedules. As an example, Defense Programs expects that the costs that pertain to cultural resources surveys and mitigations will be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer, the County, and the Pueblo. However, the ability of DOE to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs-related costs. Also, there is a moderate risk of uncertainty associated with the restoration and remediation work. Examples include the possibility that additional characterization will be required of tracts, a higher level of cleanup than planned by DOE may be required by the regulatory authority, delays in the schedule to complete the cleanup may occur because of the regulatory approval process, etc.

The Defense Programs costs presented in this CT Plan have not been identified in any budget requests to date. These costs were prepared by the Los Alamos National Laboratory and, unlike the environmental restoration and remediation costs, have not been validated. By December 2000, Defense Programs, in cooperation with the U.S. Army Corps of Engineers, will validate the Laboratory estimates. Once Defense Programs validates the landlord costs, it will take appropriate steps to ensure that funding for the necessary activities are considered in the formulation of the Presidential Budget request for years ahead.

The County has informally proposed to DOE the expedited conveyance and transfer of portions of some tracts by the end of 2002. The proposal, which is shown in Table 6-1, identifies portions of various tracts that could be conveyed to the County, and its designee – the New Mexico Highway Department; as well as transferred to the Pueblo. The proposed 1,260 acres are the “cleanest” and, therefore, easiest to remediate and restore. The County would use the expedited conveyance of the partial tracts to accelerate the development aimed at self-sufficiency. DOE has asked that both the County and Pueblo submit formal proposals for DOE to evaluate.

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## LIST OF ACRONYMS AND ABBREVIATIONS

Act	Public Law 105-119
AECA	Atomic Energy Communities Act
BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
County	Incorporated County of Los Alamos
CT	Conveyance and Transfer
CT EIS	“Conveyance and Transfer” Environmental Impact Statement
DOE	U.S. Department of Energy
ER	Environmental Restoration
FY	Fiscal Year
GSA	U.S. General Services Administration
K(\$)	Dollars in Thousands
LAAO	Los Alamos Area Office
LANL	Los Alamos National Laboratory
NEPA	National Environmental Policy Act
PRS	Potential Release Site
Pueblo	San Ildefonso Pueblo
SHPO	State Historic Preservation Officer
TA	Technical Area

## **1.0 INTRODUCTION**

Public Law 105-119 (Act), enacted November 26, 1997, directs the Secretary of Energy to convey to the Incorporated County of Los Alamos, New Mexico, (County) or to the designee of the County, and transfer to the U.S. Department of the Interior, in trust for the San Ildefonso Pueblo, (Pueblo) parcels of land under the jurisdiction or administrative control of the U.S. Department of Energy (DOE) at or in the vicinity of the Los Alamos National Laboratory (LANL). This *Conveyance and Transfer Plan for Certain Land Tracts Administered by the U.S. Department of Energy Located at the Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico* (CT Plan) was prepared pursuant to the requirements of the Act. The CT Plan is due to Congress 90 days after the County and the Pueblo transmit their "County/Pueblo Land Allocation Agreement to the Secretary of Energy. This Agreement, attached as Appendix C, was transmitted to the Secretary on January 7, 2000.

## **2.0 BACKGROUND**

In 1943, the Federal Government began acquiring land in the general area of Los Alamos, New Mexico, for the location of a secret research and development facility now known as LANL, for the world's first nuclear weapon. In 1949, the New Mexico legislature created the County of Los Alamos from portions of Santa Fe and Sandoval Counties. However, most of the County remained under the control of the Federal Government (DOE has current responsibility for LANL) until the 1950s. Over the intervening years, DOE's predecessor agencies began transferring ownership of land tracts, roads, buildings, and some utility systems. Today, only about 38 percent of the lands originally set aside for weapons work is still under DOE's administrative control.

Under the Atomic Energy Communities Act (AECA) of 1955, the Federal Government recognized its responsibility to provide support for a specified period to entities or municipalities strongly affected by their proximity to facilities that are part of the nation's nuclear weapons complex while these communities achieved self-sufficiency. The AECA set forth the policies and obligations of the Federal Government to these communities, including provisions related to financial assistance payments. Assistance payments to the County, begun in the 1970s, were terminated by Congress with a lump-sum payment in 1997. Congress completed the steps it considered necessary to provide self-sufficiency for the County and to help satisfy the Pueblo historic claims for portions of the LANL reserve by enacting Public Law 105-119.

The Act directs the Secretary of Energy to convey to the County, or to its designee, and transfer to the Pueblo, parcels of land under the jurisdiction or administrative control of DOE at or in the vicinity of LANL. The intent of the conveyance and transfer is to encourage self-sufficiency of the communities through the establishment of a broad base for economic diversification, as well as to provide land for historic, cultural, or environmental preservation purposes. The purpose of this report is to present DOE's plan for accomplishing the transfers within the timeframes established in the Act, based on consideration of the national security mission needs, estimated

costs and duration for environmental cleanup, administrative real property transfer requirements, the priorities of the land recipients for certain parcels, and other environmental, regulatory, and logistical requirements. As context to the detailed plan presented in later sections of this report, the following sections briefly describe DOE's progress to date in meeting the requirements in the Act, as well as progress on the part of the land recipients.

## **2.1 DOE PROGRESS TO DATE**

DOE's responsibilities under the Act include identifying potentially suitable tracts of land according to the three suitability criteria set forth in the Act; conducting title searches on each tract of land; identifying any environmental remediation that will be needed for each tract of land; conducting the National Environmental Policy Act (NEPA) of 1969 review of the proposed conveyance and transfer of the land tracts; reporting the results of the environmental restoration review and the NEPA review; and preparing this plan for Congress according to the County/Pueblo Land Allocation Agreement for the parcels. Each of these milestones is discussed below.

In its April 1998 "Land Transfer" Report, DOE identified 10 tracts as unlikely to be required for future national security mission use and thereby potentially suitable for conveyance and transfer as follows: Rendija Canyon; DOE Los Alamos Area Office (LAAO); Miscellaneous Site 22; Miscellaneous Manhattan Monument; DP Road; TA-21; Airport Tract; White Rock Y; TA-74; and White Rock.

In its September 1998 "Title" Report, DOE reviewed the 10 parcels for any claims, liens, or similar instruments affecting title to its interests in the real property. No encumbrances were discovered during this title-search process that might impede DOE's ability to transfer the parcels.

DOE identified the environmental restoration necessary before it can dispose of the subject tracts, according to the land uses proposed by the land recipients, in its Environmental Restoration (ER) Report, released in January 2000. Based on currently available information, the ER Report provides descriptions of the type and extent of contamination, the regulatory status of the potential release sites (PRSs), potential waste generation, estimated costs and duration of the cleanup actions, and other concerns. It is important to note that, due to existing environmental regulations and permit requirements, most of the identified environmental restoration activities would need to be undertaken even if the land transfer legislation did not exist. However, this plan changes the priority and sequence of the environmental restoration activities for the 10 parcels, within the context of the larger LANL ER Project under way since 1989.

The review of environmental impacts of the conveyance or transfer process, as required by the Act, was the subject of the Conveyance and Transfer Environmental Impact Statement (CT EIS). Published in January 2000, the CT EIS describes the NEPA process, the purpose and need for DOE action, the decisions supported by the analysis, alternatives considered, evaluation of potential impacts, and other topics. Two alternatives are evaluated in detail, a No-Action

Alternative in which the subject lands would continue to be used as they are currently (no transfers would occur), and a Proposed Action Alternative in which each of the 10 parcels would individually be either conveyed or transferred, in whole or in part, to either the County or to the Pueblo. In addition, a Preferred Alternative, identified as a subset of the Proposed Action Alternative, is described. The Preferred Alternative would convey or transfer seven tracts in whole – Rendija, DOE LAAO, Site 22, Manhattan Monument, DP Road, TA-74, and White Rock; and three in part – Airport, TA-21, and White Rock Y.

In a Record of Decision signed March 8, 2000, DOE committed to implement the Preferred Alternative based on DOE's continuing need for an individual tract, or portion of the tract, to meet the national security mission support function at LANL and its ability to perform environmental restoration activities in a timely and fiscally prudent manner. The Record of Decision will allow for the conveyance and transfer of tracts of land, in whole or in part, in the near term and delay such transfers of portions of tracts that either require environmental restoration, or that are being used or may be used for mission support activities before November 2007, the deadline established in the Act. Specifically, there are three tracts (TA-21, DOE LAAO, and DP Road) that have structures that are occupied by activities that support DOE's mission responsibilities at LANL. Additionally, portions of the Airport Tract and the White Rock Y Tract are or may be needed to serve as health and safety buffer areas for LANL activities occurring both at TA-21 and elsewhere. DOE will pursue restoration activities, as well as relocation of workers and DOE mission support functions from the subject tracts, so that those portions so encumbered may be conveyed or transferred to the greatest extent practicable before November 2007. DOE also may include deed restrictions, rights-of-way, notices, and similar land use controls as deemed necessary. In accordance with 10 CFR 1021.331, DOE prepared a Mitigation Action Plan that will identify specific actions needed to implement the mitigation measures identified in the Record of Decision that are within DOE's control, and provides schedules for completion. DOE estimates it will convey or transfer about 4,046 acres to the County and the Pueblo by November 2007.

## **2.2 COUNTY/PUEBLO ACTIONS**

The County and the Pueblo have worked cooperatively with DOE in completing the actions discussed above, and have provided significant information and guidance to DOE related to the land transfer process. Two actions were of particular importance and are briefly discussed below.

In May 1999, the County and the Pueblo each identified land-transfer parcel priorities, to aid in DOE's planning and budgeting processes. The priorities are shown in Table 2.2-1.

There is considerable commonality in the two priority lists. For example, both recipients identified the White Rock and TA-74 parcels as being high priority for transfer, while the TA-21, Site 22, and Manhattan Monument parcels are identified as being relatively low priority. DOE has taken into account these priorities in determining the overall sequence for implementing the

conveyance and transfer of the tracts, as well as given consideration to the constraints it must follow under the Act.

**Table 2.2-1 Land Transfer Priorities Identified by Recipients, May 1999**

Los Alamos County		San Ildefonso Pueblo	
1.	White Rock	1.	TA-74
2.	DOE LAAO	2.	White Rock
3.	TA-74	3.	White Rock Y
4.	Rendija Canyon	4.	Rendija Canyon
5.	DP Road	5.	DOELAAO
6.	Airport	6.	Airport
7.	TA-21	7.	DP Road
8.	White Rock Y, Site 22, & Manhattan Monument	8.	TA-21
		9.	Manhattan Monument
		10.	Site 22

The County, in its letter on parcel priorities, also identified 6 sub-parcels from 4 of the main parcels (Airport, DP Road, TA-21, and White Rock) totaling about 400 acres, that should be considered for "immediate transfer" due to their relative lack of contamination. The specific acreage for these early-transfer candidates has since been modified, and has become the focus of an informal accelerated proposal for transfers recently made known to DOE called the "100 acre proposal." DOE's preliminary evaluation of the accelerated proposal is discussed later in this report. Discussions with the Pueblo to identify a similar set of early-transfer candidates are ongoing.

As required by the Act, the County and Pueblo executed a "County/Pueblo Land Allocation Agreement in December 1999, and formally transmitted it to the Secretary of Energy on January 7, 2000. A copy of the Agreement is presented in Appendix C of this report. The agreement divides the approximately 4,000 acres available for conveyance and transfer into about equal shares, with approximately 2,000 acres going to each of the two parties. All parcels are to be received by the County except for portions of TA-74, White Rock Y, and White Rock parcels. In addition, the Agreement designates that approximately 150 acres of the County allotment be conveyed to the State of New Mexico Highway Department.

### 2.3 OVERVIEW OF REMAINDER OF THIS REPORT

Section 3 of this report presents specific information on the 10 parcels and contemplated uses of the parcels, as communicated to DOE by the County and Pueblo. Section 4 presents DOE's general approach to effecting the land transfers and important guidelines that are part of the normal real property disposal process followed by the Federal Government. Section 5 is the core

of the report wherein the anticipated scope, cost, and schedule of all activities necessary to transfer the 10 parcels are presented in some detail, in an integrated manner (i.e., reflecting the proper sequencing of both ER Project activities and those conducted by the landlord). Section 6 discusses the 100-acre proposal for the accelerated transfer of certain sub-parcels, and identifies issues associated with such an approach. Section 7 identifies technical, cost, and schedule risks for the land-transfer project at LANL. Section 8 identifies the points of contact for the conveyance and transfer process. Section 9 is a summary of this report. The appendices provide detailed maps of the 10 tracts, the Record of Decision for the CT EIS, and the land County/Pueblo Land Allocation Agreement between the County and the Pueblo.

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### 3.0 PARCEL INFORMATION

#### 3.1 COUNTY/PUEBLO LAND ALLOCATION AGREEMENT

As required by the Act, the County and the Pueblo negotiated the division of the tracts identified for conveyance and transfer and signed the County/Pueblo Land Allocation Agreement. The Agreement was executed in December 1999 and transmitted to the Secretary of Energy on January 7, 2000. For ease of reference, a copy is included in this plan as Appendix C. Table 3.1-1 provides a summary of the Agreement by parcel.

**Table 3.1-1 Allocation Agreement Between County and Pueblo**

	Site	County (%)	Pueblo (%)	Estimated Acreage
1.	Manhattan Monument	100%		<1
2.	Site 22	100%		<1
3.	Airport	100%		200
4.	DP Road	100%		50
5.	DOE LAO	100%		15
6.	Rendija Canyon	100%		910
7.	Tech Area (TA) 21	100%		240
8.	Tech Area (TA) 74	20%	80%	2,700
9.	White Rock	90%	10%	100
10.	White Rock Y	90%	10%	435
<b>Total</b>				<b>4,650</b>

**Notes:**

1. Where a parcel is divided between the County and the Pueblo, the above percentages are gross approximations based on a review of the maps in the County/Pueblo Land Allocation Agreement. Actual acreage will be determined when the parcels are surveyed.
2. The County portion of the White Rock Y tract includes land earmarked by the County to go to its designee (the New Mexico State Highway Department).
3. The 4,650 acre estimate corresponds to that in the County/Pueblo Land Allocation Agreement. Due to expected mission related requirements, DOE will convey and transfer about 4,046 acres.

### 3.2 PARCEL DESCRIPTIONS AND CONTEMPLATED USES

Outlined below are descriptions and contemplated uses of the 4,046 acres to implement DOE's conveyance and transfer decisions based on the Record of Decision (March 8, 2000) for the CT EIS.

**Manhattan Monument** – consists of less than 0.5 acres and is a small rectangular site located within the Los Alamos town site, adjacent to Ashley Pond. A small log structure occupies the site. There is no known contamination. The contemplated use of the site is as an historic monument.

**Site 22** – consists of less than 0.5 acres. It is on the edge of a mesa overlooking Los Alamos Canyon. The land is undeveloped and is currently used as an unsanctioned parking lot. There is some construction debris located on the site. The contemplated use is for commercial development.

**Airport** – consists of about 205 acres and is located on the east side of Los Alamos. There are four DOE structures of significant size on the site along with several privately owned aircraft support buildings. There are also 25 potential release sites on or adjacent to the airport, at least two of which will require physical remedial actions. Proposed land uses include development for commercial and industrial businesses and perhaps retention as an airport. Portions of the Airport Parcel are needed to serve as health and safety buffer areas for the tritium activities within TA-21. At this time, DOE will only convey or transfer part of the parcel, approximately 110 acres north of East Road. Should DOE shut down its tritium activities at TA-21, DOE will reassess the need to retain buffer areas and amend the Record of Decision as appropriate.

**DOE LAAO** – consists of about 15 acres and is located in the Los Alamos town site. The Los Alamos Area Office consists of DOE and support service contractors. The Federal staff provides oversight of LANL activities. There are 3 potential release sites and 3 structures on the parcel. Contemplated use is for commercial and residential development.

**DP Road** – consists of about 50 acres and is located at the western boundary of TA 21. There are two large buildings on the site. In addition, there are 10 potential release sites on the parcel, dating back to LANL operations in the 1940s. Proposed uses of the land include commercial and industrial business development.

**Rendija Canyon** – consists of about 910 acres. This canyon area is largely undeveloped. However, the Los Alamos Sportsmen's Club has a lease for a portion of the land for a shooting range. There are 4 potential release sites on the parcel. Contemplated uses are for cultural and environmental preservation as well as residential development.

**TA-21** – consists of about 260 acres and is located at the eastern end of the town site. This technical area is in a satellite location relative to the main LANL technical areas. The Laboratory has some offices and operational activities on this tract. Specifically, the DP East section of the TA-21 parcel currently houses the Tritium Systems Test Assembly and the Tritium Sciences and Fabrication Facility. These two research facilities are needed for the national security mission. There is currently no formal plan to relocate them. However, DOE is in the early stages of assessing the feasibility of relocating these operations to another facility within LANL. In any event, relocation of the tritium operations, decommissioning and decontamination of the buildings, and necessary remediation and restoration for the whole parcel will not be completed by 2007. At this time, DOE will only convey or transfer 20 acres in the northwest section of the TA-21 parcel, adjacent to the DP Road Parcel. There are 10 potential release sites in this northwest section, 5 of which have been approved for no further action. Contemplated uses are for commercial and industrial development.

**TA-74** – consists of about 2,715 acres. It is a large, remote site located east of the Los Alamos town site and is largely undeveloped. There are 4 potential release sites on the parcel. Contemplated uses are primarily for cultural and environmental preservation. A portion of the land will continue to be used as a utility corridor (for power lines and pipelines).

**White Rock** – consists of about 100 acres and is undeveloped except for an electrical substation and power lines, a water pumping station and lines, and a small building in use by the County. There are no known potential release sites but some characterization of canyon sediments is necessary. Contemplated uses are for residential development and a combination of cultural preservation and commercial development.

**White Rock Y** - consists of about 540 acres. This parcel of land is largely undeveloped. However, there are utility lines on the parcel, as well as highway improvements constructed by the New Mexico State Highway Department on easement land. There are no known potential release sites but some characterization of canyon sediments is necessary. Contemplated use is primarily for cultural and environmental preservation, with continued use as a utility corridor and highway connecting Los Alamos with northern New Mexico. Portions of the White Rock Y may be needed to serve as health and safety buffer areas for proposed LANL activities occurring elsewhere, such as the proposed proton radiography project, in support of the national security mission. Because of the potential national security mission need, DOE will only convey or transfer approximately 125 acres, including the existing highway interchange and areas east of it, at this time. Should DOE's siting of the proposed proton radiography project not require a part of the White Rock Y parcel as a buffer area, DOE will reassess the need to retain the buffer area and amend the Record of Decision as appropriate.

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## **4.0 CONVEYANCE AND TRANSFER APPROACH**

DOE will undertake the following actions and follow these guidelines in the conveyance and transfer process:

- Recipients and allocation of the real property (land and improvements) to be conveyed or transferred will be as presented in the County/Pueblo Land Allocation Agreement signed between the County and the Pueblo and transmitted to the Secretary of Energy on January 7, 2000.
- Tracts will be conveyed or transferred as soon as practicable. Should the transfer of a given tract or tracts be impacted by mission requirements or environmental remediation or restoration constraints, the remaining tracts will be conveyed or transferred as presented in the County/Pueblo Land Allocation Agreement.
- To facilitate prompt conveyances and transfers, parcels may be divided so that portions which require little or no remediation and restoration can be processed as soon as possible. However, such an approach will involve additional costs to the Federal Government, which will have to be balanced against the benefits of early transfer and other competing demands for the funds.
- DOE will have each parcel of land surveyed, and a copy of the survey will be provided to the appropriate recipient(s).
- In the case of parcels for which fee title is to be conveyed to the County or its designee, DOE, on behalf of the Federal Government, will retain perpetual easements for all identified utility corridors and related service access roads. Those easements will be identified at the time each parcel is surveyed.
- In the case of parcels to be transferred to the U.S. Department of the Interior, in trust for the San Ildefonso Pueblo, any lands required by DOE for utility corridors or access roads to service such corridors will remain under the custody and control of the DOE. Those utility/service road corridors will be identified on the surveys, and the Department of the Interior will be provided surface use and control on a non-interference basis.
- All parcels to be conveyed to the County, or its designee, will be conveyed in fee simple, to include mineral and timber interests.

- To assure that the Federal Government meets its environment, safety, and health obligations, DOE will retain in the conveyance and transfer instruments, the no-cost right to enter in and upon the lands being provided to the County (and its designee) and Pueblo. Entry rights will be retained for the purpose of conducting environmental monitoring and analysis of flora, fauna, soils, water, and air to include the installation, maintenance, and removal of monitoring stations; environmental remediation and restoration; and cultural and archeological surveys and mitigation.
- Notices will be provided in the conveyance and transfer instruments for each parcel (or sub-parcel) that the conveyance or transfer is being made for certain, specified uses (e.g., environmental preservation).
- Prior to the conveyance or transfer of each parcel, the Los Alamos Area Office Manager will certify, in writing, that appropriate remedial actions have been taken and that pertinent notifications and agreements have been made.

## **5.0 CONVEYANCE AND TRANSFER COST, SCOPE, AND SCHEDULE**

Tables 5-1 through 5-10 present a fact sheet for each tract outlining the major tasks to be accomplished in the approximate order of execution for the planned conveyance and transfer, a high-level project schedule, and a funding profile by Fiscal Year. For context, some background information and drivers for the conduct of these activities are presented below for the general case where the DOE disposes of real property.

Environmental and administrative requirements and best management practices (BMPs) for the disposal of real property are derived from DOE Order 430.1A (and predecessor orders related to real property), which incorporates requirements of the Bureau of Land Management of the Department of the Interior (for land transfers of withdrawn land) and of the General Services Administration (for transfers of acquired land), as well as statutes and executive orders. These requirements and BMPs are generally applicable even for a small parcel of property with little or no contamination, and even though the Act specifies that the conveyance and transfer of tracts are to occur without consideration. However, the applicability of every requirement or BMP to the conveyance and transfer process is still being evaluated. Therefore, we intend to combine duplicative or redundant elements and rely to the extent practicable on existing documentation, such as the CT EIS, ER Report, and annual surveillance environmental reports.

These environmental and administrative requirements are described in detail in the report *Cross-cut Guidance on Environmental Requirements for DOE Real Property Transfers, DOE/EH-413/9712 (October 1997)* and consist, in large part, in inspection, reporting, impact mitigation, and evaluation requirements. The requirements and some BMPs relate to the following administrative or environmental subject areas:

- Real estate administrative activities: Initial and final survey plats and establishment of survey boundaries (e.g., boundaries for 10 parcels will require an estimated 700 plus property corners over an estimated 42 miles of property line); legal property descriptions, deeds, easements, etc., will be prepared for transfer signature, certification, and recordation into the public record.
- Floodplains and wetlands: Executive Orders 11988 and 11990 of May 24, 1997, dictate that Federal agencies take action to minimize loss and preserve floodplains and wetlands. U.S. General Services Administration (GSA) regulations, 41 CFR 101-47.202-2(b)(6), and DOE regulations, 10 CFR Part 1022, require detailed information regarding flood hazards, location on a floodplain or wetland, alternatives, and restricted uses be included in Standard GSA Form 118. The evaluation specific to the 10 parcels has already been completed in the available NEPA documentation.
- Natural resources: Several statutes (e.g., Endangered Species Act, Wild and Scenic Rivers Act) provide that natural resource evaluations be conducted as part of real property transfers. These include, for example, evaluations of threatened and endangered species, ecosystem

sanctuaries, pristine wilderness areas, river areas, and migratory birds. Some evaluations have been completed through the existing NEPA documentation. Biological assessments are a requirement of the Endangered Species Act, when actions may result in adverse affect to the resources, and DOE will invite participation of the US Fish and Wildlife Service because of their jurisdiction and expertise in matters related to endangered and threatened species evaluations.

- **Cultural resources:** Cultural resources include, for example, archeological and historical resources, burial grounds and sacred sites that have importance for Native Americans. Drivers for the requirements include two statutes (especially the National Historic Preservation Act and the American Indian Religious Freedom Act) and Executive Order 13007, dated May 24, 1996. The Executive Order requires Federal agencies to accommodate access to sacred sites by Native Americans and to avoid adversely affecting the physical integrity of such sacred sites. Consultations with the New Mexico State Historic Preservation Officer (SHPO) and with the local Native American Tribes in the affected area are often required as part of the evaluation and transfer process, when cultural resources are involved in the land process for conveyance.
- **Hazardous substances and wastes, and petroleum products:** The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 120 imposes reporting and notification requirements (as well as GSA and Bureau of Land Management regulations) on the extent to which contamination has occurred and whether any remediation has taken place. Petroleum products and their derivatives must also be considered. Underground storage tanks, radioactive substances (see below), polychlorinated biphenyls, and asbestos have also been singled out for special treatment and must be evaluated before transfers can take place.
- **Radioactive substances and contamination:** DOE Orders, GSA regulations, and Environmental Protection Agency regulations have requirements protecting the public from radioactive substances and contamination in real property transfers. Specific guidelines for the level of residual radioactivity that is acceptable for alternative uses of a property are derived from basic dose limits.
- **Environmental permits:** When DOE transfers property, there are several types of environmental permits that have to be modified, transferred, or terminated. These would include, for example, Clean Air Act permits covering air emission sources and Clean Water Act National Pollutant Discharge Elimination System permits for discharges to surface waters.
- **Environmental baseline surveys:** Once all of the environmental data is gathered on a particular parcel, such as from the various assessments described above, it must be organized, compiled, and presented in the form of an environmental site assessment or environmental baseline survey. This document will provide information about the status of a property with respect to sensitive resources, contamination, and compliance; it was originally intended to

benefit the buyer in deciding on a property purchase. The Community Environmental Response Facilitation Act of 1992 establishes requirements that lay the framework for an environmental baseline survey in terms of identifying uncontaminated land on which Federal agencies plan to terminate operations. It is possible that the information contained in an environmental baseline survey will overlap to some degree with that contained in the planned CERCLA 120 reports for the parcels. Hence, the exact scope of the environmental baseline survey is yet to be finalized.

Table 5-11 provides an overall remedial action and Defense Programs cost summary for each tract. Table 5-12 presents a cost summary by fiscal year (FY). Figure 5-1 shows the general schedule and sequence for conveying and transferring the tracts. Additional costs not reflected in Tables 5-1 through 5-12 include the DOE surveys and easements, estimated at \$900 thousand, certain general costs applicable to the conveyance and transfer of all tracts estimated at \$1.4 million, and the relocation of the DOE LAAO activities, estimated at \$5 million.

**Table 5-1 Manhattan Monument Tract**

<b>Recipients:</b> County of Los Alamos			
<b>Total Acreage:</b> <0.5 acres		<b>DOE Easements/Restrictions:</b> None	
<b>Major Activities:</b>			
<ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Cultural resource survey for historic preservation (National Landmark)</li> <li>• Threatened and Endangered species consultations are expected to be informal and take 1 month</li> <li>• CERCLA 120 certification that remedial actions are complete</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> </ul>			
<b>Number of:</b>			
<b>PRSs:</b> 0		<b>Structures:</b> 0	<b>Canyons:</b> 0
<b>Notes:</b> None			
<b>Schedule:</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
CERCLA 120	1/14/02	5/3/02	80d
Cultural Resources	3/11/02	5/3/02	40d
Environmental Baseline Survey	12/3/01	5/3/02	110d
Environmental Restoration (only CERCLA 120 – No Cleanup)	8/1/00	9/12/00	31d
Transfer Documents	5/6/02	10/18/02	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	0	9	9
2001	0	0	0
2002	106	0	106
2003	0	0	0
2004	0	0	0
2005	0	0	0
2006	0	0	0
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>106</b>	<b>9</b>	<b>115</b>
<p>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</p> <p>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</p>			

**Table 5-2 Site 22 Tract**

<b>Recipients:</b> County of Los Alamos			
<b>Total Acreage:</b> <0.5 acres		<b>DOE Easements/Restrictions:</b> None	
<b>Major Activities:</b>			
<ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Threatened and Endangered species consultations</li> <li>• CERCLA 120 certification that remedial actions are complete</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> <li>• Cleanup non-LANL construction debris</li> </ul>			
<b>Number of:</b>			
<b>PRSs:</b> 0		<b>Structures:</b> 0	<b>Canyons:</b> 0
<b>Notes:</b> None			
<b>Schedule:</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
CERCLA 120	9/11/01	12/31/01	80d
Environmental Baseline Survey	7/31/01	12/31/01	110d
Environmental Restoration	11/14/01	12/31/01	34d
Transfer Documents	1/1/02	6/17/02	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	0	0	0
2001	66	0	66
2002	30	13	43
2003	0	0	0
2004	0	0	0
2005	0	0	0
2006	0	0	0
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>96</b>	<b>13</b>	<b>109</b>
<ol style="list-style-type: none"> <li>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</li> <li>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</li> </ol>			

**Table 5-3 White Rock Tract**

<b>Recipients:</b> County of Los Alamos (90%), San Ildefonso Pueblo (10%)			
<b>Total Acreage:</b> 100 acres		<b>DOE Easements/Restrictions:</b> Major power lines and substation buildings; water lines and pumping station	
<b>Major Activities:</b>			
<ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Cultural resource survey and mitigation (e.g., 5 field houses, 1 room block)</li> <li>• Threatened and Endangered species consultations</li> <li>• Water Resources</li> <li>• CERCLA 120 certification that remedial actions are complete</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> <li>• Reach Report documenting recent sediment sampling and risk assessment</li> </ul>			
<b>Number of:</b>			
<b>PRSS:</b> 0		<b>Structures:</b> 1	<b>Canyons:</b> 1
<b>Notes:</b> None			
<b>Schedule:</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
CERCLA 120	7/25/01	10/17/02	322d
Cultural Resources	3/11/02	8/9/02	110d
Environmental Baseline Survey	3/11/02	8/9/02	110d
Environmental Restoration	10/19/99	9/4/01	491d
Right of Way – Easements	6/13/01	9/4/01	60d
Water Resources	5/1/00	12/13/01	424d
Transfer Document	8/12/02	1/24/03	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	11	617	628
2001	36	270	306
2002	1,097	0	1,097
2003	3	0	3
2004	0	0	0
2005	0	0	0
2006	0	0	0
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>1,147</b>	<b>887</b>	<b>2,034</b>
<ol style="list-style-type: none"> <li>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</li> <li>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</li> </ol>			

**Table 5-4 DOE LAAO Tract**

<b>Recipients:</b> County of Los Alamos (90%), San Ildefonso Pueblo (10%)			
<b>Total Acreage:</b> 15 acres		<b>DOE Easements/Restrictions:</b> DOE personnel occupy building and will need to be relocated first; water lines	
<b>Major Activities:</b> <ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Relocation of DOE activities</li> <li>• Cultural resource survey and mitigation (e.g., 2 historic buildings)</li> <li>• Threatened and Endangered Species consultations</li> <li>• Environmental Restoration</li> <li>• CERCLA 120 certification that remedial actions are complete</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> <li>• Perform voluntary corrective actions and confirmatory sampling at 3 PRSs</li> <li>• Perform risk assessments to support recommendations of no further action and associated permit modifications</li> </ul>			
<b>Number of:</b>			
<b>PRSs:</b> 3		<b>Structures:</b> 3	<b>Canyons:</b> 0
<b>Notes:</b> Does not include costs for moving DOE LAAO or decommissioning any of the 3 structures			
<b>Schedule:</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
CERCLA 120	11/20/01	6/28/02	159d
Cultural Resources	3/11/02	6/28/02	80d
Environmental Baseline Survey	1/28/02	6/28/02	110d
Environmental Restoration	10/1/99	12/31/01	587d
Right of Way – Easements	10/9/01	12/31/01	60d
Transfer Documents	1/1/02	6/17/02	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	0	591	591
2001	0	297	297
2002	293	178	471
2003	0	0	0
2004	0	0	0
2005	0	0	0
2006	0	0	0
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>293</b>	<b>1,066</b>	<b>1,359</b>
<ol style="list-style-type: none"> <li>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</li> <li>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</li> </ol>			

**Table 5-5 White Rock Y Tract**

<b>Recipients:</b> County of Los Alamos (90%), San Ildefonso Pueblo (10%)			
<b>Total Acreage:</b> 125 acres		<b>DOE Easements/Restrictions:</b> Power lines, water lines, and highway	
<b>Major Activities:</b> <ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Cultural resource survey and mitigation (e.g., 3 field houses, 223-room plaza, 1 ten-room room block, 7 cavates, 1 little scatter, 3 artifact scatters)</li> <li>• Threatened and Endangered Species consultations</li> <li>• Environmental Restoration</li> <li>• Water Resources</li> <li>• CERCLA 120 certification that remedial actions are complete</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> <li>• Conduct surface water and alluvial groundwater investigations, and sediment investigations in Sandia and Los Alamos Canyons</li> <li>• Prepare Reach Report documenting results of risk assessment</li> </ul>			
<b>Number of:</b>			
<b>PRs:</b> 0		<b>Structures:</b> 6	<b>Canyons:</b> 2
<b>Notes:</b> None			
<b>Schedule:</b>			
	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
CERCLA 120	2/22/06	6/13/06	80d
Cultural Resources	8/13/03	6/13/06	740d
Environmental Baseline Survey	1/11/06	6/13/06	110d
Environmental Restoration	5/13/04	6/13/06	544d
Right of Way – Easements	3/22/06	6/13/06	60d
Water Resources	9/6/04	4/25/06	427d
Transfer Documents	6/14/06	11/28/06	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	0	0	0
2001	0	0	0
2002	0	0	0
2003	1,776	0	1,776
2004	5,432	503	5,935
2005	3,931	697	4,628
2006	3,383	284	3,667
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>14,522</b>	<b>1,484</b>	<b>16,006</b>
<ol style="list-style-type: none"> <li>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</li> <li>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</li> </ol>			

**Table 5-6 DP Road Tract**

<b>Recipients:</b> County of Los Alamos			
<b>Total Acreage:</b> 50 acres		<b>DOE Easements/Restrictions:</b> The activities in two large occupied buildings will need to be relocated first; radioactive liquid waste line	
<b>Major Activities:</b> <ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Relocate LANL and JCNNM Activities</li> <li>• Cultural resource survey and mitigation (e.g., 1 small site, 2 historic buildings)</li> <li>• Threatened and Endangered Species consultations</li> <li>• Environmental Restoration</li> <li>• CERCLA 120 certification that remedial actions are complete</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> <li>• Perform voluntary corrective actions and confirmatory sampling at 8 PRSs</li> <li>• Perform risk assessments to support recommendations of no further action and associated permit modifications</li> </ul>			
<b>Number of:</b>			
<b>PRSs:</b> 10	<b>Structures:</b> 10	<b>Canyons:</b> 1	
<b>Notes:</b> None			
<b>Schedule:</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
Move subcontractor (JCNNM) Operations and Support	6/12/03	5/12/05	501d
Move subcontractor (CIC) Operations and Support	10/2/03	5/12/05	421d
CERCLA 120	1/21/05	5/12/05	80d
Cultural Resources	1/7/05	5/12/05	90d
Environmental Baseline Survey	12/10/04	5/12/05	110d
Environmental Restoration	10/1/99	5/12/05	1465d
Transfer Documents	5/13/05	10/27/05	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	0	1,167	1,167
2001	0	748	748
2002	0	431	431
2003	93	2,725	2,818
2004	2,647	1,251	3,898
2005	6,867	264	7,131
2006	0	0	0
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>9,607</b>	<b>6,586</b>	<b>16,193</b>
<ol style="list-style-type: none"> <li>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</li> <li>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</li> </ol>			

**Table 5-7 Rendija Canyon Tract**

Recipients: County of Los Alamos

Total Acreage: 910 acres

DOE Easements/Restrictions: Lease with Sportsmen's Club; power lines; water lines

**Major Activities:**

- Real estate surveys
- Cultural resource survey for historic preservation (e.g., 38 field houses)
- Environmental Baseline Survey
- CERCLA 120 certification that remedial actions are complete
- Threatened and Endangered species consultations are expected to be informal and take 1 month
- Water resources
- Conveyance/transfer instruments
- Perform voluntary corrective actions and confirmatory sampling at 4 PRSs
- Perform risk assessments to support recommendations of no further action and associated permit modifications
- Prepare Reach Report documenting results of risk assessment

**Number of:**

PRSs: 4

Structures: 0

Canyons: 1

Notes: None

Schedule:	Start Date	Finish Date	Duration
CERCLA 120	4/12/06	8/1/06	80d
Cultural Resources	12/14/04	8/1/06	425d
Environmental Baseline Survey	1/4/06	8/1/06	150d
Environmental Restoration	10/1/01	8/1/06	1262d
Right of Way – Easements	5/10/06	8/1/06	60d
Transfer Documents	8/2/06	11/16/07	120d

**Costs: (Dollars in Thousands)**

Fiscal Year	Defense Programs	Environmental Management	Total
2000	0	0	0
2001	0	89	89
2002	0	745	745
2003	0	9,235	9,235
2004	0	3,876	3,876
2005	0	1,586	1,586
2006	5,443	175	5,618
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>5,443</b>	<b>15,706</b>	<b>21,149</b>

1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.
2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.

**Table 5-8 TA-74 Tract**

<b>Recipients:</b> County of Los Alamos (20%), San Ildefonso Pueblo (80%)			
<b>Total Acreage:</b> 2,715 acres		<b>DOE Easements/Restrictions:</b> Power lines, water lines	
<b>Major Activities:</b> <ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Cultural resource survey and mitigation (e.g., 26 small sites, 20 ten-room room blocks, 3 plaza sites)</li> <li>• Threatened and Endangered Species consultations</li> <li>• Water Resources</li> <li>• CERCLA 120 certification that remedial actions are complete</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> <li>• Perform voluntary corrective actions and confirmatory sampling at 4 PRSs</li> <li>• Perform risk assessments to support recommendations of no further action and associated permit modifications</li> <li>• Prepare work plan for northern canyons and conduct sediment investigations in Bayo Canyon</li> </ul>			
<b>Number of:</b>			
<b>PRSs:</b> 4		<b>Structures:</b> 3	<b>Canyons:</b> 2
<b>Notes:</b> None			
<b>Schedule:</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
Water Resources	5/1/00	12/30/03	957d
CERCLA 120	6/13/05	9/30/05	80d
Cultural Resources	10/21/02	9/30/05	770d
Environmental Baseline Survey	5/2/05	9/30/05	110d
Environmental Restoration	10/15/99	9/30/05	1556d
Right of Way – Easements	7/11/05	9/30/05	60d
Transfer Documents	10/3/05	3/17/06	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	0	564	564
2001	0	527	527
2002	43	376	419
2003	10,620	3,101	13,721
2004	6,971	3,054	10,025
2005	6,769	319	7,088
2006	14	0	14
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>24,417</b>	<b>7,941</b>	<b>32,358</b>
<ol style="list-style-type: none"> <li>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</li> <li>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</li> </ol>			

**Table 5-9 TA-21 Tract**

<b>Recipients:</b> County of Los Alamos			
<b>Total Acreage:</b> 20 acres		<b>DOE Easements/Restrictions:</b> Radioactive liquid waste line	
<b>Major Activities:</b> <ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Threatened and Endangered Species consultations</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> <li>• Perform voluntary corrective actions and confirmatory sampling at 5 PRSs</li> <li>• Perform risk assessments to support recommendations of no further action and associated permit modifications</li> </ul>			
<b>Number of:</b>			
<b>PRSs:</b> 10		<b>Structures:</b> 0	<b>Canyons:</b> 1
<b>Notes:</b> None			
<b>Schedule:</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
CERCLA 120	2/10/06	6/1/06	80d
Environmental Baseline Survey	12/30/05	6/1/06	110d
Right of Way – Easements	3/10/06	6/1/06	60d
Threatened and Endangered Species	12/30/05	4/20/06	330d
Environmental Restoration	4/1/02	6/1/06	1089d
Transfer Documents	6/2/06	11/16/06	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	0	0	0
2001	0	0	0
2002	0	206	206
2003	0	788	788
2004	0	806	806
2005	0	818	818
2006	97	524	621
2007	0	0	0
2008	0	0	0
<b>Total</b>	<b>97</b>	<b>3,142</b>	<b>3,239</b>
<ol style="list-style-type: none"> <li>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</li> <li>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</li> </ol>			

**Table 5-10 Airport Tract**

<b>Recipients:</b> County of Los Alamos			
<b>Total Acreage:</b> 110 acres		<b>DOE Easements/Restrictions:</b> Leases on several buildings; gas lines	
<b>Major Activities:</b> <ul style="list-style-type: none"> <li>• Real estate surveys</li> <li>• Cultural resource survey and mitigation (e.g., 2 small sites, 1 historic building)</li> <li>• Threatened and Endangered Species consultations</li> <li>• CERCLA 120 certification that remedial actions are complete</li> <li>• Environmental Baseline Survey</li> <li>• Conveyance/transfer instruments</li> <li>• Perform voluntary corrective actions and confirmatory sampling at 2 PRSs</li> <li>• Perform risk assessments to support recommendations of no further action and associated permit modifications</li> <li>• Perform investigations at 20 PRSs</li> </ul>			
<b>Number of:</b>			
<b>PRSs:</b> 25		<b>Structures:</b> 4	<b>Canyons:</b> 1
<b>Notes:</b> None			
<b>Schedule:</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Duration</b>
CERCLA 120	8/7/07	11/26/07	80d
Cultural Resources	7/24/07	11/26/07	90d
Environmental Baseline Survey	6/26/07	11/26/07	110d
Environmental Restoration	10/1/99	11/26/07	2127d
Right of Way – Easements	9/4/07	11/26/07	60d
Transfer Documents	11/27/07	5/12/08	120d
<b>Costs: (Dollars in Thousands)</b>			
<b>Fiscal Year</b>	<b>Defense Programs</b>	<b>Environmental Management</b>	<b>Total</b>
2000	0	475	475
2001	0	511	511
2002	0	1,704	1,704
2003	0	1,888	1,888
2004	0	1,488	1,488
2005	0	397	397
2006	0	14,619	14,619
2007	415	6,034	6,449
2008	64	98	162
<b>Total</b>	<b>479</b>	<b>27,214</b>	<b>27,693</b>
<ol style="list-style-type: none"> <li>1. Defense Programs costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates these costs, it will take the appropriate steps to ensure that funding for necessary activities is considered in the formulation of the Presidential Budget request for years ahead.</li> <li>2. The Defense Programs costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the Defense Programs costs.</li> </ol>			

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**Table 5-11 - Remedial Action and Defense Programs Cost Summary**

Tract	Potential Release Site(s)	Number Of Structures	Canyon(s)	Estimated Remedial Costs (\$K)	Estimated Landlord Costs (\$K)	Recipient(s)
Manhattan Monument	0	0	None	9	106	County
Site 22	0	0	None	13	96	County
Airport	25	4	Pueblo	27,214	479	County
DP Road	10	10	DP	6,586	9,607	County
DOE LAAO	3	3	None	1066	293	County
Rendija Canyon	4	0	Rendija	15,706	5,443	County
TA-21	10	0	DP	3,142	97	County
TA-74	4	3	Bayo	7,941	24,417	County (20%) Pueblo (80%)
White Rock	0	1	Canada del Buey	887	1,147	County (90%) Pueblo (10%)
White Rock Y	0	6	Sandia Los Alamos	1,484	14,522	County (90%) Pueblo (10%)
<b>Total</b>	<b>56</b>	<b>27</b>		<b>64,048</b>	<b>56,207</b>	

**Notes:**

1. No potential release sites are located on Site 22. However, construction debris must be removed before conveyance to the County.
2. The Rendija Canyon parcel is encumbered by a lease to the Los Alamos Sportsmen's Club, a shooting range. Disposition of the Sportsmen's Club must be determined before the parcel is conveyed. Otherwise, the parcel will be conveyed subject to the lease.
3. Additional costs not shown in the Landlord Costs above include the DOE surveys and easements, estimated at \$900 thousand; certain general costs applicable to the conveyance and transfer of all tracts, estimated at \$1.4 million; and the relocation of the DOE LAAO activities, estimated at \$5 million.

Table 5-12 – Funding Profile by Fiscal Year (\$K)

Tract	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	Total
<b>Airport</b>										
DP	0	0	0	0	0	0	0	415	64	479
EM	475	511	1,704	1,888	1,488	397	14,619	6,034	98	27,214
<b>DP Road</b>										
DP	0	0	0	93	2,647	6,867	0	0	0	9,607
EM	1,167	748	431	2,725	1,251	264	0	0	0	6,586
<b>DOE LAAO</b>										
DP	0	0	293	0	0	0	0	0	0	293
EM	591	297	178	0	0	0	0	0	0	1,066
<b>Manhattan Monument</b>										
DP	0	0	106	0	0	0	0	0	0	106
EM	9	0	0	0	0	0	0	0	0	9
<b>Rendija Canyon</b>										
DP	0	0	0	0	0	0	5,443	0	0	5,443
EM	0	89	745	9,235	3,876	1,586	175	0	0	15,706
<b>Site 22</b>										
DP	0	66	30	0	0	0	0	0	0	96
EM	0	0	0	13	0	0	0	0	0	13
<b>TA-21</b>										
DP	0	0	0	0	0	0	97	0	0	97
EM	0	0	206	788	806	818	524	0	0	3,142
<b>TA-74</b>										
DP	0	0	43	10,620	6,971	6,769	14	0	0	24,417
EM	564	527	376	3,101	3,054	319	0	0	0	7,941
<b>White Rock</b>										
DP	11	36	1,097	3	0	0	0	0	0	1,147
EM	617	270	0	0	0	0	0	0	0	887
<b>White Rock Y</b>										
DP	0	0	0	1,776	5,432	3,931	3,383	0	0	14,522
EM	0	0	0	0	503	697	284	0	0	1,484
<b>Total</b>										
DP	11	102	1,569	12,492	15,050	17,567	8,937	415	64	56,207
EM	3,423	2,442	3,640	17,750	10,978	4,081	15,602	6,034	98	64,048
<b>DOE Total</b>	<b>3,434</b>	<b>2,544</b>	<b>5,209</b>	<b>30,242</b>	<b>26,028</b>	<b>21,648</b>	<b>24,539</b>	<b>6,449</b>	<b>162</b>	<b>120,255</b>

**Table 5-12 – Funding Profile by Fiscal Year (\$K) (Continued)**

**Note:**

1. Additional costs not shown in the Landlord Costs (Defense Programs) above include the DOE surveys and easements, estimated at \$900 thousand; certain general costs applicable to the conveyance and transfer of all tracts, estimated at \$1.4 million; and the relocation of the DOE LAAO activities, estimated at \$5 million.
2. EM budget totals for FY 2000 and FY 2001 shown above do not match FY 2000 appropriations and the FY 2001 Congressional Budget due largely to differences in assumptions about remediation of TA-21. Additional evaluations are underway to better align near-term funding with County/Pueblo objectives and regulatory agency guidance.
3. The Landlord Costs have not been identified in any budget requests to date. Defense Programs, in coordination with the U.S. Army Corps of Engineers, expects to have the landlord costs presented in the CT Plan validated by December 2000. Once Defense Programs validates and reviews the landlord costs, it will take the appropriate steps to ensure that funding for the necessary activities is considered in the formulation of the Presidential Budget request for years ahead.
4. Defense Programs expects that the costs that pertain to cultural resources surveys and mitigations should be significantly reduced as a result of negotiations with the New Mexico State Historic Preservation Officer and the recipients. However, the ability of the Department of Energy to convey and transfer these tracts by the end of 2007 depends to some extent on the availability of funding, especially for the landlord costs.



## **6.0 COUNTY PROPOSAL FOR ACCELERATED CONVEYANCE**

The County has informally proposed to DOE the expedited conveyance and transfer of portions of some tracts. The proposal, which is presented in Table 6-1, presents portions of various tracts that could be conveyed to the County, and its designee – New Mexico Highway Department, as well as transferred to the Pueblo. The proposed 1,260 acres are the “cleanest” and, therefore, easiest to remediate and restore. The County would use the expedited conveyance of the partial tracts to accelerate the development aimed at self-sufficiency.

DOE has done a preliminary evaluation of the schedule and funding impacts on the planned conveyance and transfer, and these issues are described in more detail below.

### **6.1 SCOPE OF WORK**

The enhanced conveyance and transfer of tracts will require the DOE to conduct additional tasks, as well as perform some redundant and duplicative efforts. For example, additional land surveying would be required as a result of dividing tracts into subtracts; environmental surveys will have to be redone or reevaluated, especially if there is considerable lapse of time between the conveyance and transfer of the subtracts; real estate transfer documents will have to be executed each time for each subtract conveyed or transferred; and several additional ER Project reports associated with four of the parcels will be required that have not previously been planned for.

Additional work that represents improvements to real property not normally done when the DOE transfers land includes the proposed relocation of the electric power line at the White Rock Tract, removal of the radioactive waste line (instead of capping it and leaving it in place), and the razing of the LAAO Building. Also, interim relocation of the DOE staff at the DOE LAAO Tract would have to be accomplished, with the eventual construction of a new building potentially being required.

### **6.2 FUNDING**

The additional funding to implement the enhanced conveyance and transfer is estimated at \$7.737 million. This estimate is subject to refinement once the complete scope of work is better defined. For the enhanced approach, \$0.241 million will be required in FY 2000, \$3.300 million in FY 2001, and \$4.196 million in FY 2002.

The costs of relocating power lines, removing old radioactive liquid waste lines, razing of any structures (e.g., DOE LAAO), and interim relocation of the DOE activities and personnel have not been finalized, but will likely add several million dollars to this effort.

### **6.3 APPROACH**

DOE has asked that the County and the Pueblo submit formal proposals for evaluation and consideration by DOE. DOE will then enter into formal discussions with the recipients and prepare a modification to this CT Plan if it can develop a practical approach to implement the enhanced conveyance and transfer. However, one of the key issues that will have to be resolved is the interim relocation of the DOE employees from the DOE LAAO tract.

**Table 6-1 County Proposal for Accelerated Conveyance**

**County Objective: To obtain 100 acres of developable land by the end of 2002, or five years after the approval of Public Law 105-119**

Parcel and Size Subparcel	Size (Acres)	Environmental Restoration Work Needed	Historic and Cultural Properties Work Needed	Threatened and Endangered Species Work Needed	Miscellaneous Work Needed	Funding Required (\$ in Millions)	Time Needed
<b>Los Alamos County</b>							
DP Road South Subparcel	15	NFA on 2 PRS's	None	Edge Remediation	Rad Waste Line Removal	1.5	18 months
DP Road North Subparcel	4	NFA on 2 PRS's	None	None	Fire Station EA	0.5	24 months
Airport East Subparcel	13	None	3 Sites	None	None	0.4	18 months
TA-21 West Subparcel	8	NFA on 5 PRS's	None	None	Rad Waste Line Removal	0.5	18 months
White Rock 45 North Side of SR 4 Subparcel	45	None	6 Sites	None	Relocate Electric Lines	5.0	24 months
LAAO Parcel	15	NFA on 3 PRS's	1 Site	Edge Remediation	New LAAO Building	7.0	24 months
Manhattan Monument Site		None	1 Site	None	None	0.1	24 months
<b>Los Alamos County Subtotal</b>	<b>100</b>					<b>15.0</b>	
<b>New Mexico Highways and Transportation Department (County's Designee)</b>							
White Rock Y	130	None	Not applicable. Transfer to the Highway and Transportation Department is treated like a transfer to another Federal agency	Not applicable.	Not applicable.	0.0	18 months
White Rock	11	None	Not applicable.	Not applicable.	Not applicable.	0.0	18 months
TA-74	9	None	Not applicable.	Not applicable.	Not applicable.	0.0	18 months
<b>State Subtotal</b>	<b>150</b>					<b>0.0</b>	
<b>Total Los Alamos County</b>	<b>250</b>					<b>15.0</b>	
<b>Pueblo of San Ildefonso</b>							
White Rock Buffer Strip Subparcel	10	None	None	None	Relocate Electric Lines	0.0	24 months
TA-74 North Sub Parcel	1,000	None	None	None	None	0.0	18 months
Little Otowi Ruin		None	None	None	None	0.0	18 months
<b>Total Pueblo of San Ildefonso</b>	<b>1,010</b>					<b>0.0</b>	
<b>GRAND TOTAL LAND TRANSFER PROPOSAL</b>	<b>1,260</b>					<b>15.0</b>	
<b>Note: The funding estimates provided in this table were provided by the County of Los Alamos. DOE has not yet validated the County's estimates.</b>							

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## **7.0 TECHNICAL, COST, AND SCHEDULE RISKS**

### **7.1 RISK ASSESSMENT FOR LAND TRANSFER ACTIVITIES**

The previous sections of this report presented technical scope, cost, and schedule information for the major activities associated with the transfer of each of the 10 parcels, for both a reference case and an accelerated case. Numerous steps, both technical and administrative, associated with the transfer of the parcels were discussed. The plans presented were discussed as though DOE had perfect information about what is required to accomplish the conveyance and transfer. In reality, the issues are somewhat more complex. There are several key uncertainties that need to be acknowledged about some of the activities, especially related to the necessary environmental restoration work, which tends to be more unconventional in nature compared to the "paperwork" activities to be performed by the landlord (Office of Defense Programs). This section discusses some of these key project uncertainties, with an emphasis on the environmental restoration work. The discussion is divided into sections that address uncertainties related mostly to technical scope, cost, and schedule risks.

### **7.2 TECHNICAL SCOPE RISK**

General and specific assumptions about the types of landlord activities, the characteristics of the potential release sites, structures, and the scopes of work to be completed must be used because sufficient information does not currently exist to precisely define each activity. As a result, the following technical uncertainties exist:

- The various remedies and projected waste volumes, remediation costs, and durations are based on existing site characterization data. They are based on the current understanding of the types of remediation strategies and cleanup levels that are generally acceptable under the Resource Conservation and Recovery Act corrective action regulations. There is a low to moderate risk that the cleanup levels assumed for the land uses identified for the parcels will not be acceptable to the regulators or to stakeholders (e.g., low levels of plutonium contamination in the canyon systems, while well below health-based standards, could require some type of limited response action). In addition, ecological risk based cleanup levels are still under development in cooperation with the NMED. If the NMED requires specific end states that differ significantly from those assumed here, the amount of work required and therefore the associated costs could increase significantly. Moreover, if a parcel is ultimately proposed for a different land use than has thus far been indicated by the County/Pueblo, then the proposed remedies and their costs could change.
- There is a moderate risk that groundwater remediation could be required for one or more of the 10 parcels.
- With the possible exception of some of the Material Disposal Areas in the TA-21 parcel, there is low risk that innovative technologies will need to be employed in accomplishing the necessary remediation of the parcels.

- Of the seven canyon systems associated with the parcels, six have at least some contamination issues associated with them (Rendija Canyon is the exception). In addition, characterization of the canyon systems is still in its relatively early phases. If exhumation of canyon sediments is necessary, if the steep canyon slopes require remediation, or if alternative technologies are required for remediation beyond what has thus far been assumed, the scope of work could increase significantly. There is a moderate risk that remediation assumptions for the canyons will change over those used in developing this report.
- Several of the parcels have existing contaminated structures that might mask subsurface contamination (e.g., extensive structures used in plutonium processing at TA-21). Based on review of historical records, the risk of finding new contamination is considered low but it must be recognized that records for the early years of operation are incomplete, especially with regard to waste management practices.
- Most parcels have some cultural resources, and several have extensive cultural resources (e.g., White Rock Y and TA-74). Based on past experience, DOE has assumed that an early agreement can be reached with the SHPO to protect about one half of the resources present. There is a moderate risk that, after specific consultations with the SHPO and other affected parties are conducted, actual mitigation actions will not match these assumptions (it could increase or is even likely to decrease).
- Several of the parcels have structures, personnel, or other activities that will have to be relocated before the parcels can be made available. One example is the Los Alamos Area Office building, which currently houses slightly more than 100 DOE and contractor staff. Another is the building on the DP Road tract that houses the archives for the Laboratory. There is a moderate risk that alternative arrangements for the relocation of these activities will change as compared with DOE's assumptions. Large changes will likely cause the amount of work necessary to complete the administrative steps associated with the relocations to increase, causing the funding required to accomplish this work to increase.

### 7.3 COST RISK

The cost estimates in this plan are based on the current understanding of the environmental restoration work required for each parcel and the administrative landlord activities necessary. As characterization knowledge increases and consultations with the County/Pueblo and SHPO take place, cost estimates will be refined and become more definitive. The following cost uncertainties exist:

- The actual conduct of remediation, decontamination and decommissioning, and mitigation measures will determine the extent to which actual conditions match technical assumptions. Although the assumptions used in preparing this report are believed to be realistic based on current available information, the likely case is that as the project proceeds, additional work will be required. The lack of characterization data, clear regulator agreement on specific end

states, and specific parcel-by-parcel agreement on the extent of resource mitigation required are the main reasons for any increase in the amount of work. There is a moderate risk that the costs will increase as a result of these factors.

- There is a moderate risk that costs will increase as a result of schedule slippages. Inadequate or untimely funding, scope increases, or slower than expected processing of ER Project decision documents by the regulator or multiple consultation cycles for resource mitigations can cause delays and impact project costs.
- If there are larger than expected volumes of waste requiring treatment and/or disposal, the cost could increase significantly. This is expected to be a low risk factor.
- Costs to improve the real properties so as to make them more suitable for alternative use, such as moving utility lines, are not included within the current scope of work for the parcels. DOE considers that the risks are low that such improvements would be necessary, but if they were, they would impact costs and schedules.
- Landlord costs presented in this report were prepared by the Los Alamos National Laboratory and, unlike the environmental restoration and remediation costs, have not been validated. By December 2000, DOE, in cooperation with the U.S. Army Corps of Engineers, will review the Laboratory estimates and decide if a formal validation review is warranted.

## **7.4 SCHEDULE RISK**

Schedule risk is inherent in the ER Project and Decontamination and Decommissioning projects. As progress is made in characterization, and regulatory decisions are made, the project schedule can be refined. Funding uncertainties also contribute to schedule risk. The following schedule uncertainties exist:

- As discussed above, technical uncertainties pose a moderate scope risk. This, in turn, increases schedule risk if scope increases. DOE will strive to identify scope changes as early as possible, assess their schedule impact, and make adjustments as necessary to alleviate delays.
- There is a low to moderate risk that the regulator will not process reports, plans, and permit modifications in a timely manner. This assessment is based on historical precedent and on recent developments. DOE cannot, on its own authority, insist that documents related to land transfer be afforded high priority by the regulatory agencies, and therefore, be processed per the schedule presented in this report, for either the preferred case or the accelerated case.

- There is a low risk that litigation claims against certain of the parcels may impact the parcel return schedule, e.g., a recent lawsuit against the Secretary of Energy by the Pajarito Plateau Homesteaders claiming violations of rights of homesteaders to due process and just compensation. This risk is considered low because of the careful title review performed on the parcels in 1998, which found no encumbrances to the transfers.
- There is a moderate risk that accomplishing the necessary natural resource mitigations pursuant to required consultations will constrain the start of certain environmental restoration actions, and may cause delays (e.g., excavation actions located near sacred traditional cultural properties).

## **8.0 DOE OVERSIGHT AND POINTS OF CONTACT**

DOE will oversee a series of actions to convey and transfer 4,046 acres to the Incorporated County of Los Alamos and Department of the Interior, in trust for the San Ildefonso Pueblo, by November 2007.

The DOE Albuquerque Operations Office will provide the primary oversight of the conveyance and transfer process and direct the real estate actions, such as boundary surveys, identification of interests to be retained by DOE, preparation of deed and transfer instruments, and so forth. Senior environmental staff will be involved in restoration and remediation actions, as well as other staff from DOE and the University of California (the LANL Management & Operating Contractor).

For information on real estate actions, the point of contact is:

Corville J. Nohava, Chief, Property Management Branch,  
DOE Albuquerque Operations Office,  
Albuquerque, NM 87185  
(505) 845-6450

For information on CT EIS matters, the point of contact is:

Elizabeth Withers, CT EIS Document Manager,  
DOE Los Alamos Area Office  
528 35th Street  
Los Alamos, NM 87544  
(505) 667-8690

For information on environmental remediation and restoration, the point of contact is:

Ted Taylor, Environmental Project Manager  
DOE Los Alamos Area Office  
528 35th Street  
Los Alamos, NM 87544  
(505) 665-7203

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## **9.0 SUMMARY**

This CT Plan summarizes major activities, costs, schedules, and corresponding risks associated with the conveyance and transfer of about 4,046 acres of land to the County and Pueblo in accordance with the requirements of Public Law 105-119.

The projected DOE costs for conveyance and transfer, based on currently available information, are \$123 million between FYs 2000 and 2008. Uncertainties associated with this project could increase the remediation and restoration costs. Landlord costs could decrease if agreements can be executed and implemented for the protection of cultural resources. Funding for remediation and restoration is being provided through the Office of Environmental Management. Within the Environmental Restoration Project, funding priorities have been re-aligned to ensure that conveyance and transfer will be accomplished. The Defense Programs costs presented in this CT Plan have not been identified in any budget requests to date. These costs were prepared by the Los Alamos National Laboratory and, unlike the environmental restoration and remediation costs, have not been validated. By December 2000, Defense Programs, in cooperation with the U.S. Army Corps of Engineers, will validate the Laboratory estimates. Once Defense Programs validates the landlord costs, it will take appropriate steps to ensure that funding for the necessary activities are considered in the formulation of the Presidential Budget request for years ahead.

The County has informally proposed to DOE the expedited conveyance and transfer of portions of some tracts by the end of 2002. The proposal identifies portions of various tracts that could be conveyed to the County and transferred to the Pueblo. The proposed 1,260 acres are the "cleanest" and, therefore, easiest to remediate and restore. The County would use the expedited conveyance of the partial tracts to accelerate the development aimed at self-sufficiency. DOE has asked that both the County and Pueblo submit formal proposals for DOE to evaluate.

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## **APPENDIX A**

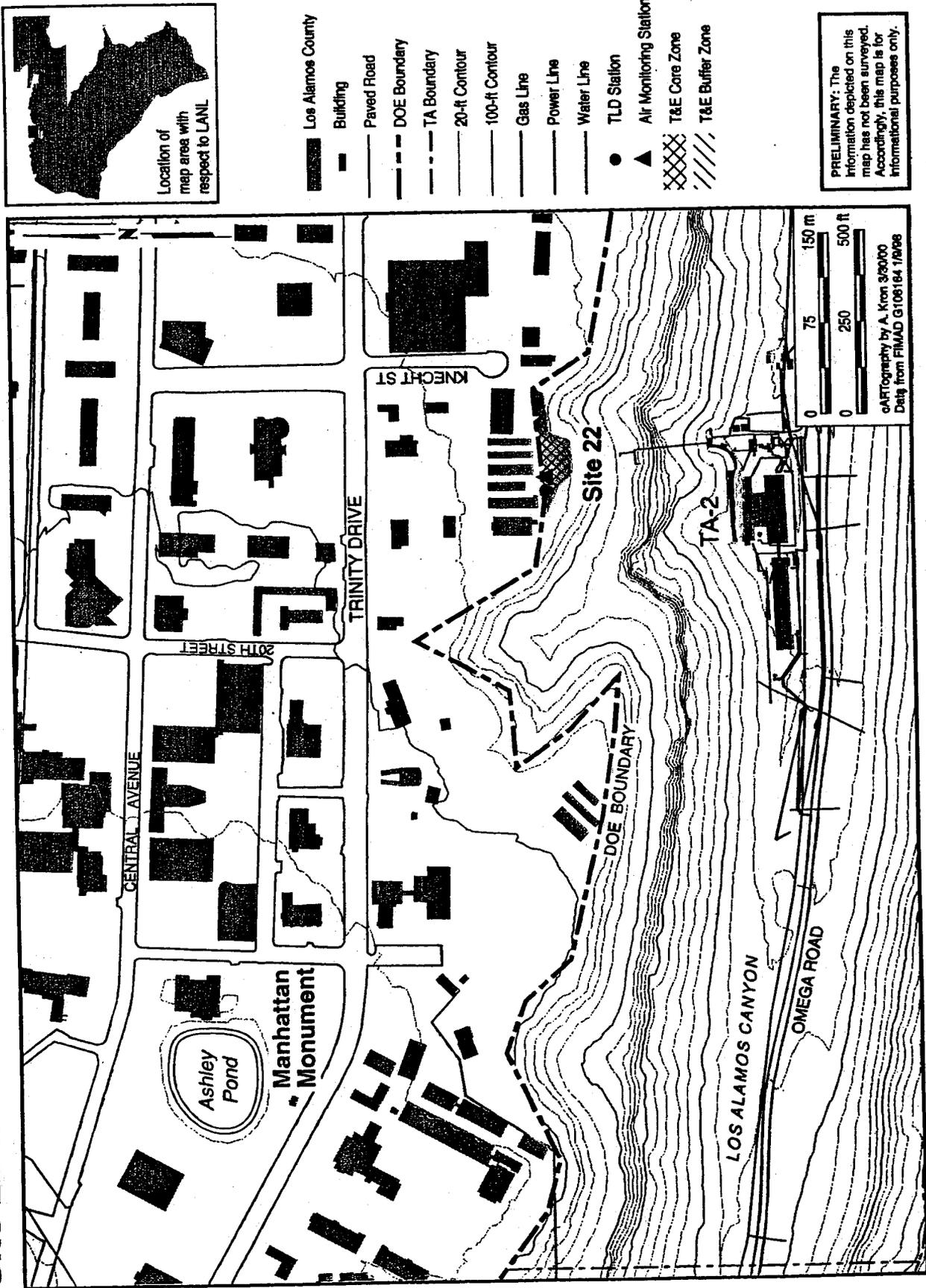
### **MAPS OF TRACTS**

1. LANL Conveyance and Transfer Potential Land Ownership
2. Airport
3. DOE LAAO
4. DP Road
5. Rendija Canyon
6. Site 22 and Manhattan Monument
7. Technical Area-21
8. Technical Area-74
9. White Rock
10. White Rock Y

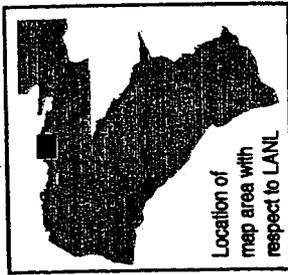
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# Site 22 and Manhattan Monument

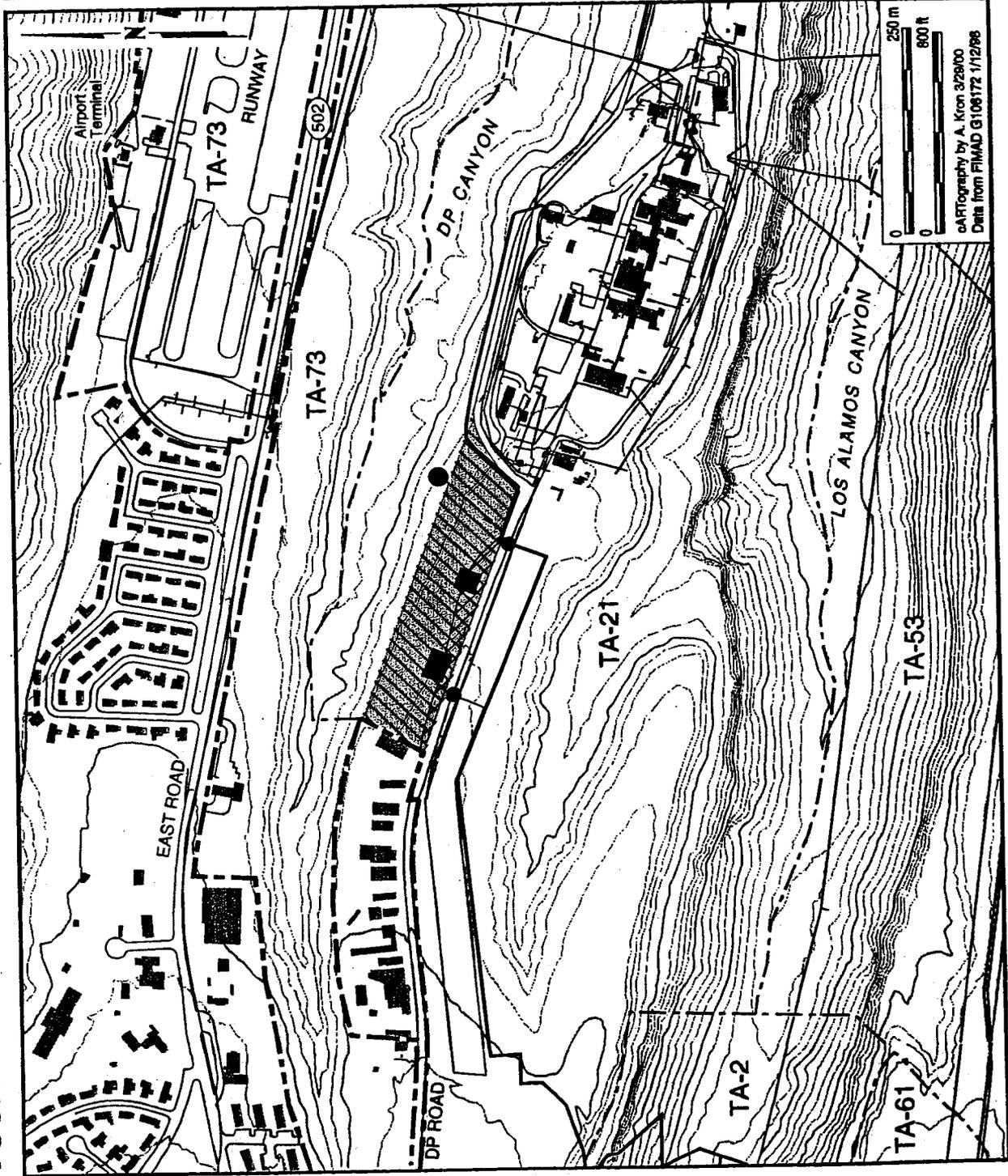


# Technical Area-21

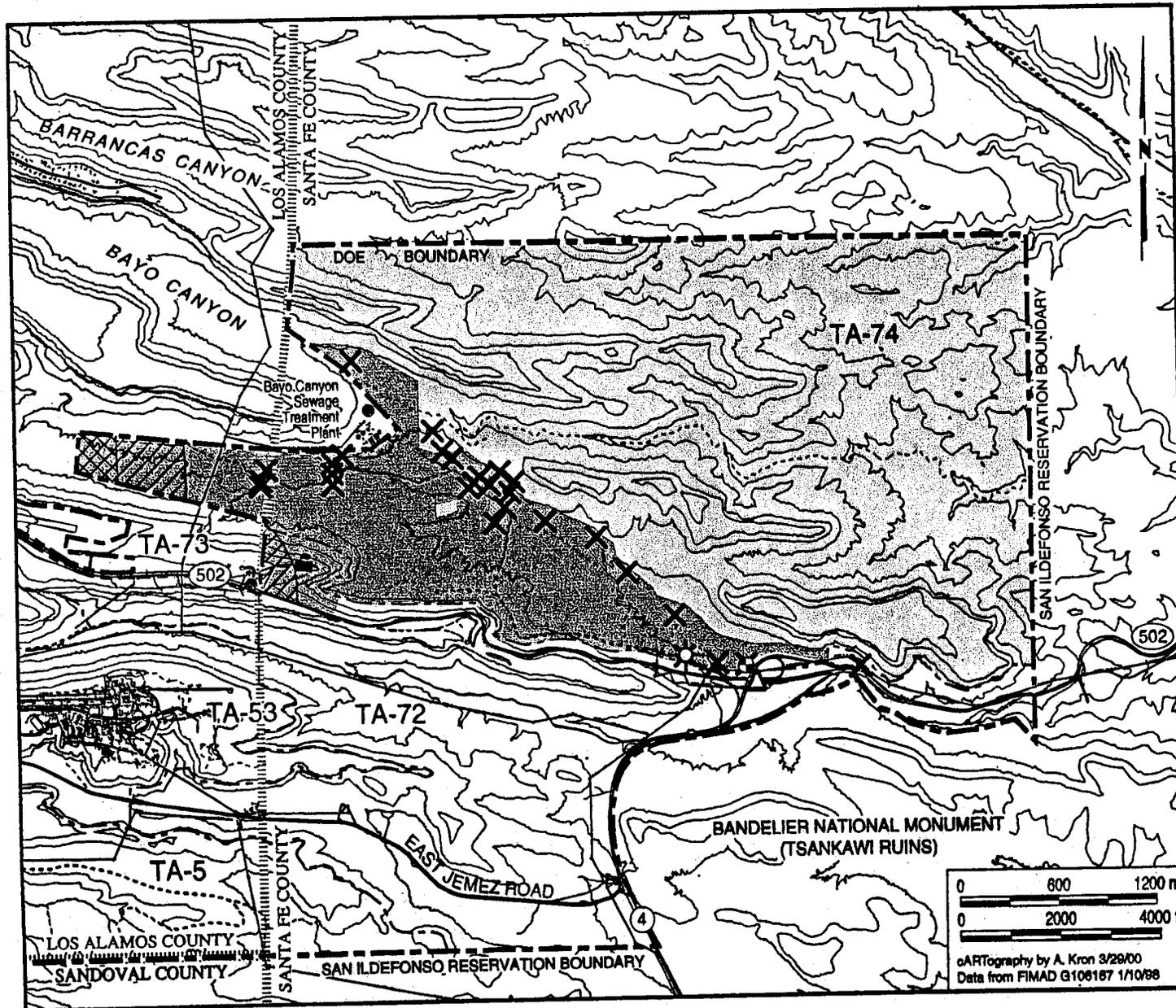


- Los Alamos County
- Building
- Paved Road
- DOE Boundary
- TA Boundary
- 20-ft Contour
- 100-ft Contour
- Gas Line
- Power Line
- Water Line
- Rec'd. Liquid Waste Line
- TLD Station
- Potential Release Site
- T&E Core Zone
- T&E Buffer Zone

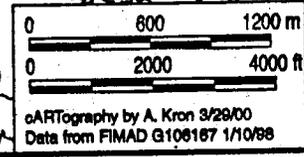
**PRELIMINARY:** The information depicted on this map has not been surveyed. Accordingly, this map is for informational purposes only.



# Technical Area-74

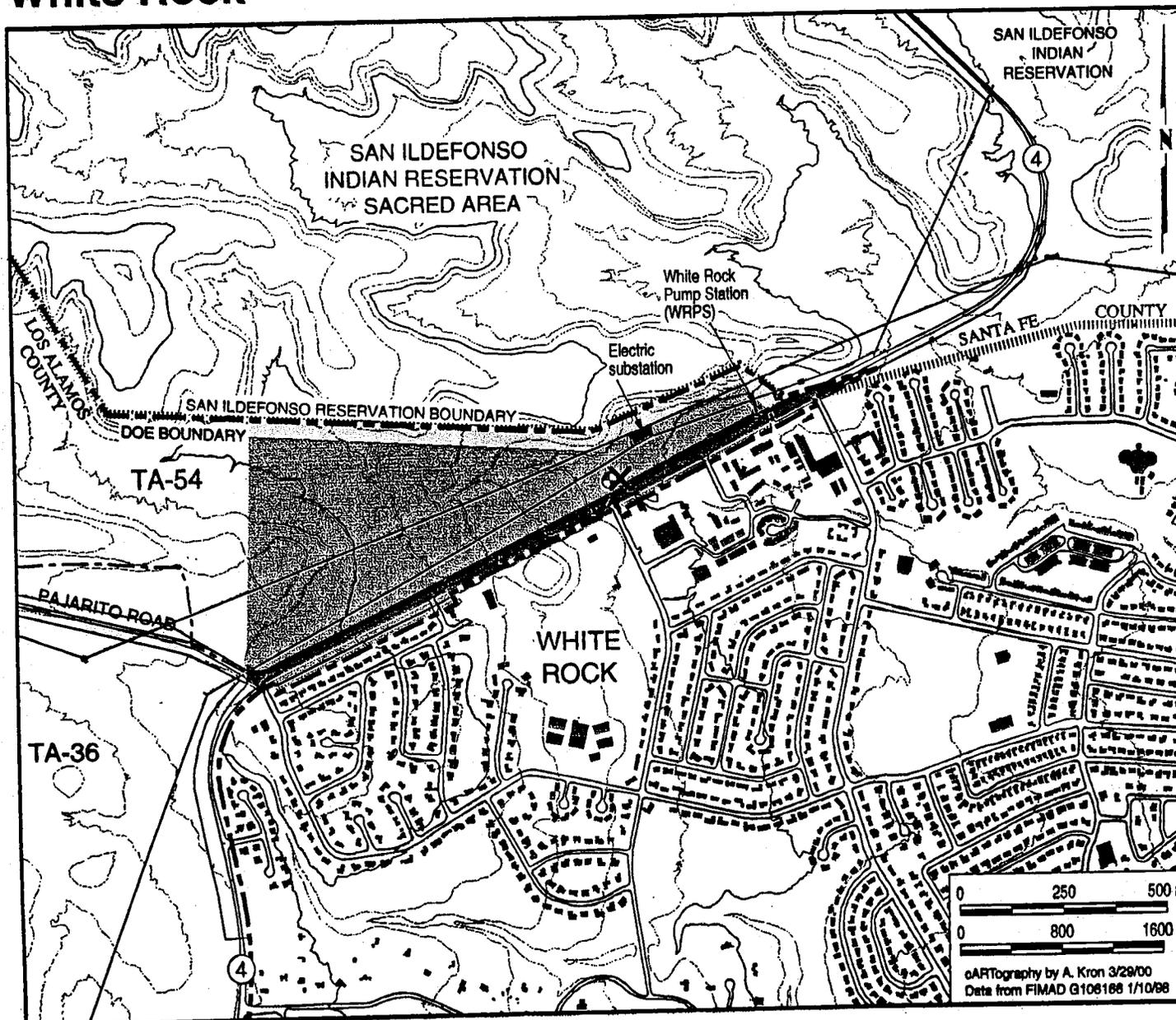


- San Ildefonso
- Los Alamos County
- Building
- Paved Road
- Dirt/Gravel Road
- DOE Boundary
- TA Boundary
- County Boundary
- 100-ft Contour
- Gas Line
- Power Line
- Water Line
- Rad. Liquid Waste Line
- TLD Station
- Water Monitoring Well
- Water Supply Well
- Stream Gauging Station
- Outfall Location
- Potential Release Site
- T&E Core Zone
- T&E Buffer Zone



**PRELIMINARY:** The information depicted on this map has not been surveyed. Accordingly, this map is for informational purposes only.

# White Rock

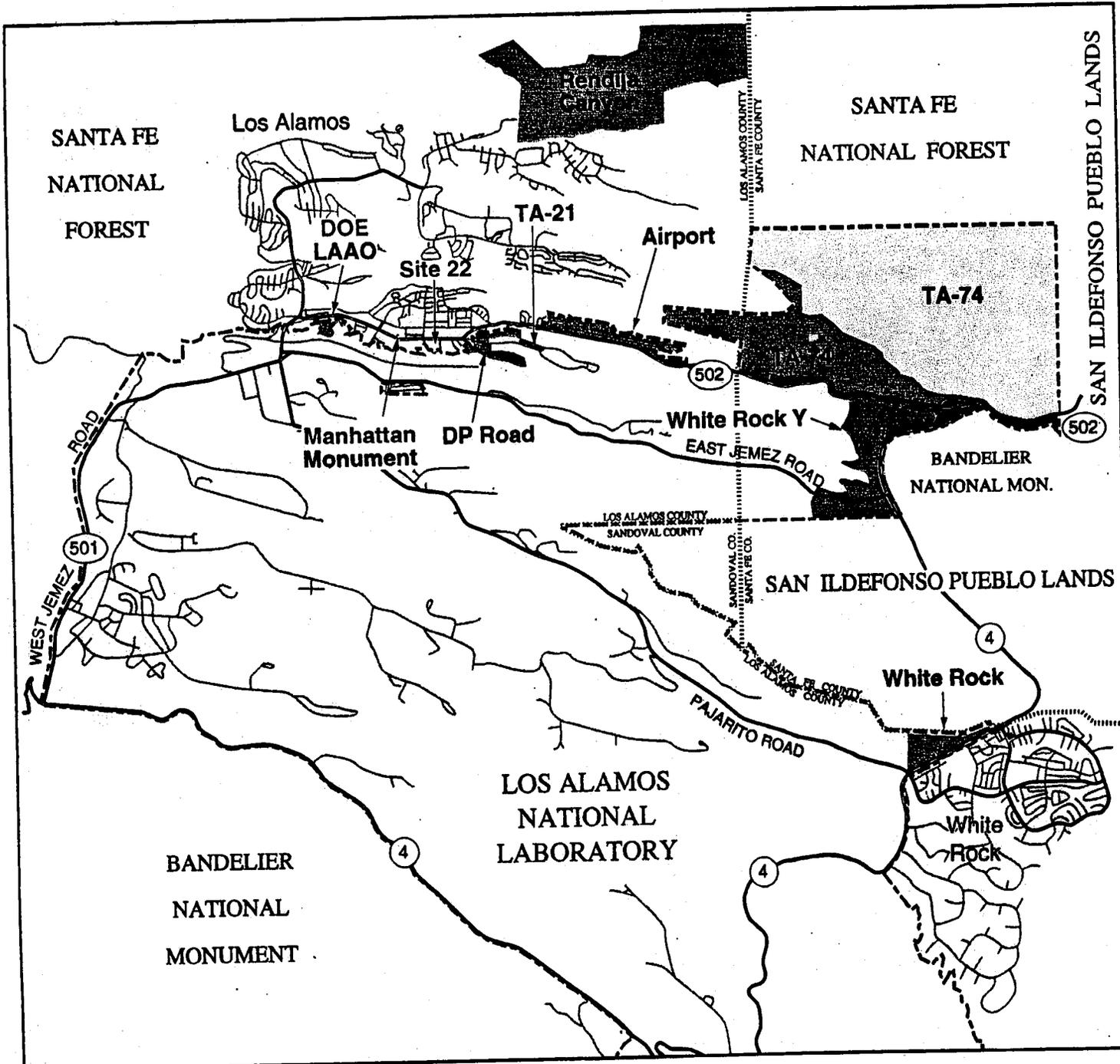


- San Ildefonso
- Los Alamos County
- NM Highway Dept.
- Building
- Paved Road
- DOE Boundary
- TA Boundary
- County Boundary
- 20-ft Contour
- 100-ft Contour
- Gas Line
- Power Line
- Water Line
- X Water Monitoring Well
- ⊙ Stream Gauging Station

0 250 500 m  
 0 800 1600 ft  
 ©ARTography by A. Kron 3/29/00  
 Data from FIMAD G106168 1/10/98

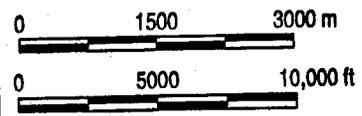
**PRELIMINARY:** The information depicted on this map has not been surveyed. Accordingly, this map is for informational purposes only.

# LANL Conveyance and Transfer Potential Land Ownership Map



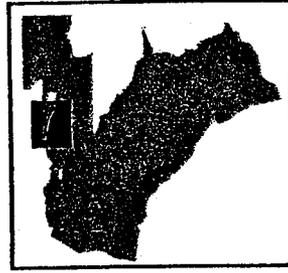
- NM Highway Dept.
- San Ildefonso
- Los Alamos County
- LANL Boundary
- County Boundary
- Major Paved Road
- Secondary Paved Road

**PRELIMINARY:** The information depicted on this map has not been surveyed. Accordingly, this map is for informational purposes only.



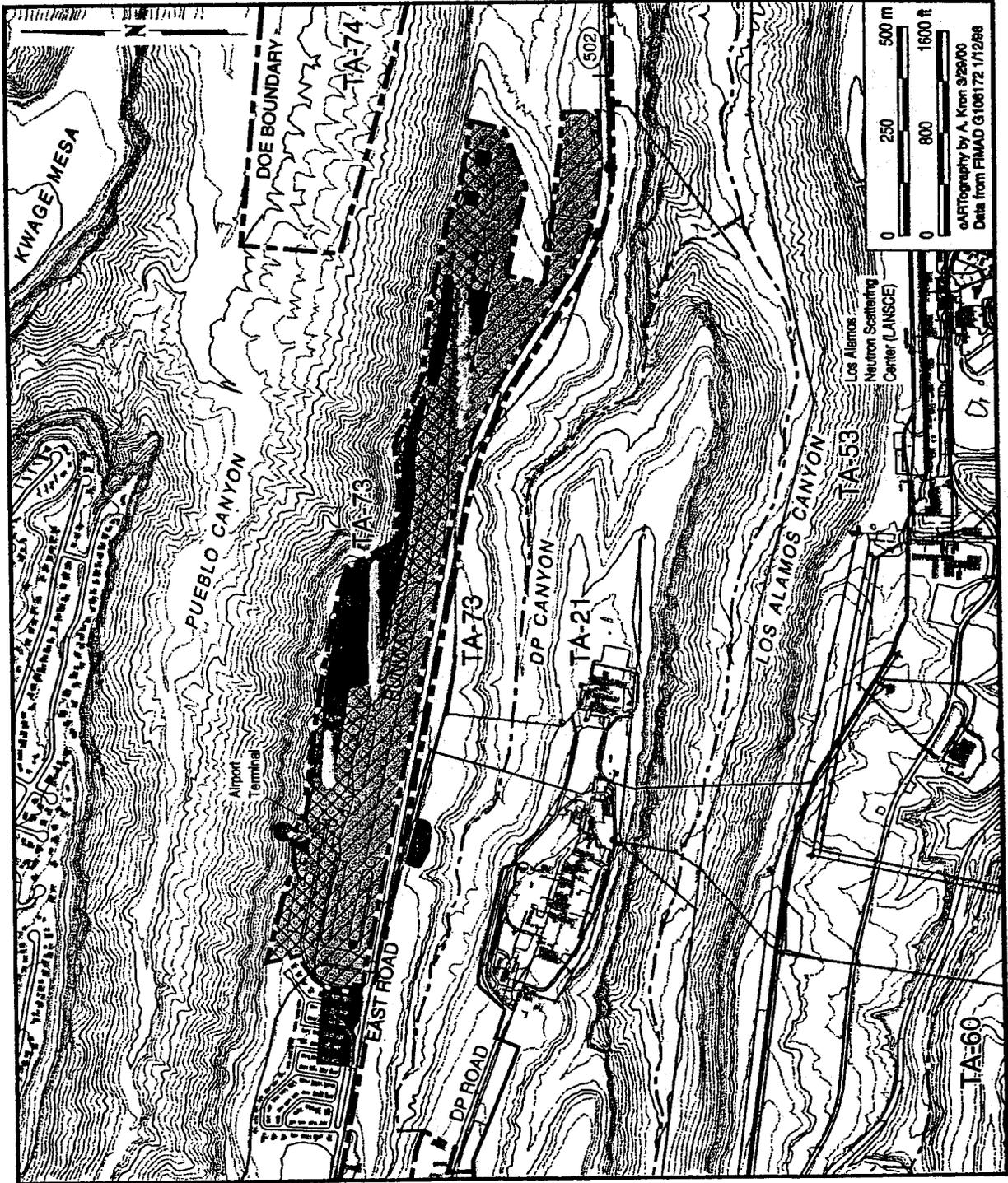
cARTography by A. Kron 3/28/00  
Data from: FIMAD, G104997 8/9/96

# Airport



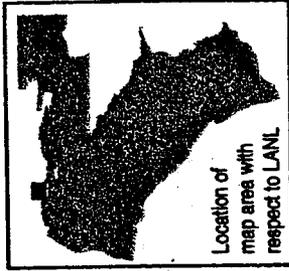
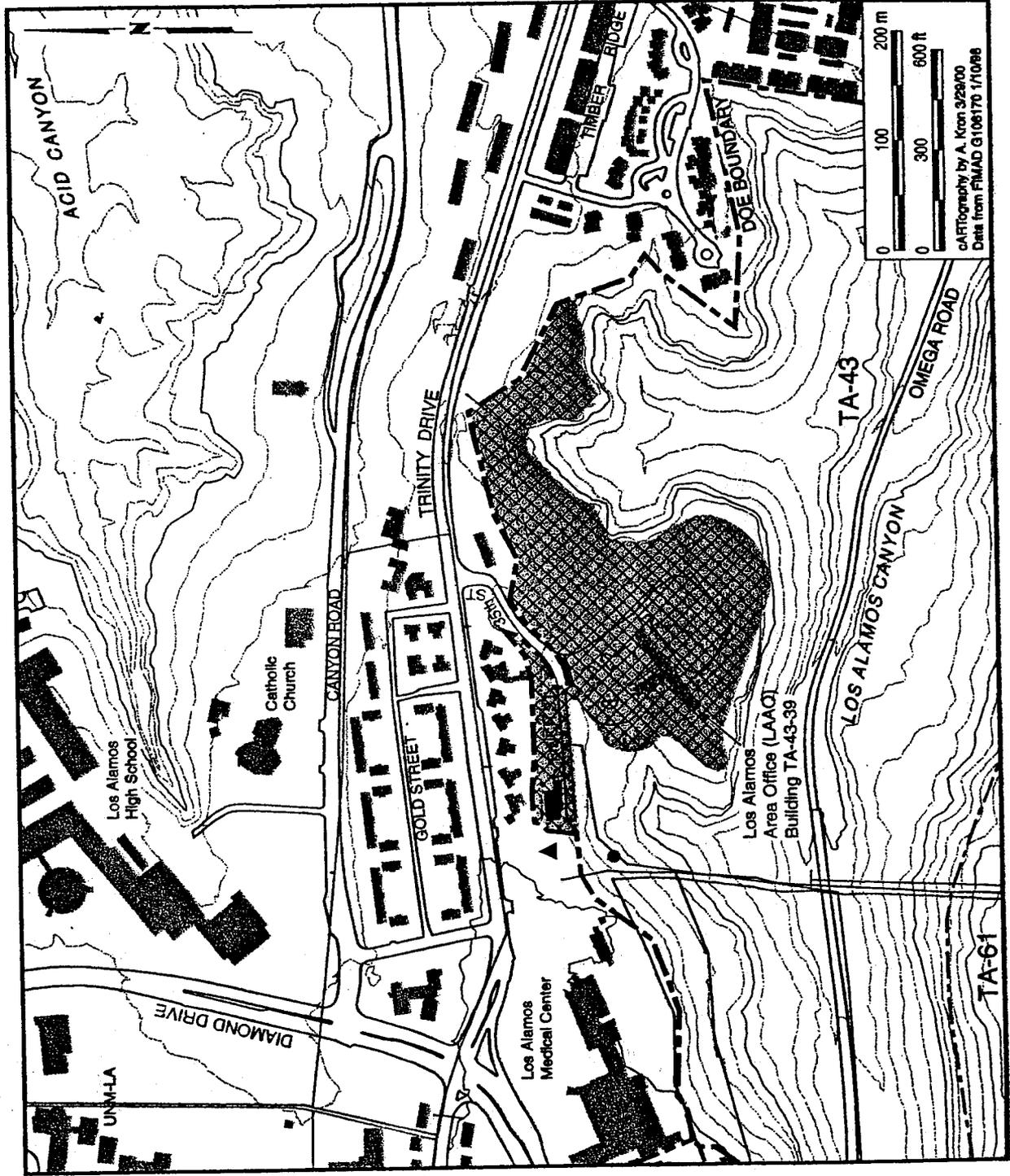
- Los Alamos County
- Building
- Paved Road
- DOE Boundary
- TA Boundary
- County Boundary
- 20-ft Contour
- 100-ft Contour
- Gas Line
- Power Line
- Water Line
- Rad. Liquid Waste Line
- TLD Station
- Air Monitoring Station
- Potential Release Site
- T&E Core Zone
- T&E Buffer Zone

**PRELIMINARY:** The information depicted on this map has not been surveyed. Accordingly, this map is for informational purposes only.



0 250 500 m  
 0 800 1600 ft  
 aARTography by A. Kron 9/29/00  
 Data from FILMAD G106172 1/12/88

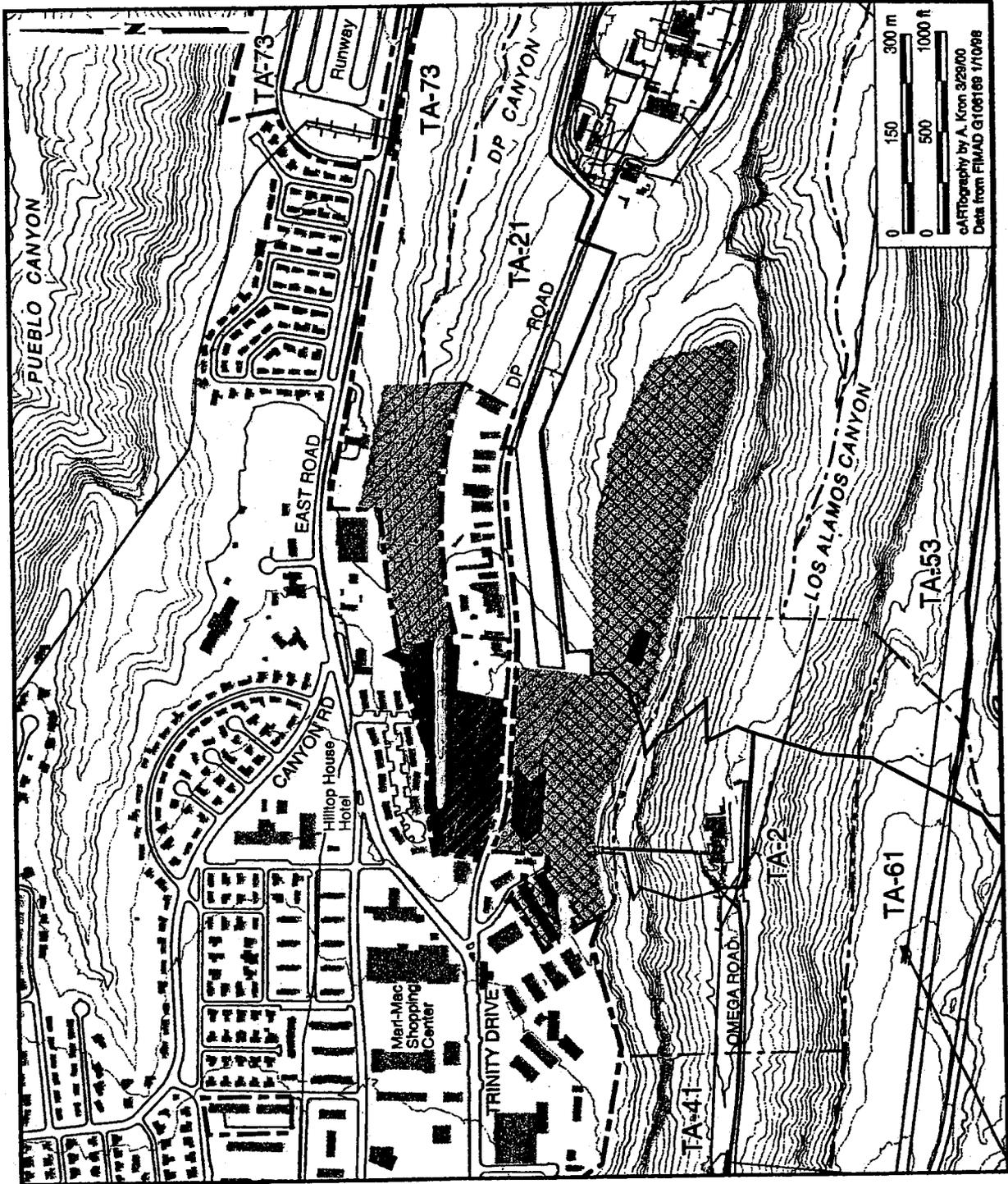
# DOE LAAO



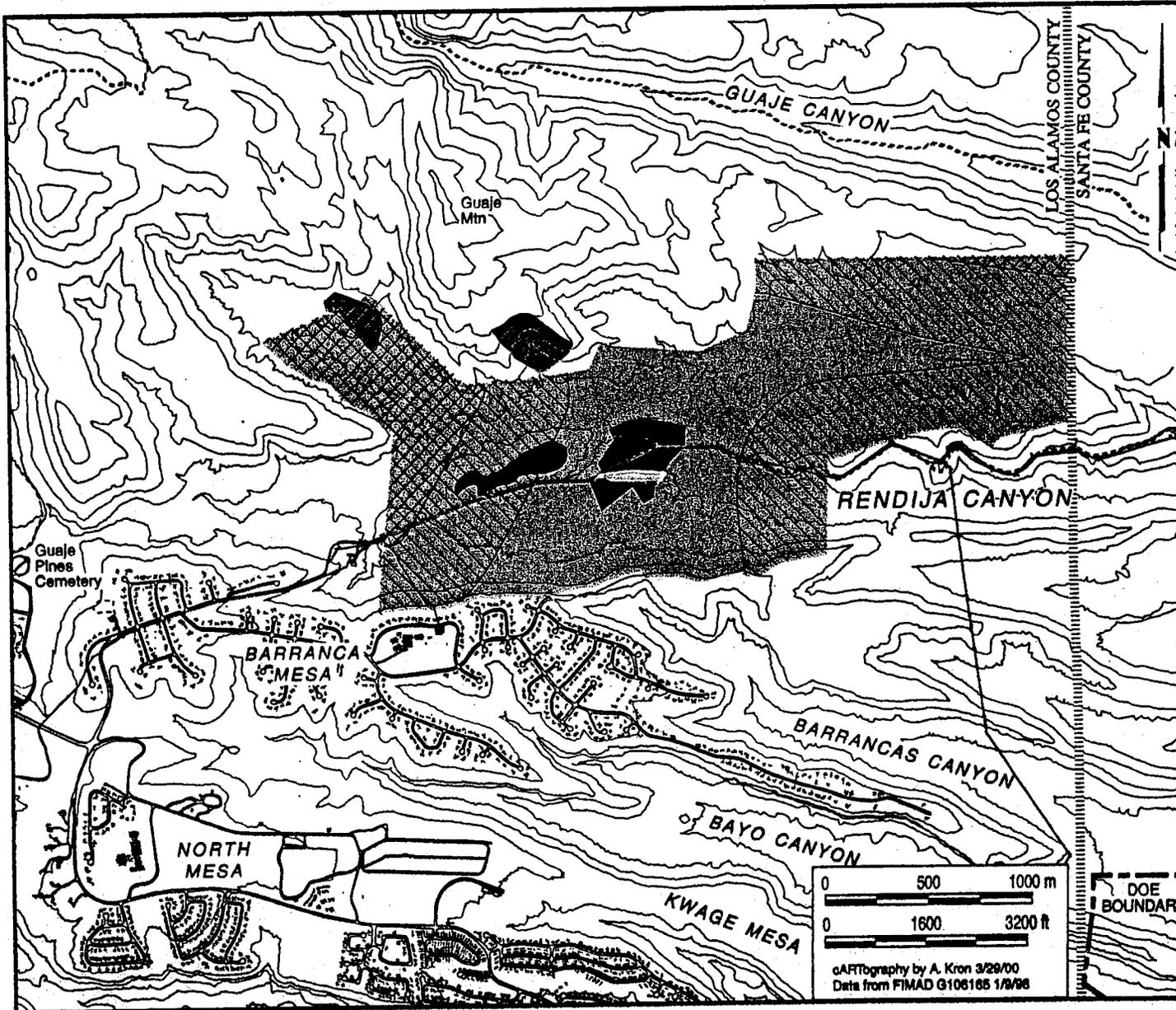
- Los Alamos County
- Building
- Paved Road
- DOE Boundary
- TA Boundary
- 20-ft Contour
- 100-ft Contour
- Gas Line
- Power Line
- Water Line
- TLD Station
- Air Monitoring Station
- Potential Release Site
- T&E Core Zone

PRELIMINARY. The information depicted on this map has not been surveyed. Accordingly, this map is for informational purposes only.

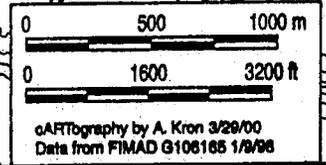
# DP Road



# Rendija Canyon



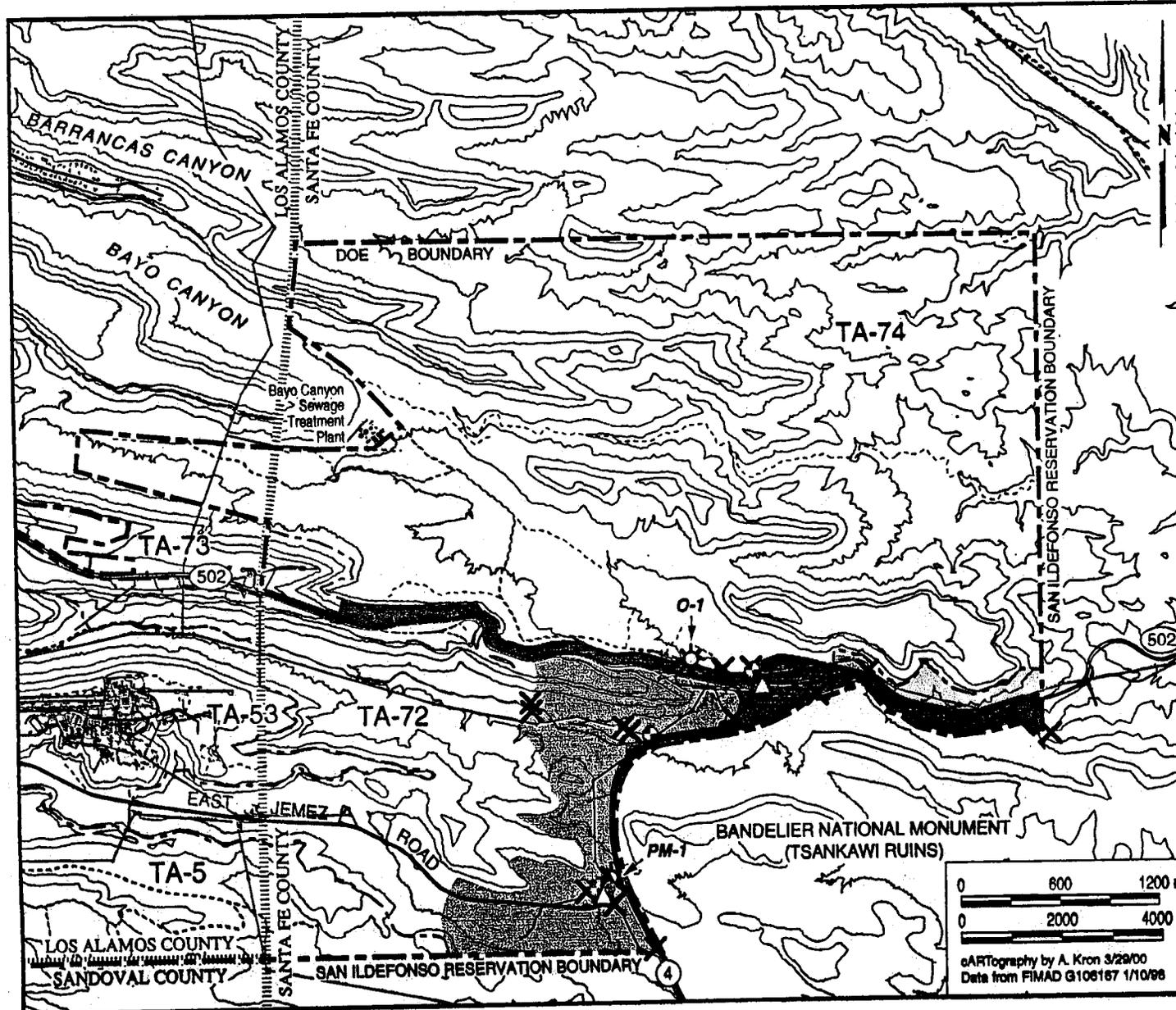
- Los Alamos County
- Building
- Paved Road
- Dirt/Gravel Road
- DOE Boundary
- TA Boundary
- County Boundary
- 100-ft Contour
- Gas Line
- Power Line
- Water Line
- Potential Release Site
- T&E Core Zone
- T&E Buffer Zone



ARTography by A. Kron 3/29/00  
Data from FIMAD G106185 1/9/98

**PRELIMINARY:** The information depicted on this map has not been surveyed. Accordingly, this map is for informational purposes only.

# White Rock Y



- San Ildefonso
- Los Alamos County
- NM Highway Dept.
- Building
- Paved Road
- Dirt/Gravel Road
- DOE Boundary
- TA Boundary
- County Boundary
- 100-ft Contour
- Gas Line
- Power Line
- Water Line
- Rad. Liquid Waste Line
- Air Monitoring Station
- TLD Station
- Water Monitoring Well
- Water Supply Well
- Stream Gauging Station
- Outfall Location

**PRELIMINARY:** The information depicted on this map has not been surveyed. Accordingly, this map is for informational purposes only.

**APPENDIX B**

**Record of Decision**

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[6450-1P]

U.S. DEPARTMENT OF ENERGY

National Nuclear Security Administration

Record of Decision:

Conveyance and Transfer of Certain Land Tracts Administered by  
the Department of Energy and Located at Los Alamos National Laboratory,  
Los Alamos and Santa Fe Counties, New Mexico

AGENCY: Department of Energy.

ACTION: Record of Decision.

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SUMMARY: The U.S. Department of Energy (DOE) is issuing this Record of Decision on the conveyance and transfer of certain land tracts previously identified as being potentially suitable for this action as required by Public Law 105-119, the *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Fiscal Year 1998* (Section 632, 42 United States Code [U.S.C.]§2391; the Act). This Record of Decision is based upon the requirements for DOE action as stated in the Act and upon the information contained in the *Environmental Impact Statement for the Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico*, DOE/EIS-0293. DOE has decided to implement the Preferred Alternative, i.e., seven tracts will be conveyed or transferred in full, and three tracts (Airport, TA-21, and White Rock Y) will be conveyed or transferred in part, based on DOE's continuing or future need for an individual tract, or a portion of the tract, to meet the national security mission support function at the Los Alamos National Laboratory (LANL). In the

"Conveyance and Transfer" EIS discussion of the Preferred Alternative, DOE identified the potential partial transfer of the White Rock Y Tract due to the developing proton radiography project, and the tract was considered as one of the tracts that would be conveyed in whole or in part by 2007. In this Record of Decision, DOE is conveying or transferring only part of the White Rock Y Tract because of the potential national security mission need. Should DOE's siting of the proposed proton radiography project not require a part of the White Rock Y Tract as a buffer area, DOE will reassess the need to retain any buffer areas and amend this Record of Decision, as needed.

Additionally, the disposition of each tract, or portion of a tract, will be subject to the ability of DOE to complete any necessary environmental restoration or remediation. DOE will convey to the Incorporated County of Los Alamos and/or transfer to the Department of the Interior, in trust for the San Ildefonso Pueblo, ten tracts, in whole or in part, totaling about 4,046 acres. Pursuant to the Allocation Agreement between the County of Los Alamos and the San Ildefonso Pueblo submitted to the Secretary of Energy on January 7, 2000, all lands are to be received by the County of Los Alamos except for portions of the TA-74 Tract, the White Rock Y Tract, and the White Rock Tract.

**FOR FURTHER INFORMATION CONTACT:** For further information on the Conveyance and Transfer EIS or to receive a copy of this EIS or other information related to this Record of Decision, contact: Elizabeth Withers, Document Manager, U.S. Department of Energy, Los Alamos Area Office, 528 35<sup>th</sup> Street, Los Alamos, NM 87544, (505) 667-8690.

For information on the DOE National Environmental Policy Act (NEPA) process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department

of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-4600, or leave a message at (800) 472-2756.

## SUPPLEMENTARY INFORMATION:

### Background

DOE prepared this Record of Decision pursuant to the regulations of the Council on Environmental Quality for implementing NEPA (40 CFR Parts 1500-1508) and DOE's NEPA Implementing Procedures (10 CFR Part 1021). This Record of Decision is based on several factors such as national security mission need, estimated costs and cleanup durations and the technical feasibility of achieving restoration and remediation, and on information provided in the Environmental Impact Statement for the *Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico (DOE/EIS-0293)* (Conveyance and Transfer EIS).

LANL is one of several national laboratories that supports DOE's responsibilities for national security, energy resources, environmental quality, and science. LANL is located in north-central New Mexico, about 60 miles (97 kilometers) north-northeast of Albuquerque, and about 25 miles (40 kilometers) northwest of Santa Fe. The small communities of Los Alamos townsite, White Rock, Pajarito Acres, the Royal Crest Mobile Home Park, and San Ildefonso Pueblo are located in the immediate vicinity of LANL. LANL occupies an area of approximately 27,832 acres (11,272 hectares), or approximately 43 square miles (111 square kilometers). DOE also has administrative control over other properties and land within Los Alamos County that total about 915 acres (371 hectares).

In 1943, the Federal Government began acquiring land in the general area of Los Alamos, New Mexico, for the location of a secret research and development facility for the world's first nuclear weapon, known originally as "Project Y of the Manhattan Project" (now known as LANL). DOE is the Federal agency with current administrative responsibility for LANL. In 1949, the New Mexico Legislature created the County of Los Alamos (the County) from portions of Santa Fe and Sandoval Counties. However, most of the County remained under the control of the Federal Government until the 1950s.

Under the *Atomic Energy Community Act (AECA) of 1955* (42 U.S.C. §2301- 2394), the Federal Government recognized its responsibility to provide support for a specified period to agencies or municipalities that were strongly affected by their proximity to facilities that are part of the nation's nuclear weapons complex while these communities achieved self-sufficiency. Los Alamos, New Mexico, was established as such a wholly government-owned community in which the Federal Government provided all municipal, educational, medical, housing, and recreational facilities. The AECA set forth the policies and obligations of the Federal Government to these communities, including provisions related to financial assistance payments. These policies were directed at terminating Federal Government ownership and management of the communities by facilitating the establishment of local self-government, providing for the orderly transfer to local entities of municipal functions, and providing for the orderly sale to private purchasers of property within these communities. The establishment of self-government and transfer of infrastructure and land were intended for the purpose of encouraging self-sufficiency of the communities through the establishment of a broad base for economic development. DOE's predecessor agency leased and disposed of some of the Federal lands under its management to the County, other government agencies, and to private parties in the late 1950's and early 1960's.

In 1967, DOE's predecessor agencies began to transfer ownership of land tracts, roads, buildings, and some of the utility systems managed by DOE to the County to be made available for public use. The land that was released at that time was primarily located within the Los Alamos townsite and had been used for civilian housing and community support functions. A relatively small amount of land was auctioned to individuals and private developers to establish the Royal Crest Mobile Home Park, the White Rock and Pajarito Acres communities, and to develop areas in and around the Los Alamos townsite. Additionally, a number of various leases for small tracts of land within the County were entered into during this period. The release of these lands from Federal Government use in the late 1960's enabled them to be developed for a variety of uses, ranging from preservation to urban development.

Over the years, the LANL boundaries have changed and have been reduced extensively as a result of several land transfer efforts. Today, only about 38 percent of the total land that historically comprised the LANL reserve remains under DOE's administrative control. The bulk of this remaining land is occupied by LANL, with the University of California as DOE's current Management and Operating contractor conducting day-to-day operation of the site. Currently, LANL is bounded by the lands of several landowners and stewards with a variety of land uses.

On November 26, 1997, Congress passed Public Law 105-119, the *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Fiscal Year 1998* ("the Act"). Section 632 of the Act (42 U.S.C. §2391) directs the Secretary of Energy (the Secretary) to convey to the Incorporated County of Los Alamos, New Mexico, or to the designee of the County, and transfer to the Department of the Interior, in trust for the San Ildefonso Pueblo, parcels of land under the jurisdictional administrative control of the Secretary at or in the vicinity of LANL. Such parcels, or tracts, of land must meet suitability criteria

established by the Act. The purpose of the conveyances and transfers is to fulfill the obligations of the United States with respect to Los Alamos, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (AECA) (42 U.S.C. §2391, 2394). Upon the completion of the conveyance or transfer, the Secretary of Energy shall make no further financial assistance payments with respect to LANL under the AECA.

The Act sets forth the criteria, processes, and dates by which the tracts will be selected, titles to the tracts reviewed, environmental issues evaluated, and decisions made as to the allocation of the tracts between the two recipients. DOE's responsibilities under the Act include identifying potentially suitable tracts of land according to criteria set forth in the law (Land Transfer Report, April 1998); conducting a title search on each tract of land (Title Report, September 1998); identifying any environmental restoration and remediation that would be needed for each tract of land (Environmental Restoration Report, August 1999); conducting *National Environmental Policy Act of 1969* (NEPA) review of the proposed conveyance or transfer of the land tracts (the Conveyance and Transfer EIS, October 1999, distributed in January 2000); reporting to Congress on the results of the Environmental Restoration Report review and the final Conveyance and Transfer EIS (Combined Data Report, January 2000); and preparing a plan for conveying or transferring land according to the allocation agreement of parcels for Congress (Conveyance and Transfer Plan, planned for April 2000). The Act further states that the Secretary must, to the maximum extent practicable, conduct any needed environmental restoration or remediation activities within 10 years of enactment (by November 26, 2007), and convey and transfer the tracts meeting the suitability criteria. Under the Act, DOE has no role in the designation of recipients nor how the parcels of land will be allocated between the recipients.

As required by the Act, DOE identified 10 tracts of land as being potentially suitable for conveyance and transfer. The 10 tracts are the subject of DOE's Land Transfer Report submitted to Congress in April 1998. These 10 tracts of land are as follows (all acreages given are approximate and have been adjusted herein to include some rights-of-ways that were inadvertently excluded from the original April 1998 report):

- **The Rendija Canyon Tract** consists of about 910 acres (369 hectares). The canyon is undeveloped except for the shooting range (the Sportsman's Club) that serves the local community; the shooting range is currently under lease from DOE to the community.
- **The DOE Los Alamos Area Office (LAAO) Tract** consists of about 15 acres (6 hectares). It is within the Los Alamos townsite. DOE employees occupy offices at the site.
- **The Miscellaneous Site 22 Tract** is a small, Los Alamos townsite parcel located on the edge of the mesa overlooking Los Alamos Canyon. It consists of less than 0.5 acre (0.2 hectare) of disturbed land that is undeveloped and currently is used as an unsanctioned vehicle parking area.
- **The Miscellaneous Manhattan Monument Tract** consists of less than 0.5 acre (0.02 hectare). The Manhattan Monument is a small, rectangular site located within Los Alamos County land and adjacent to Ashley Pond, where most of the first Los Alamos laboratory work was conducted. A small log structure occupies the site.
- **The DP Road Tract (North, South and West)** consists of about 50 acres (20 hectares). It is generally undeveloped except for the West section where the LANL archives are currently located in one of two buildings.

- **The TA-21 Tract** consists of about 260 acres (105 hectares) and is located east of the Los Alamos townsite. This occupied site is remote from the main LANL area; University of California workers occupy offices at the site, and LANL operations are conducted at facilities there.
- **The Airport Tract** consists of about 205 acres (83 hectares). Located east of the Los Alamos townsite, it is close to the East Gate Business Park. The Los Alamos Airport is located on part of the tract, while other portions of the tract are undeveloped.
- **The White Rock Y Tract** consists of about 540 acres (219 hectares). It is undeveloped and is associated with the major transportation routes connecting Los Alamos with northern New Mexico.
- **The TA-74 Tract** consists of about 2,715 acres (1,100 hectares). It is a large, remote site located east of the Los Alamos townsite and is largely undeveloped.
- **The White Rock Tract** consists of about 100 acres (40 hectares). It is undeveloped except for utility lines, a water pump station, and a small building in use by the County.

As required by the Act, DOE conducted a review of its ownership for each of the 10 tracts of land identified as being potentially suitable for conveyance and transfer. The results of this search (in the form of formal Title Reports) for any claims, liens, or similar instruments affecting DOE's title to its interests in the real property for each of the 10 subject tracts were submitted to Congress in September 1998. No "clouds on the titles" were discovered during the search.

DOE identified the environmental restoration and remediation necessary before it can dispose of the subject tracts in the Environmental Restoration (ER) Report, as required by the Act. Descriptions of the type and extent of known tract contamination, the regulatory status of

the site contamination, potential waste generation associated with environmental restoration activities, the estimated costs and durations for cleanup, and other site concerns are included in the report; it also identifies areas where no site data is yet available.

The LANL ER Project has its own process of site investigation, data analysis, public and stakeholder involvement and remediation that occurs under auspices of an Administrative Authority (either the New Mexico Environment Department or DOE). LANL is regulated under the *Resource Conservation and Recovery Act* (RCRA). The activities under the LANL ER Project are subject to DOE review for compliance with NEPA at the time that proposals for actions become ripe for decision, which is typically after public input and Administrative Authority agreement to pursue specific types of cleanup activities. To the extent that this information was known or that reasonably bounding data has been developed, the information was presented and used in the Conveyance and Transfer EIS analysis. Additional DOE NEPA review will be necessary for the majority of the activities yet to be undertaken at most of the subject tracts.

The review of environmental impacts of the conveyance or transfer of each parcel, as required by the Act, is the subject of the Conveyance and Transfer EIS. The NEPA compliance process, the general document scope, the purpose and need for DOE action, the decisions supported by the impact analysis, a description of the alternatives analyzed, and a brief discussion and comparison of the impacts likely to occur from implementing the alternatives analyzed are included in the Conveyance and Transfer EIS.

As required by the Act, a report (Combined Data Report) presenting information regarding the environmental restoration or remediation required for the subject tracts (including estimated costs and cleanup durations), and the potential environmental impacts associated

directly, indirectly, and cumulatively with conveyance and transfer of the subject tracts was submitted to Congress on January 24, 2000. This report makes recommendations for the conveyance or transfer of each of the subject tracts, either in whole or in part, with regard to the likelihood of DOE being able to meet the suitability criteria established in the Act.

The Incorporated County of Los Alamos and San Ildefonso Pueblo, as required by the Act, have reached an agreement on the allocation of parcels between them and submitted their agreement to the Secretary of Energy on January 7, 2000. Under that agreement, all subject lands are to be received by the County of Los Alamos except for portions of the TA-74 Tract, the White Rock Y Tract, and the White Rock Tract.

As required by the Act, DOE must submit a plan outlining how it will proceed with the actual conveyance or transfer of each of the subject tracts, in whole or in part, to the two recipients pursuant to their agreement of allocation. This plan will be submitted to Congress in April 2000. DOE shall convey or transfer parcels in accordance with the allocation agreement between the two recipients, subject to the requirements of the Act for retention of lands needed for DOE to meet its national security mission and/or the requirements for environmental restoration or remediation (providing these requirements can be met within the 10-year period beginning on the date of enactment of the Act, which ends November 26, 2007), and subject to the decisions in this Record of Decision.

This Record of Decision considers, and the Conveyance and Transfer Plan will consider: the need for land to support its national security mission requirements, estimated costs and cleanup durations and the technical feasibility of achieving restoration and remediation to the maximum extent practical, as required under the Act, for one of the three uses established by PL

105-119; the information on environmental impacts associated with the subject tracts as a result of conveyance and transfer; and other factors discussed later in this Record of Decision.

### **Alternatives Considered**

DOE analyzed two alternatives in the Conveyance and Transfer EIS: the No Action Alternative and the Proposed Action Alternative.

#### *Alternative 1 - No Action*

The No Action Alternative reflects the conditions that would prevail if DOE did not convey or transfer the subject tracts of land. Under this alternative, DOE would continue its administrative control of each or all of the individual tracts tentatively identified as a candidate for conveyance and transfer, and conveyance or transfer actions for each or all of the tracts would not occur. The subject lands would continue to be used as they are currently. Individual tracts would continue to be used to either support LANL uses (as undeveloped programmatic activity buffer zones; historic, cultural, or environmental preservation areas; or future growth areas) or in support of ongoing or similar mission support functions. DOE would continue to lease properties to the County and others for continuance of their current public relations, recreational, and commercial purposes. Under this alternative, land might not be restored or remediated in the same manner or time frame as under the Proposed Action Alternative. LANL ER Project activities would be conducted on the tracts as they become funded in accordance with either existing or similar plans. Neither the County nor San Ildefonso Pueblo would gain additional land to promote self-sufficiency or diversification of their income basis.

## *Alternative 2 – Proposed Action Alternative*

Under the Proposed Action Alternative, each of the 10 tracts of land identified as potentially suitable in DOE's Land Transfer Report (April 1998) would individually be either conveyed or transferred, in whole or in part, to either the County or the Secretary of the Interior, in trust for San Ildefonso Pueblo. DOE actions associated with the conveyance and transfer of these land tracts would involve certain "paper transactions," and some tenant relocation activities. DOE actions would result in potential direct impacts because of various resources passing out of the administrative responsibility and protection of DOE. Additionally, indirect impacts could result from the development and use of the tracts by the two recipient parties. Potential cumulative impacts from the actions of other local and regional past, present, and future reasonably anticipated actions could also result from conveying and transferring the land tracts and their subsequent recipient uses.

Environmental restoration or remediation of the subject tracts potentially identified for conveyance and transfer would be the responsibility of DOE and are expected to be accomplished as currently considered by DOE in its plan entitled *Accelerating Cleanup: Paths to Closure* (DOE 1998) and similar plans. It is not anticipated that the cleanup efforts would differ much between the Proposed Action Alternative and the No Action Alternative, although there could be some areas of cleanup that may differ between the alternatives. These possible exceptions include the timing of some activities (cleanup of some tracts could be completed sooner under the Proposed Action Alternative than under the No Action Alternative); the decommissioning, decontamination, and demolition of buildings and structures currently in use; and some cleanup actions in flood plains. Therefore, most of the environmental restoration or remediation actions are not unique to the Proposed Action Alternative.

In considering the full suite of potential impacts that could result from DOE's action in implementing the conveyance and transfer of these parcels, DOE considered the planned uses of the land and the ensuing potential environmental impacts after the conveyance and transfer. Both the County and San Ildefonso Pueblo have expressed interest in pursuing uses of the parcels for the purposes established by the Act in ways that are potentially different from the manner in which DOE has used the land. Therefore, the Conveyance and Transfer EIS analysis focuses on subsequent property development and use contemplated by the County and by San Ildefonso Pueblo (including their tenants or other third parties) that could only occur if DOE conveys and transfers the subject land tracts.

#### *Preferred Alternative*

In both the draft and the final Conveyance and Transfer EIS, the Preferred Alternative is identified as a subset of the Proposed Action Alternative by each tract. The Preferred Alternative would convey or transfer seven tracts in whole and three (Airport, TA-21, and White Rock Y) in part. In the Conveyance and Transfer EIS discussion of the Preferred Alternative, DOE identified the potential partial transfer of the White Rock Y Tract due to the developing proton radiography project, and the tract was considered as one of the tracts that would be conveyed in whole or in part by 2007. In this Record of Decision, DOE is conveying or transferring only part of the White Rock Y Tract because of the potential national security mission need. As specified in PL 105-119, the actual disposition of each tract, or portion of a tract, would be subject to DOE's need for the individual tract, or a portion of the tract, to meet a national security mission support function, which could range from either direct or indirect activity involvement. Additionally, the

disposition of each tract, or portion of a tract, would be subject to DOE's completion of any necessary environmental restoration or remediation required.

While both of these suitability criteria were considered in the formulation of the Preferred Alternative, the national security mission support criteria has led DOE to the recognition that portions of three tracts (the White Rock Y, TA-21 Tract and the Airport Tracts) may not be available for conveyance or transfer within the 10-year period specified by PL 105-119 because of the operational needs of two facilities within TA-21 and the need for surrounding areas to be retained as security, health, and safety buffer areas.

DOE additionally recognizes with regard to five of the tracts (Rendija Canyon, DOE LAAO, DP Road, TA-74, White Rock) that meeting the conveyance and transfer criteria within the mandated 10-year time frame may not be possible for all portions of these tracts. For example, the current national security mission support functions that are conducted on DOE LAAO Tract and the DP Road Tract may require portions of the tracts to be retained for use beyond the 10-year time frame established by the Act, although this is considered to be unlikely. Similarly, there may be newly proposed activities at LANL facilities that could require the retention of portions of tracts for national security mission support reasons. One example of this is a proton radiography project that will be proposed for consideration through DOE's Fiscal Year 2002 budget request. DOE will evaluate this project over the next several months to determine whether to propose that the project should proceed. The project evaluation will include a NEPA analysis that considers various siting locations and engineering design controls and features, which will then be used to reach a project construction decision(s). Engaging in this project could result in an expanded security, health, and safety buffer area(s) being required that may intrude upon one or more of the tracts under consideration for disposal. Because the White

Rock Y Tract is the nearest subject tract to one of the LANL locations that will likely be evaluated for the proton radiography project, DOE has reduced this tract to a partial status for disposition. Only essential areas will be retained, and the remainder of the tract will be conveyed or transferred. DOE will make every effort to minimize the portions of the tracts it retains.

In a like vein, some portions of the five tracts that have associated potential contamination issues may require restoration or remediation that could require more than the 10-year period established under the Act for completion of these actions. The LANL ER Project process, which includes input from stakeholders and approval by the Administrative Authority(ies), will proceed with the anticipation of completing the necessary environmental restoration and remediation actions by November 26, 2007, for all parcels except for TA-21. However, some tracts that have complex contamination issues will consume more time and resources, and be more expensive to complete cleanup because, for example, the cleanup technical strategy could change from those currently planned by the ER Project. Reaching agreement on the cleanup approach and conducting the necessary characterization and remedial action could take more time than anticipated in ER project plans. Thus, it may not be possible to complete the necessary actions within the allotted time frame.

The environmental impacts of the Preferred Alternative, based on the EIS, would be expected to be less than those of the Proposed Action Alternative and greater than those of the No Action Alternative for each tract.

#### *Environmentally Preferable Alternative*

The Council on Environmental Quality, in its "Forty Most Asked Questions Concerning CEQ's NEPA Regulations," (46 FR 18026, 2/23/81) with regard to 40 CFR 1505.2, defined the

"environmentally preferable alternative" as the alternative "that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources." After considering impacts to each resource area by alternative, DOE has identified the No Action Alternative as the environmentally preferable alternative. This Alternative was identified as having the fewest direct impacts to the physical environment and to cultural and historic resources. This is because tract disturbances would be at the lowest levels for the greatest number of acres under DOE's continued ownership, rather than under either the Proposed Action Alternative or the Preferred Alternative. Therefore the No Action Alternative would have the fewest impacts, and the Proposed Action would have the most.

### **Environmental Impacts of Alternatives**

DOE analyzed the potential impacts that might occur for land resources; environmental restoration waste volumes; transportation; infrastructure requirements; noise; visual resources, socioeconomics; ecological resources; cultural resources; geological and soil conditions; water resources; air resources; global climate changes; human health; and environmental justice for each of the 10 tracts under the two different alternatives - No Action and Proposed Action. DOE considered the impacts that might occur from potential accidents associated with LANL operations on worker and residential populations that would be brought into closer proximity to LANL facilities. DOE considered the impacts of each contemplated land use associated with each alternative for each tract, the irreversible or irretrievable commitments of resources, and the relationship between short-term uses of the environment and the maintenance and enhancement of

long-term productivity. The EIS shows important differences in potential environmental impacts among alternatives including: the potential for damage or degradation to ecological resources, including federally listed threatened or endangered species potential habitat areas, and to cultural and historic resources; land use changes; traffic volume changes; infrastructure requirements, including water use, electrical use, natural gas use, solid waste generation and disposal requirements and wastewater sewage generation, treatment and disposal needs, noise generation; changes to the visual character of the tracts; socioeconomic changes; surface water quality; air resource degradation; human health effects; and environmental justice impacts. A comparison of the impacts of the No Action Alternative and the impacts projected to result from implementation of the Proposed Action Alternative are discussed below for both direct and indirect impacts.

#### *Direct Impacts*

The potential direct impacts of the proposed conveyance and transfer of the subject tracts include those associated with the relocation of DOE operations and personnel who currently reside on the various tracts. DOE could move employees requiring relocation to existing buildings on other parts of LANL property, or could construct new buildings. These plans are not ripe for decision. Any decision regarding construction of new facilities would be preceded by appropriate NEPA review. There would be no difference in direct impacts between the Proposed Action and the No Action Alternatives in infrastructure, noise, visual resources, socioeconomics, geology and soils, water resources, or human health. The differences between the direct impacts of the Proposed Action and the No Action Alternatives in land use, transportation, ecological resources, cultural resources, and air resources are discussed by affected resource in the following paragraphs.

Under the No Action Alternative, no specific changes in direct impacts in land use are anticipated. Completion of environmental restoration activities, including decontamination, decommissioning, and possible demolition of DOE facilities may allow possible changes in future land use. Environmental restoration activities would proceed in accordance with existing and developing plans pursuant to the RCRA Corrective Action permit and DOE requirements. Worker impacts associated with environmental restoration activities cannot be projected at this time. Environmental restoration activities would be subject to their own DOE NEPA review. Under the Proposed Action Alternative, no specific changes in direct impacts in land use are anticipated. In general, environmental restoration activities are independent of the conveyance and transfer process, but the conveyance and transfer scenarios may influence decisions on the timing, cleanup levels, and the inclusion of certain buildings in environmental restoration activities. The waste volume estimates would be approximately the same as for the No Action Alternative.

Under the No Action Alternative, no specific changes in direct impacts in transportation are anticipated. Under the Proposed Action Alternative, direct consequences of the conveyance and transfer of the tracts include small alteration of the overall daily commute. DOE and contractor personnel relocated from the DOE LAAO, TA-21, and DP Road Tracts would have to change their commuting routes. Some DOE and contractor personnel may have a shorter drive to work, such as those living in White Rock for example; but, most would have farther to travel.

Under the No Action Alternative, no specific changes in direct impacts to ecological resources are anticipated. Direct impacts of the Proposed Action Alternative are limited to the changes in responsibility for resource protection. Environmental review and protection processes and procedures for future activities could be different from those that are currently governing the

subject tracts and may not be as rigorous. The LANL Threatened and Endangered Species Habitat Management Plan would no longer be in effect for those tracts occupied by or containing suitable habitat for endangered species.

Under the No Action Alternative, no specific changes in direct impacts to cultural resources are anticipated. Direct impacts of the Proposed Action Alternative are limited to the potential transfer of known and unidentified cultural resources and historic properties out of the responsibility and protection of DOE. Under the Criteria of Adverse Effects (36 CFR 800.5(a)(1), the transfer, lease, or sale of resources eligible for listing on the National Register of Historic Places (NRHP) is an adverse effect. NRHP eligible resources are present on nine of the ten tracts, and would be directly impacted by the Federal action. The disposition of some of the subject tracts also may affect the protection and accessibility to Native American sacred sites or sites needed for the practice of traditional religion by removing them from consideration under the *American Indian Religious Freedom Act*, *Religious Freedom Restoration Act*, and Executive Order 13007, "Indian Sacred Sites." In addition, the disposition of the tracts could potentially affect the treatment and disposition of any human remains, funerary objects, sacred objects, and objects of cultural patrimony that may be discovered on the tracts, under the *Native American Graves Protection and Repatriation Act*.

Under the No Action Alternative, no specific changes in direct impacts in air resources or global warming are anticipated. Direct consequences of the Proposed Action Alternative include small alteration of the overall daily commute. As noted under the discussion of transportation, DOE and contractor personnel relocated from the DOE LAAO, TA-21, and DP Road Tracts would have to change their commuting routes. Some DOE and contractor personnel may have a

shorter drive to work; but most would have farther to travel. This would result in slightly greater emissions.

### *Indirect Impacts*

Indirect impacts are anticipated from the subsequent uses contemplated by the receiving parties for several of the 10 tracts (see Table S-3 at the end of this section). The receiving parties have identified a combination of contemplated uses for the tracts after conveyance or transfer. These uses include development of part or all of some of these tracts. Estimates of the development acreage reflect the best available information on the footprint of the contemplated developments. This acreage may include the redevelopment of disturbed land as well as the new use of relatively undisturbed areas. The EIS impact analysis assumes that these footprints represent an approximation of areas that would be developed but these estimates may not include all areas that would otherwise be disturbed. Likewise, the EIS does not quantify acreage estimates for land that may be disturbed or developed for land uses that include currently undefined improvements to utilities or recreational areas. These areas were qualitatively addressed in the impact analysis.

Under the No Action Alternative, no specific changes in indirect impacts in land use are anticipated. Under the Proposed Action Alternative, the potential indirect impacts include regional changes in land use, such as the development of forest, grazing, and open-space land for residential and commercial uses. Future land use patterns could change on several tracts. Approximately 826 acres (335 hectares) of the total acreage proposed for transfer and conveyance could be developed or redeveloped for other uses. There is the potential for the introduction of land uses that would be incompatible with adjacent landowners' resource

protection efforts. There may be loss of recreational opportunities currently enjoyed on some tracts. While cumulative impacts to land use affect only a small percentage of the total region, many of the anticipated impacts are concentrated in the vicinity of Los Alamos, LANL, and White Rock and therefore could appear substantial.

Under the No Action Alternative, no specific changes in indirect impacts related to transportation are anticipated. Under the Proposed Action Alternative, the conveyance and transfer of the tracts, commercial, industrial, and residential developments would greatly increase the number of vehicle trips. Peak-hour traffic entering or exiting 6 of the 10 tracts could increase by a range of approximately 751 to 3,775 trips. There could be a positive regional traffic impact in that more LANL employees could live in Los Alamos and reduce overall commuter traffic from other areas. Potential cumulative impacts related to regional transportation include substantial increases in overall regional and local traffic that would require improvements to traffic controls, new roads, road widening, and bridges. The anticipated impacts related to transportation would be expected to be concentrated near the Los Alamos townsite and the immediate LANL area.

Under the No Action Alternative, the electrical infrastructure will remain the same, which is already at the limits of its capacity, and it often exceeds system capacity. Under the Proposed Action Alternative, the total estimated increases in utility usage associated with the development of the tracts would be as follows: Electricity use - 32 gigawatt-hours (gwh); Peak power: 6 megawatts (mw); Natural Gas: 459 million cubic feet (mcf) (13,000 million liters per year [mly]); Water: 382 million gallons per year (mgy) (1,446 mly); Solid Waste: 2,385 tons per year (tpy) (2,163 metric tons per year [mty]). Increases in discharges to wastewater treatment plants could be 132 mgy (500 mly) for the Bayo Wastewater Treatment Plant and 41 mgy (155 mly) for the White Rock plant. The increase in peak electricity demand is in addition to the already anticipated

exceedance of the capacity of the electrical power system. Water usage demand is projected to exceed water rights. The natural gas delivery systems may have to be upgraded to handle the increased demand. The existing wastewater treatment capacity is expected to be exceeded. Solid waste production is expected to reduce the expected life of the regional landfill. However, given the conservative assumptions used in the calculations and the phased approach in the development of the tracts, the actual utility usage may not reach capacity limits within the next 10 years.

Under the No Action Alternative, no specific changes in indirect impacts from noise are anticipated. Under the Proposed Action Alternative, ambient noise levels would be expected to increase above current levels for most of the contemplated land uses. Ambient noise levels associated with cultural preservation may decrease, and noise levels associated with natural areas would be expected to remain the same or increase slightly. Noise associated with transportation and utility corridors would remain the same or could increase with additional infrastructure construction and use. Demolition and construction activities would be expected to temporarily elevate noise levels on the tracts from the No Action Alternative levels to a range of 74 to 95 decibels (dB) on the A-weighted scale (dBA). Residential uses typically would result in ambient noise levels between 50 and 70 dBA depending on traffic, density, and location. Commercial and industrial land uses typically would result in 60 to 70 dBA. Noise would be present during a greater part of the day than currently on the tracts that are developed for residential, commercial, and industrial land uses. Overall noise from vehicular traffic would increase.

Under the No Action Alternative, no specific changes in indirect impacts on visual resources are anticipated. Under the Proposed Action Alternative, most of the tracts would maintain their current level of visual aesthetic value after conveyance and transfer and any

subsequent development. However, the development of currently undeveloped areas, such as the Rendija Canyon and White Rock Tracts, would typically degrade the visual landscape. The reduction in visual quality would not be substantial on a regional scale, but local diminished viewsheds could impact resources important to maintaining a positive visitor experience on adjacent National Park Service lands.

Under the No Action Alternative, no specific changes in indirect impacts in socioeconomics are anticipated. Under the Proposed Action Alternative, short-term economic gains would be expected from employment due to construction activities for new development. Long-term gains would depend on the intensity and success of the development. Depending on the scenarios implemented, 320 businesses could be developed on the tracts, employing up to 6,080 workers and generating a total of 8,957 jobs within the region of influence (ROI). As many as 2,360 residences could be placed on the tracts, increasing White Rock's and Los Alamos' population by 6,620 residents. Overall impacts to employment, income, population, and housing would be minor within the ROI, but would be concentrated in the Los Alamos area. Improvements would be expected in the Los Alamos County tax base but would probably not offset the loss of assistance payments, according to information provided by the County.

Under the No Action Alternative, no specific changes in indirect impacts in ecological resources are anticipated. Under the Proposed Action Alternative, development footprints for the 10 tracts include approximately 770 acres (312 hectares) of relatively undisturbed habitat, primarily ponderosa pine forest and pinyon-juniper woodland. Contemplated uses also would be expected to degrade large amounts of adjacent habitat, including preferred habitat for the American peregrine falcon and the Mexican spotted owl. Highly mobile wildlife would be forced to relocate to adjacent undeveloped areas. However, successful relocation may not occur due to

increased competition for limited resources. For less-mobile species, direct mortality could occur during the actual construction or from habitat alteration. Habitat modification could affect several Federally-listed threatened and endangered species. Development in some tracts could result in direct loss of wetland structure and function with potential increased downstream and offsite sedimentation. The current lack of a natural resources management plan by either the County of Los Alamos or the San Ildefonso Pueblo would impede the development of an integrated, multiagency approach to short- or long-term natural resource management strategies. Additionally, transfer of the land tracts may result in a much less rigorous environmental review and protection review process for future activities because neither the County of Los Alamos nor the San Ildefonso Pueblo have regulations that would match the Federal review and protection process. Cumulatively, the development could result in fragmentation of habitat and disruption of wildlife migration corridors.

Under the No Action Alternative, no specific changes in indirect impacts in cultural resources are anticipated. Under the Proposed Action Alternative, the development of approximately 826 acres (335 hectares) and use of tracts for recreation could result in physical destruction, damage, or alteration of cultural resources on the subject tracts and in adjacent areas and disturbance of traditional religious practices.

Under the No Action Alternative, no specific changes in indirect impacts in geology and soils are anticipated. Under the Proposed Action Alternative, soil would be disturbed by development, new road building, and utilities. Removal of vegetation and increased runoff from new impermeable surfaces could increase erosion. The cumulative impacts to geology and soils would not be substantial.

Under the No Action Alternative, no specific changes in indirect impacts in water resources are anticipated. Under the Proposed Action Alternative, supplies of groundwater would be reduced, potentially accelerating draw down of the main aquifer. Placement of new water supply wells could impact groundwater quality. New development could potentially degrade the surface water quality by increasing the pollutant loads and surface runoff volumes from construction activity, and by creating additional impermeable surfaces such as roads and parking lots.

Under the No Action Alternative, no specific changes in indirect impacts on air resources are anticipated. Under the Proposed Action Alternative, there would be increases in criteria pollutants from mobile sources and homes using natural gas or propane. Slight increases in emissions of hazardous air pollutants would be expected from the development of new industrial facilities. The current contributions to global climate change from the land tracts would increase more than 25-fold over the No Action Alternative due to motor vehicle traffic and residential use of fossil fuels. Additional use of artificial lighting could impact the visibility of the night sky.

Under the No Action Alternative, no specific changes in indirect impacts in human health are anticipated. Under the Proposed Action Alternative, as many as 900 new residents could be brought into closer proximity to LANL facilities at the DOE LAAO and DP Road Tracts, and another 2,200 residents and lodgers could be brought closer at the White Rock Tract. Commercial development could bring as many as 6,000 private-sector employees into existing one-half mile radiation site evaluation circles at the DP Road, TA-21, and Airport Tracts (these "circles" are discussed in Chapter 4, Section 4.2.12.2, Conveyance and Transfer EIS). While the maximally exposed individual doses would not increase, these developments would mean increased total population exposures to radiological and chemical emissions from normal LANL

operations and hypothetical accidents due to the closer proximity of people to emission sources. A substantial increase in the public collective radiation dose and latent cancer fatalities could result although the estimates of effects are calculated using very conservative methods and actual observable effects would be expected to be less than those estimated. Under normal operating conditions, development of the subject tracts would not be expected to contribute substantially to human health impacts in the area. The estimated number of excess latent cancer fatalities that could result from the reasonably foreseeable radiologic accidents (events that have an estimated frequency of less than one in a million per year) could maximally increase from about 57 to about 98 excess cancer fatalities. Development of the tracts by the recipients would involve construction with its attendant risks to workers. Should the development include industrial activities, these activities would involve commensurately greater worker risks.

There would be no environmental justice indirect impacts anticipated under the No Action Alternative. Under the Proposed Action Alternative, indirect impacts to traditional cultural properties (TCPs) potentially may cause disproportionately high or adverse effects on minority or low-income communities, but these effects cannot be determined at this point in the consultation process. As part of the comments received in the draft Conveyance and Transfer EIS, the Homesteaders of the Pajarito Plateau and legal counsel for the San Ildefonso Pueblo expressed the belief that the conveyance or transfer and contemplated uses would have additional adverse environmental justice impacts on their populations.

#### **Comments on the Final Environmental Impact Statement**

DOE distributed approximately 300 copies of the final CT EIS to Congressional members and committees, the State of New Mexico, various American Indian Tribal governments and

organizations, local governments, other Federal agencies, and the general public. DOE did not receive comments on the final Conveyance and Transfer EIS.

### **Decision Factors**

DOE's decisions under Public Law 105-119 are based on the lack of need for the tracts, in whole or in part, to support its national security mission requirements, and DOE's ability to conduct necessary environmental restoration and remediation on portions of the tracts within the time frame established by the Act. There are currently three tracts (the TA-21 Tract, the LAAO Tract, and the DP Road Tract) that have structures that are occupied by activities that support DOE's mission responsibilities at LANL. Additionally, portions of the Airport Tract and the White Rock Y Tract are or may be needed to serve as health and safety buffer areas for LANL activities occurring both at TA-21 and elsewhere. With regard to environmental clean up, the Act states that the conduct of any needed environmental restoration or remediation be performed to the maximum extent practicable. DOE included in its decision the estimated cost of such actions and DOE's dedication of other resources to pursue these actions. Hence, DOE's decisions are based primarily in its mission responsibilities and the ability to perform environmental restoration activities in a timely and fiscally prudent manner.

### **Decisions**

DOE has decided to implement the Preferred Alternative, which will allow for the conveyance and transfer of tracts of land, in whole or in part, in the near term and delay such conveyance and transfer of portions of tracts that either require environmental restoration or remediation activities, or that are being used or may be used for mission support activities before

November 2007, the deadline established by the Act. DOE will pursue restoration and remediation activities, as well as relocation of workers and DOE mission support functions from the subject tracts, so that those portions so encumbered may be conveyed or transferred to the greatest extent practicable before November 2007. This alternative reflects DOE's efforts to meet the requirements of Public Law 105-119 to the best of its ability in a reasonable and prudent manner. It should be noted that the decisions in this Record of Decision will be reflected in DOE budget requests and management practices. However, the actual implementation of these decisions is dependent on DOE funding levels and allocations of the DOE budget across competing priorities.

For the tracts that are conveyed in part, DOE would continue to resolve outstanding national security mission support issues and contamination issues on the remaining portions of the tracts; so that conveyance or transfer of those portions could occur before the end of the 2007 deadline stated in the Act. DOE also may include deed restrictions, notices, and similar land use controls as deemed appropriate and necessary that are protective of human health and safety.

For each of the ten tracts analyzed for conveyance and transfer, DOE's decisions are presented below:

**The Rendija Canyon Tract** consists of about 910 acres (369 hectares). The canyon is undeveloped except for the shooting range (the Sportsman's Club) that serves the local community; the shooting range is currently under lease from DOE to the community. DOE will convey or transfer the entire tract.

**The DOE LAAO Tract** consists of about 15 acres (6 hectares) within the Los Alamos townsite. The DOE LAAO Tract is partially occupied by the DOE LAAO Building that currently houses about 120 DOE staff and contractor staff personnel in support of DOE's mission

responsibilities at LANL. DOE will convey or transfer the entire tract upon relocation of its activities.

The Miscellaneous Site 22 Tract is a small, Los Alamos townsite parcel located on the edge of the mesa overlooking Los Alamos Canyon. It consists of less than 0.5 acre (0.2 hectare) of disturbed land that is undeveloped and currently is used as an unsanctioned vehicle parking area. DOE will convey or transfer the entire tract.

The Miscellaneous Manhattan Monument Tract consists of less than 0.5 acre (0.02 hectare). The Manhattan Monument is a small, rectangular site located within Los Alamos County land and adjacent to Ashley Pond, where most of the first Los Alamos laboratory work was conducted. A small log structure occupies the site. DOE will convey or transfer the entire tract.

The DP Road Tract consists of about 50 acres (20 hectares). It is generally undeveloped except for the West section, which is occupied by two large buildings that support DOE's mission responsibilities at LANL; one is used for the LANL archive storage and one is used as a support contractor facility. DOE will convey or transfer the entire tract upon relocation of its activities.

The TA-21 Tract consists of about 260 acres (105 hectares) and is located east of the Los Alamos townsite. This occupied site is remote from the main LANL area; University of California workers occupy offices at the site, and LANL operations are conducted at facilities there. Specifically, the DP East section of the TA-21 Tract currently houses the Tritium Systems Test Assembly and the Tritium Sciences and Fabrication Facility. These two research facilities are needed for the national security mission. There is currently no formal plan to relocate them; however, DOE is in the early stages of assessing the feasibility of relocating these operations to another facility within LANL. In any event, relocation of the tritium operations, decommissioning

and decontamination of the buildings, and the necessary remediation and restoration for the whole tract will not be completed by 2007. At this time, DOE will only convey or transfer approximately 20 acres in the northwest section of the TA-21 Tract adjacent to the DP Road Tract.

The Airport Tract consists of about 205 acres (83 hectares), east of the Los Alamos townsite and near the East Gate Business Park. The Los Alamos Airport is located on the northern part of the tract, while other portions of the tract are undeveloped. Portions of the Airport Tract are needed to serve as health and safety buffer areas for the tritium activities within TA-21. At this time, DOE will only convey or transfer part of the tract, approximately 110 acres North of East Road. Should DOE shutdown its tritium activities at TA-21, DOE will reassess the need to retain any buffer areas and amend this Record of Decision, as needed.

The White Rock Y Tract consists of about 540 acres (219 hectares). It is undeveloped and is associated with the major transportation routes connecting Los Alamos with northern New Mexico. Portions of the White Rock Y Tract may be needed to serve as health and safety buffer areas for proposed LANL activities occurring elsewhere, such as the proposed proton radiography project, in support of the national security mission. In the Conveyance and Transfer EIS discussion of the Preferred Alternative, DOE identified the potential partial transfer of the White Rock Y Tract due to the developing proton radiography project, and the tract was considered as one of the tracts that would be conveyed in whole or in part by 2007. In this Record of Decision, DOE is only conveying or transferring only part of the White Rock Y Tract because of the potential national security mission need. At this time, DOE will only convey or transfer part of the White Rock Y Tract, approximately 125 (50 hectares) acres including the highway exchange and areas east of it. Should DOE's siting of the proposed proton radiography

project not require a part of the White Rock Y Tract as a buffer area, DOE will reassess the need to retain any buffer areas and amend this Record of Decision, as needed.

The TA-74 Tract consists of about 2,715 acres (1,100 hectares). It is a large, remote site located east of the Los Alamos townsite and is largely undeveloped. DOE will convey or transfer the entire tract.

The White Rock Tract consists of about 100 acres (40 hectares). It is undeveloped except for utility lines, a water pump station, and a small building in use by the County. DOE will convey or transfer the entire tract.

### **Mitigation Measures**

The Conveyance and Transfer Environmental Impact Statement included a discussion of mitigation measures both that are (a) within the scope of DOE's control and (b) those that DOE could recommend to the receiving parties. The following discussion outlines the mitigation measures that DOE will undertake to reduce the impacts of conveying and transferring the tracts and portions of tracts in accordance with the Preferred Alternative as outlined in this Record of Decision.

#### *DOE Mitigations Prior to Conveyance or Transfer*

Prior to conveyance or transfer of any of the land tracts, DOE will initiate cultural resource consultations with the affected Pueblos and tribal nations and the State Historic Preservation Office, and complete consultation regarding threatened or endangered species or their habitat with the U.S. Fish and Wildlife Service (USFWS). Consistent with the provisions of the Act, in the case of conveyance of land tracts to the County, DOE may include deed

restrictions precluding any development within the 100-year flood plains or wetlands. DOE also may include other deed restrictions, notices, and similar land use controls as deemed appropriate and necessary that are protective of human health and safety. DOE will relocate any environmental monitoring stations after consultation with State regulators, as appropriate.

#### *Recommended Mitigations with DOE Participation*

DOE will engage in discussions, consultations, and similar planning activities with other organizations and land recipients. DOE will coordinate consultations with the New Mexico State Historic Preservation Office, the Advisory Council on Historic Preservation, the receiving parties, and other interested agencies and parties to ensure adequate consideration of impacts on cultural resources, as well as recreational resources (e.g., historic trails), resulting from the conveyance and transfer of the subject tracts from the responsibility and protection of DOE. The goal of these consultations would be a formal Memorandum of Agreement (MOA) addressing the impacts of the potential loss of certain cultural resource protections and DOE responsibilities on the subject tracts and defining specific procedures and responsibilities for managing cultural resource concerns upon transfer to the receiving parties. These could include covenants to be developed for the protection of various cultural resources.

Specific issues to be discussed include, but are not limited to: minimize impacts to cultural resources in and adjacent to the subject tracts from the loss of responsibility and protection of DOE by delegating cultural resources preservation responsibilities and developing a process that parallels existing protections and procedures; minimize the adverse effect of the transfer or conveyance of NRHP-eligible properties out of the responsibility and protections of DOE by including adequate restrictions or conditions to ensure preservation of the properties' significant

historic features or collection of appropriate data concerning the properties; minimize potential impacts to historic buildings from the loss of DOE responsibility and protection by completing an appropriate identification and evaluation effort for historic buildings on the subject tracts; ensuring that NRHP-eligible buildings continue to be used (to the maximum extent feasible) and maintained in a manner that preserves their historical value; and exploring the reuse of other NRHP-eligible buildings for activities that must be relocated; minimize potential impacts to traditional cultural properties (TCPs) by completing consultations to identify the presence and importance of these resources within the subject tracts, identifying any potential impacts of conveyance or transfer on access to TCPs in adjacent areas, and exploring methods to avoid disturbance to TCPs and traditional users; minimize potential impacts from the loss of DOE protections and guarantees regarding the preservation of Native American sacred sites and the rights of Native Americans to practice traditional religions on the subject tracts under the American Indian Religious Freedom Act and Executive Order 13007, "Indian Sacred Sites," by allowing for the continuation of any traditional religious practices; minimize the potential impacts from the loss of DOE protection for archeological sites, the disposition of archeological materials and penalties for unauthorized excavation, vandalism, and trafficking of archeological materials; minimize the potential impacts from the loss of DOE responsibility for the protection and disposition of Native American sacred objects, objects of cultural patrimony, and funerary objects under the *Native American Graves Protection and Repatriation Act* by establishing agreements outlining similar procedures for addressing the inadvertent discovery of Native American human remains or funerary objects and their disposition; provide for the loss of DOE responsibility for the curation of archaeological and cultural resource collections from these tracts under 36 CFR 79 by assigning these responsibilities and contracting for curation services; develop a natural

resources management plan that is integrated and developed with the natural resources management plans of other adjacent land management agencies; continue involvement in the roles and responsibilities that have been established with the townsite of Los Alamos, County of Los Alamos, State of New Mexico, U.S. Department of Agriculture, Forest Service, for emergency response, including the notification processes for each of the response groups and mutual aid in the event of an emergency; explore the establishment of a proactive means toward developing future use options for transferred properties, in accordance with State law and the County Charter (participation in a Future Use Options Logistics and Support Working Group with the U.S. Forest Service, New Mexico Environment Department, U.S. Bureau of Land Management, Pueblos, and local citizens groups would be encouraged, as well as public involvement through the Citizens Advisory Board as instrumental steps in providing interim recommendations on future land use options); and coordinate with local jurisdictions, Native Americans, and State officials to explore methods to maintain a rigorous environmental review process for future development and other activities.

#### *Potential Resource-Specific Mitigations*

DOE outlined a variety of resource-specific mitigation issues in the Conveyance and Transfer EIS that are not within DOE's control. These mitigations are presented as recommendations for action by the recipients with the assistance of DOE as discussed in previous paragraphs. These recommendations are not discussed further herein.

## **Mitigation Action Plan**

In accordance with 10 CFR 1021.331, DOE is preparing a Mitigation Action Plan that will identify specific actions needed to implement the mitigation measures identified that are within DOE's control and provide schedules for completion. These mitigation measures represent all practicable means to avoid or minimize harm from the alternative selected.

## **Conclusion**

DOE has identified environmental impacts, stakeholder concerns, and national policy concerns with regard to the actions required of it by Public Law 105-119, and, to the extent allowed by that Act, have considered these in its decisions regarding the conveyance and transfer of the subject land tracts. The analysis contained in the Conveyance and Transfer EIS is both programmatic and site specific in detail. It is programmatic from the broad perspective and site specific in the detailed tract activity analysis in as much as these are known. The impacts identified in the Conveyance and Transfer EIS were based on conservative estimates and assumptions. In this regard, the analyses bound the impacts of the alternatives evaluated in the Conveyance and Transfer EIS. The Preferred Alternative was defined to include activities to implement the requirements of the Act inasmuch as they are known at this time. This Conveyance and Transfer EIS and the analyses it contains can be used to support future land owner or administrator decisions.

In accordance with the provisions of NEPA, its implementing procedures and regulations, and DOE's NEPA regulations, DOE has considered the information contained within the Conveyance and Transfer EIS to the extent that this information could be incorporated under the requirements of Public Law 105-119. Being fully apprised of the environmental consequences of

the alternatives and other decision factors described above, DOE has decided to convey and transfer all or parts of the subject tracts as described.

Issued at Washington, DC, March 8, 2000.

A handwritten signature in black ink, reading "Thomas F. Gioconda". The signature is written in a cursive style with a large, looping initial "T".

**THOMAS F. GIOCONDA**  
Brigadier General, USAF  
Acting Deputy Administrator  
for Defense Programs

**APPENDIX C**

**County/Pueblo Land Allocation Agreement**

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Route 5, Box 315-A  
Santa Fe, New Mexico 87501



P.O. Box 30  
Los Alamos, NM 87544

January 7, 2000

Secretary William Richardson  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, D.C. 20585

Dear Secretary Richardson:

The Pueblo of San Ildefonso and the Incorporated County of Los Alamos are pleased to present the attached Land Allocation Agreement executed by the County and the Pueblo in compliance with Section 632(e) of Public Law 105-119. Representatives of the Pueblo and County Councils would be available to discuss with you the Agreement or other milestones necessary to implement the Law.

Both governments are proud of this Agreement as it represents the beginnings of a new working relationship between our neighboring communities. We have been pleased with the assistance that we have received from DOE's Los Alamos Area Office and its contractors, as well as the support from the Albuquerque Operations Office.

We look forward to the timely completion of the actual conveyance or transfer authorized in the Law.

Sincerely,

Perry Martinez, Governor  
Pueblo of San Ildefonso

Sincerely,

Christine Chandler, County Council Chair  
Incorporated County of Los Alamos

cc: Senator Pete Domenici  
Senator Jeff Bingaman  
Congressman Tom Udall  
Bruce Babbitt, Secretary of the Interior  
Rick Glass, Manager, Albuquerque Operations Office of DOE  
David Gurule, Manager, Los Alamos Area Office of DOE

**AGREEMENT BETWEEN THE INCORPORATED COUNTY OF LOS ALAMOS AND  
THE PUEBLO OF SAN ILDEFONSO FOR THE ALLOCATION OF LAND PARCELS  
AVAILABLE FROM THE UNITED STATES DEPARTMENT OF ENERGY UNDER  
PUBLIC LAW 105-119**

**INTRODUCTION**

In 1997, Public Law 105-119 was passed by the United States Congress and was signed by the President on November 26, 1997. In Section 632 the Secretary of the Department of Energy is required to convey or transfer without consideration land parcels considered suitable under the criteria established in the law to the Incorporated County of Los Alamos, or its designee, or the Department of the Interior, in trust for the Pueblo of San Ildefonso. The law requires the County and the Pueblo of San Ildefonso to submit to the Secretary an agreement between the County and the Pueblo allocating the parcels which have been identified for conveyance or transfer by the Secretary in a report to congressional committees. The report entitled "LAND TRANSFER U. S. Department of Energy Report to Congress under Public Law 105-119 A Preliminary Identification of Parcels of Land in Los Alamos, New Mexico for Conveyance or Transfer" (the "Land Report") was submitted by the Secretary to the defense committees of Congress in April, 1999. In the Land Report, the Secretary identified nine land parcels, at or in the vicinity of Los Alamos National Laboratory, which met the suitability criteria established in the Public Law. The parcels are generally described as follows:

1. TA-21 consisting of approximately 240 acres located at the east end of the Los Alamos townsite.
2. DP Road (North, South, and West) site consisting of approximately 50 acres. It is generally undeveloped except for the West section, where LANL archives are currently located.
3. The DOE Los Alamos Area Office (LAAO) site consisting of approximately 15 acres within the Los Alamos townsite.
4. The Airport site consisting of approximately 200 acres located east of the Los Alamos townsite, and close to the East Gate Business Park.
5. The White Rock site consisting of approximately 100 acres on the north side of SR4.
6. Rendija Canyon site consisting of approximately 910 acres.
7. The White Rock Y site consisting of approximately 435 acres.

8. Two miscellaneous sites, Site 22 and The Manhattan Monument site, consisting of approximately one third of an acre. Site 22 is a small, townsite parcel located on the edge of the mesa overlooking Los Alamos Canyon. The Manhattan site is a small, rectangular site surrounded by Los Alamos County land and adjacent to Ashley Pond.
9. The TA-74 site consisting of approximately 2700 acres. It is a large, remote site located east of the Los Alamos townsite.

Earlier this year, the County and Pueblo Councils designated a negotiating committee for each respective Council to bring a recommendation back to the two Councils for an agreement on the allocation of the land parcels. The County Council designated Council Chairwoman Christine Chandler and Councilors Robert Gibson and James Rickman as members of the County committee. The Tribal Council designated Council members Myron Gonzales, Marvin Martinez, Eugene Pino and Leon T. Roybal as members of the Pueblo committee. The two committees met numerous times during 1999 and submitted a joint recommendation on the allocation of the land parcels in their "Report of the Council Committees to the County Council of the Incorporated County of Los Alamos and to the Tribal Council of the Pueblo of San Ildefonso Recommending Allocation of the Land Parcels Available from the United States Department of Energy Under Public Law 105-119."

#### **AGREEMENT**

Pursuant to the requirements of Public Law 105-119, the Council of the Incorporated County of Los Alamos and the Tribal Council of the Pueblo of San Ildefonso agree to the allocation of the land parcels described in the Land Report as follows:

The allocations between the County and the Pueblo are made subject to those land parcels designated for conveyance to the New Mexico Highway Department. The portions of the various land parcels designated for conveyance to the New Mexico Highway Department will not be specifically excepted out below in the allocation descriptions for the County and the Pueblo.

#### **The New Mexico Highway Department**

The State of New Mexico, through its Highway Department, is designated to receive fee title from the DOE to all lands situated in the highway rights-of-way currently under the Grant of Right-of-Way Easement granted by the Atomic Energy Commission on May 28, 1968, except for the portion of the SR 4 easement which lies west of Rover Boulevard and east of Grand Canyon Road in

White Rock and south of a typical 100 foot wide highway easement or an easement width to which the county agrees. This excepted area is allocated to the County as part of the White Rock site and generally includes the strip of property over which lies the bike path and adjacent grassland along SR4. The Highway Department must release its right-of-way easement over this excepted portion of the current Grant of Right-of-Way Easement upon conveyance of the fee title land to the State of New Mexico. Furthermore, this designation is only made and title will only be conveyed to the State of New Mexico subject to a reservation or grant of easements for Department of Energy, County and Pueblo utilities.

### The County of Los Alamos

The County of Los Alamos is allocated the following parcels for conveyance from DOE:

1. All acres of DP Road site;
2. All acres of the DOE Los Alamos Area office site;
3. All acres of the Rendija Canyon site;
4. The Site 22 and the Manhattan Monument site;
5. All of the Airport site;
6. All of TA-21;
7. The western portion of TA-74 from the dividing line described as a line which begins on the southern boundary of the parcel north of any highway right-of-way and proceeds in a northwesterly direction running 200 feet east and north of the eastern or northeastern bank of the streambed originating in Pueblo Canyon, even if such streambed is dry, to a point of intersection 200 feet north of the northeastern boundary of the existing dirt road, and then north to a point 200 feet north of the northern bank of the streambed originating in Bayo Canyon, even if such streambed is dry, and then in a westerly direction running 200 feet north of the northern bank of the streambed originating in Bayo Canyon, even if such streambed is dry, to the western boundary of the parcel. Excluded from this western portion of the parcel is the land within the fence existing on December 31, 1999 enclosing a site commonly known as "Little Otowi" ruins. A map is attached to this Agreement as Exhibit 1 showing the general dividing line between the eastern and western portions of the parcel and the fence surrounding "Little Otowi" ruins.

8. All of the White Rock site except two portions generally described as: 1) a 100 foot wide strip running parallel to the northern boundary of the site which is adjacent to San Ildefonso Pueblo property, except that the 100 foot wide strip is reduced in width to footage not overlapping a 100 foot suggested utility easement under the 115 Kv electric power line owned by DOE and 20 feet around and out from the existing fence surrounding the electrical substation; and, 2) a parcel, immediately adjacent to the current San Ildefonso Pueblo property which fronts SR4, having a western boundary line which runs perpendicular to the highway right-of-way on SR4 and 25 feet east of the existing White Rock Pumping Station building and proceeding north to the current boundary of the site. A map giving the general location of the boundary lines for the two portions of this parcel is attached to this Agreement as Exhibit 2.
  
9. All of the White Rock Y site, except that portion of the site which is north of the highway right-of-way for SR 4 and SR 502 and has a western boundary line which runs parallel to 200 feet east of the eastern bank of the streambed originating in Pueblo Canyon, even if such streambed is dry. A map is attached to this Agreement as Exhibit 3 showing the general boundary line for this portion of the parcel.

#### Pueblo of San Ildefonso

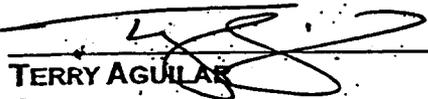
The Pueblo of San Ildefonso is allocated the following parcels for transfer from DOE:

1. The eastern portion of TA-74 from the dividing line described as a line which begins on the southern boundary of the parcel north of any highway right-of-way and proceeds in a northwesterly direction running 200 feet east and north of the eastern or northeastern bank of the streambed originating in Pueblo Canyon, even if such streambed is dry, to a point of intersection 200 feet northeast of the northeastern boundary of the existing dirt road, and then north to a point 200 feet north of the northern bank of the streambed originating in Bayo Canyon, even if such streambed is dry, and then in a westerly direction running 200 feet north of the northern bank of the streambed originating in Bayo Canyon, even if such streambed is dry, to the western boundary of the parcel and the fenced area known as "Little Otowi" ruins.
  
2. The portion of the White Rock site excluded from the County allocation and generally described as two parcels: 1) a 100 foot wide strip running parallel to the northern boundary of the site which is adjacent to San Ildefonso Pueblo property, except that the 100 foot wide strip is reduced in width to footage not overlapping a 100 foot suggested utility easement under the 115 Kv electric

power line owned by DOE and 20 feet around and out from the existing fence surrounding the electrical substation ; and, 2) a parcel, immediately adjacent to the current San Ildefonso Pueblo property fronting SR4, having a western boundary line which runs perpendicular to the highway right-of-way on SR4 and 25 feet east of the existing White Rock Pumping Station building and proceeding north to the current boundary of the site.

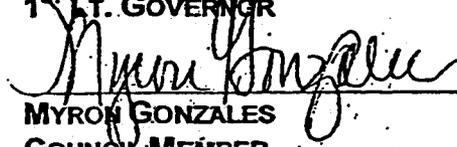
3. The portion of the White Rock Y site excluded from County allocation and generally described as that portion of the site which is north of the highway right-of-way for SR 4 and SR 502 and has a western boundary line which runs parallel to 200 feet east and north of the eastern bank of the streambed originating in Pueblo Canyon, even if such streambed is dry.

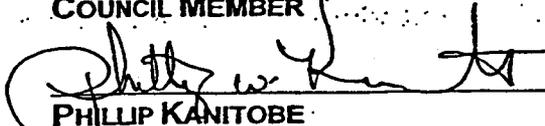
PUEBLO OF SAN ILDEFONSO

  
TERRY AGUILAR  
GOVERNOR

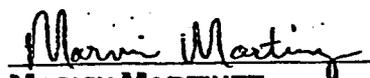
  
PERRY MARTINEZ  
1<sup>ST</sup> LT. GOVERNOR

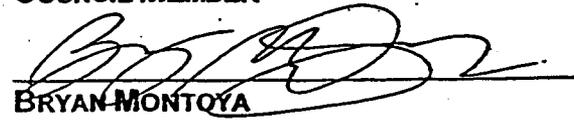
  
MICHAEL AGUILAR  
COUNCIL MEMBER

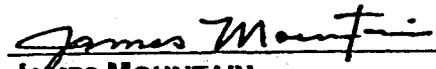
  
MYRON GONZALES  
COUNCIL MEMBER

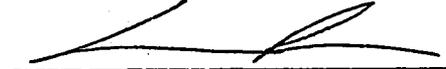
  
PHILLIP KANITOBÉ  
COUNCIL MEMBER

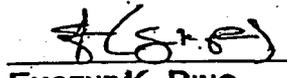
  
JUAN RAY MARTINEZ  
COUNCIL MEMBER

  
MARVIN MARTINEZ  
COUNCIL MEMBER

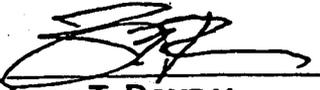
  
BRYAN MONTOYA  
COUNCIL MEMBER

  
JAMES MOUNTAIN  
COUNCIL MEMBER

  
LAURENCE PENA  
COUNCIL MEMBER

  
EUGENE K. PINO  
COUNCIL MEMBER

  
PAUL RAINBIRD  
COUNCIL MEMBER

  
LEON T. ROYBAL  
COUNCIL MEMBER

INCORPORATED COUNTY OF LOS ALAMOS

*Christine Chandler*

CHRISTINE CHANDLER  
COUNCIL CHAIRWOMAN

*Lawry Mann*

LAWRY MANN  
COUNCIL VICE-CHAIR

*Robert Gibson*

ROBERT GIBSON  
COUNCIL MEMBER

*Lewis Muir*

LEWIS MUIR  
COUNCIL MEMBER

*James Rickman*

JAMES RICKMAN  
COUNCIL MEMBER

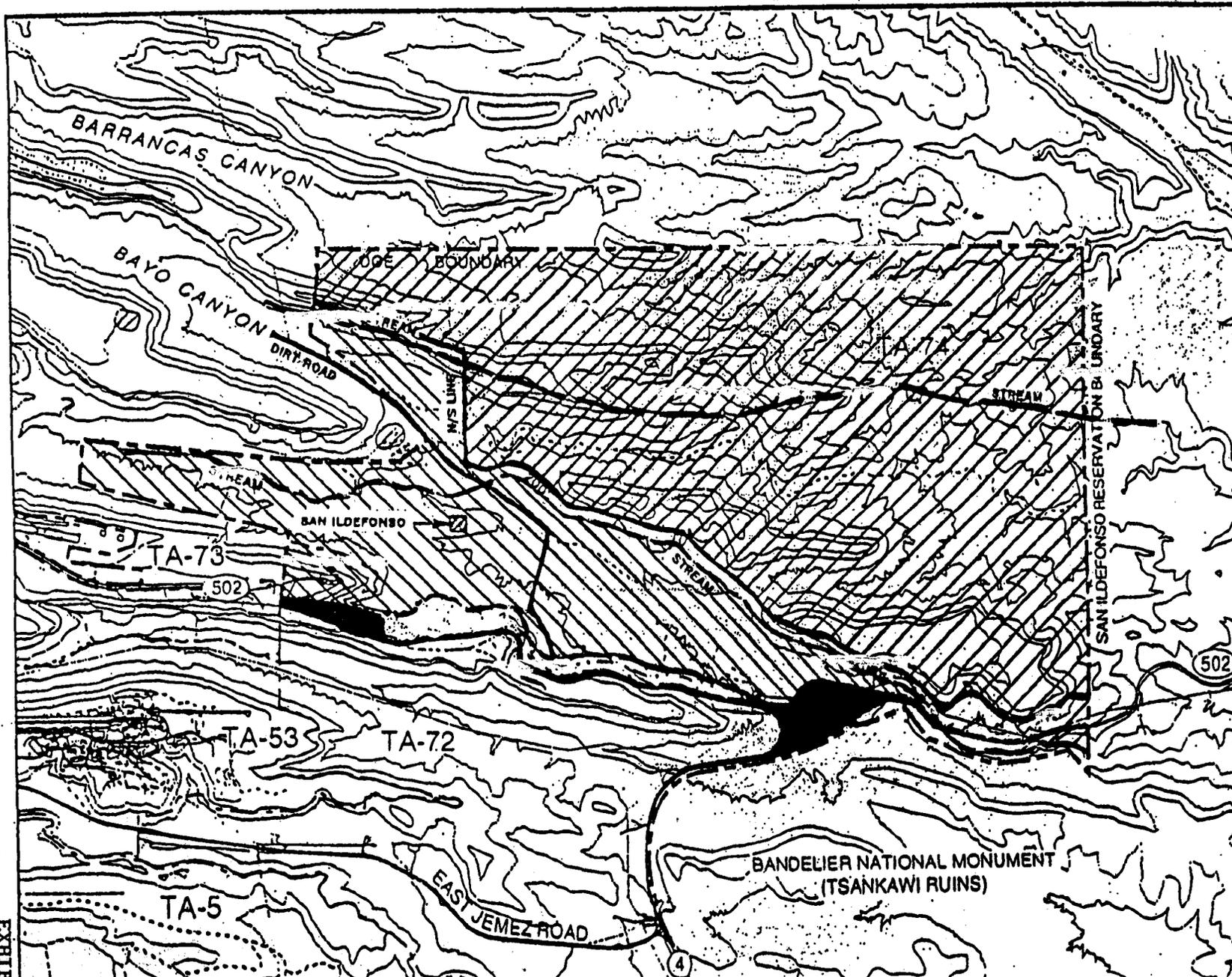
*Patricia (Patt) Rogers*

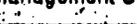
PATRICIA (PATT) ROGERS  
COUNCIL MEMBER

*Sharon Stover*

SHARON STOVER  
COUNCIL MEMBER

# Technical Area - 74 Site



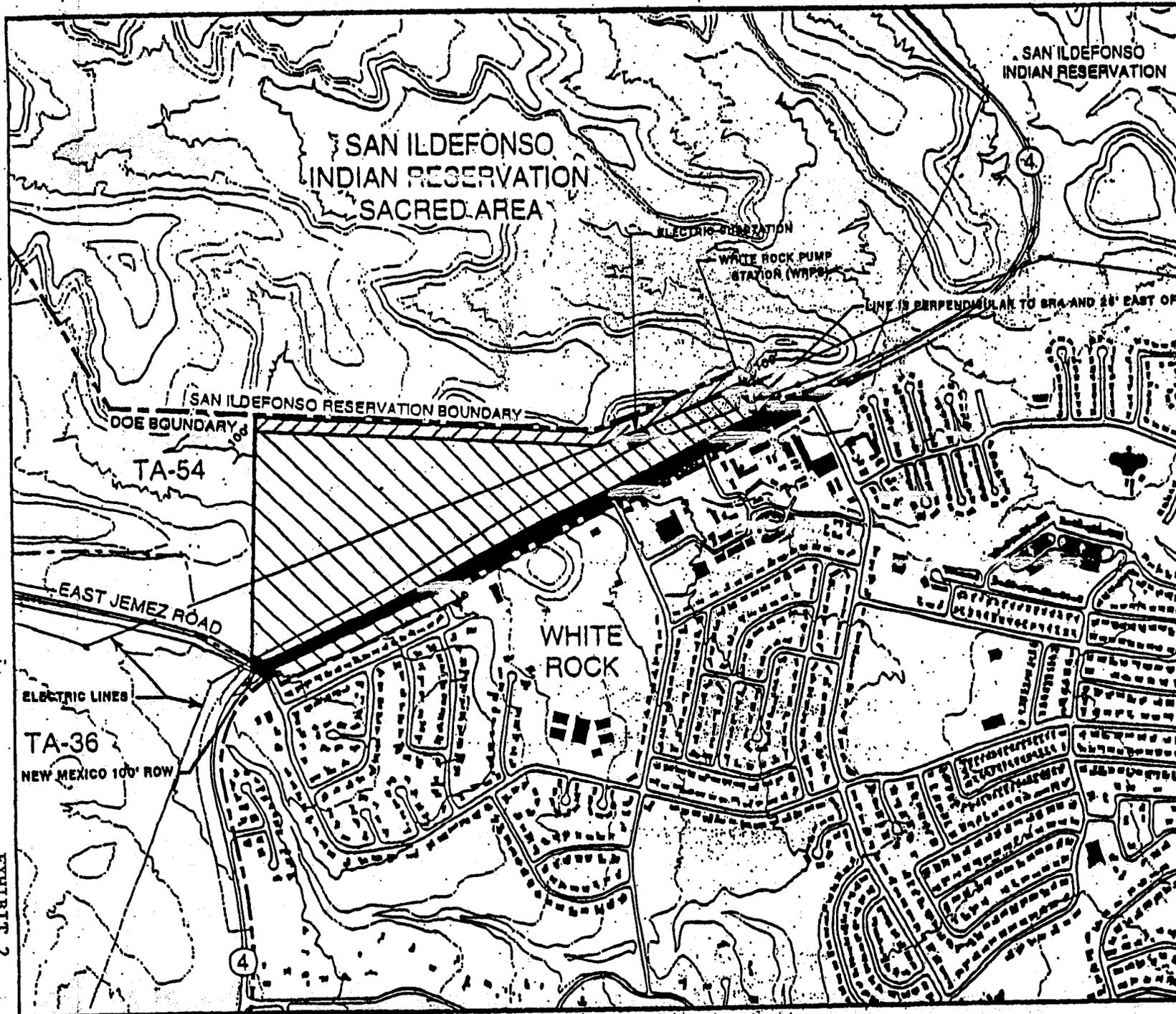
-  Building
-  Solid Waste Management Unit
-  Paved Road
-  Dirt/gravel road
-  Gas Line
-  Power Line
-  Water Line
-  Radioactive Liquid Waste Line
-  DOE/LANL Boundary
-  TA Boundary
-  100-R Contour
-  40' to 100' Right of Way

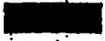
NEW MEXICO HIGHWAY DEPART



EXHIB

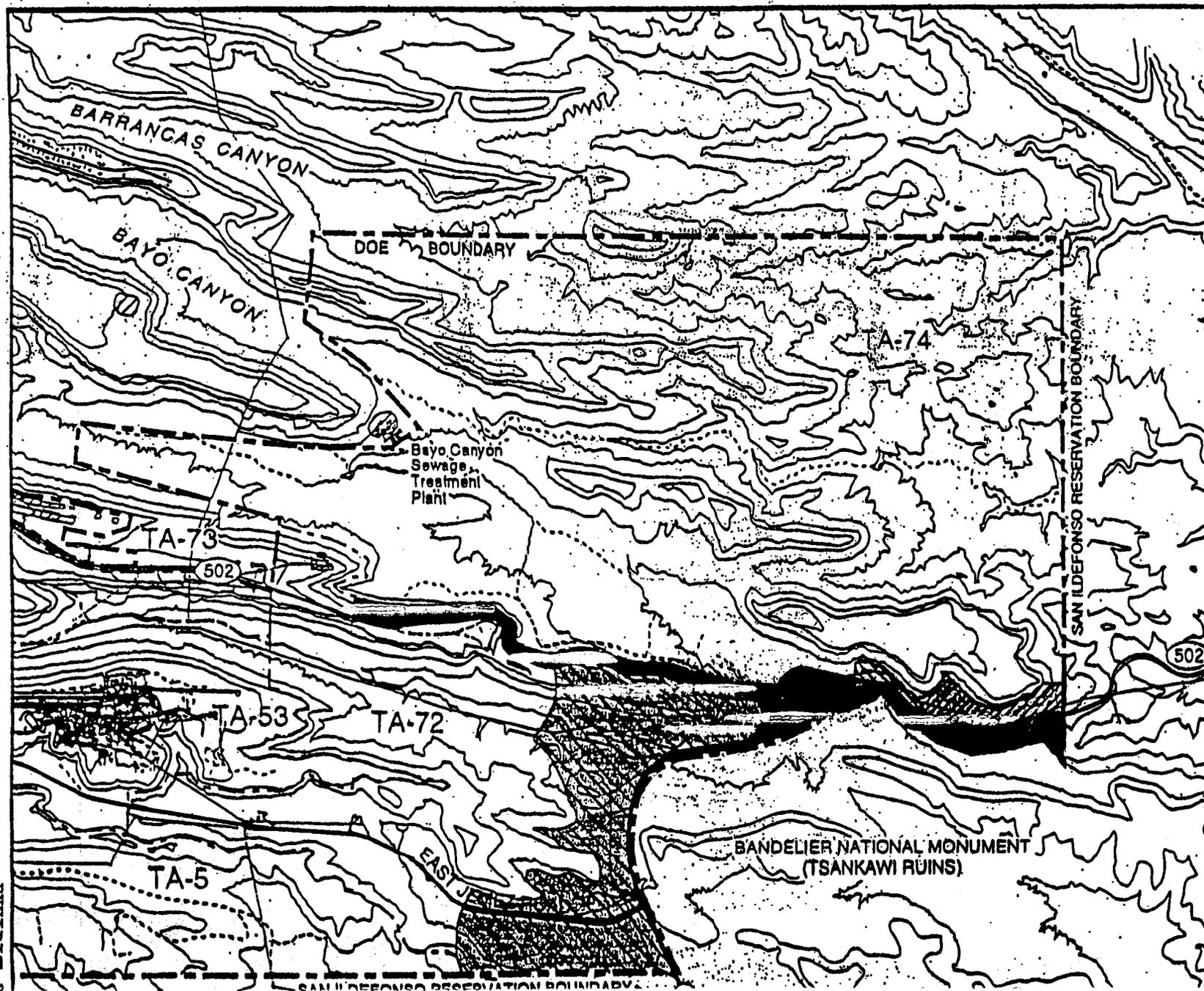
# White Rock Site

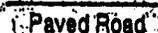
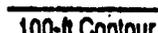


-  Building
-  Solid Waste Management Unit
-  Paved Road
-  Dirt/gravel road
-  Gas Line
-  Power Line
-  Water Line
-  Radioactive Liquid Waste Line
-  DOE/LANL Boundary
-  TA Boundary
-  100-ft Contour
-  40' to 100' Right of Way

- NEW MEXICO HIGHWAY DEPARTMENT
-  SAN ILDEFONSO
  -  LOS ALAMOS COUNTY

# White Rock Y Site



-  Building
-  Solid Waste Management Unit
-  Paved Road
-  Dirt/gravel road
-  Gas Line
-  Power Line
-  Water Line
-  Radioactive Liquid Waste Line
-  DOE/LANL Boundary
-  TA Boundary
-  100-ft Contour
-  40' to 100' Right of Way

NEW MEXICO HIGHWAY DEPART

 SAN ILDEFONSO

 FOR ALAMOR COUNTY