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SEP 13 1994

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WIPP file

Mr. Benito Garcia
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Dear Mr. Garcia:

Enclosed is a copy of the final WIPP Land Management Implementation Plan. Your participation in the development of this document is appreciated. Please keep in mind that this plan is considered to be a dynamic document that is intended to be implemented under changing conditions and requirements. Therefore, we remain open to comments and, if changes occur, you will be notified and updated accordingly.

If you have questions or concerns, please call Beth Bennington of my staff at (505) 234-8132 or Douglas Lynn of Westinghouse at (505) 234-8739.

Sincerely,

E. K. Hunter
E. K. Hunter, Chief
WIPP Site Branch

Enclosure

cc w/o enclosure:
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C&C File

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WASTE ISOLATION PILOT PLANT

LAND MANAGEMENT IMPLEMENTATION PLAN

DOE/WIPP 94-026

August 1994

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ACRONYMS AND ABBREVIATIONS

APD	Application for Permit to Drill
API	American Petroleum Institute
ASER	Annual Site Environmental Report
AUM	Animal Unit Month
BECR	Biennial Environmental Compliance Report
BFB	Backshift Fire Brigade
BLM	Bureau of Land Management
CAO	Carlsbad Area Office (of the DOE)
CFR	<i>Code of Federal Regulations</i>
CMRO	Central Monitoring Room Operator
DOE	Department of Energy
DOE-AL	Department of Energy Albuquerque Operations Office
DOI	(United States) Department of Interior
EA	Environmental Assessment
EEG	Environmental Evaluation Group
ECL	Environmental Checklist
EIS	Environmental Impact Statement
EMNRD	(New Mexico) Energy, Minerals, and Natural Resources Department
EOC	Emergency Operation Center
EPA	(United States) Environmental Protection Agency
ERO	Emergency Response Organization
ERT	Emergency Response Team
ESH&RC	Environment, Safety, Health and Regulatory Compliance Department of WID
EST	Emergency Services Technical
FEIS	Final Environmental Impact Statement for WIPP (1980)
FLPMA	Federal Land Policy and Management Act
FOSS	Facility Operations Shift Supervisor
FRCD	Forestry and Resource Conservation Division of EMNRD
HAZMAT	Hazardous Materials
LMC	Land Management Council
LMIP	Land Management Implementation Plan
LMP	Land Management Plan
LUC	Land Use Coordinator
LUR	Land Use Request

M&O	Management and Operating Contractor for WIPP
MOU	Memorandum of Understanding
MSDS	Material Safety Data Sheet
NEPA	National Environmental Policy Act
NES	Nonradiological Environmental Sampling
NMDG&F	New Mexico Department of Game and Fish
NMED	New Mexico Environment Department
OCD	Oil Conservation Division of EMNRD
ORV	Off-Road Vehicle
P.L.	Public Law
PPE	Personal Protective Equipment
RCRA	Resource Conservation and Recovery Act
SEIS	Final Supplement to the FEIS (1990)
SHPO	State Historic Preservation Officer
SLO	(New Mexico) State Land Office
SNL	Sandia National Laboratories
SPDV	Site and Preliminary Design Validation
SRS	Supervisory Realty Specialist
STR	Subcontract Technical Representative
T&E	Threatened and Endangered
TRU	Transuranic
U.S.C	<i>United States Code</i>
USF&WS	United States Fish and Wildlife Service
WID	Waste Isolation Division of Westinghouse Electric Corporation
WIPP	Waste Isolation Pilot Plant
WLWA	WIPP Land Withdrawal Area
WP	WIPP Procedure

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FOREWORD

Through continual information sharing and timely updates of the Land Management Implementation Plan (LMIP), the WIPP seeks to encourage improved land management practices based upon sound professional standards. Meeting this goal hinges on the reliability and successful application of techniques used to assess management goals and establish guidelines for the implementation of land management practices that reflect those goals.

This document culminates the efforts of colleague consultations and reviews pertaining to the demand for accuracy, and functions as a useful reference of reliable methods to generate and/or evaluate information required to achieve responsible resource management. Guidance actions and techniques prescribed by the LMIP are useful for proposed activities, external as well as WIPP-related, that could impact lands used in the operation of the WIPP.

A potential land user who wishes to request access to WIPP lands should examine the Table of Contents closely to determine the compatibility of their proposed project or activity with WIPP compliance requirements. For example, any potential user should read Chapter 2, "Environmental Compliance," to familiarize themselves with the required permitting procedures and coinciding documentation.

It is the goal of the DOE to develop a "user-friendly" document that allows for a professional, accurate interpretation of management goals and objectives required to maintain site integrity and environmental quality and sustain multiple-land use.

EXECUTIVE SUMMARY

In accordance with the adoption of the Waste Isolation Pilot Plant Land Management Plan (DOE/WIPP 93-004) (LMP), the DOE identified the need for a concurrent LMIP. The development of this plan is in consultation with the U.S. Department of Interior's (DOI) Bureau of Land Management (BLM) and the State of New Mexico. Future amendments to this plan shall be done in consultation with affected stakeholders as specified in Appendix I of this document.

The WIPP LMIP is prepared through integration of the WIPP Land Withdrawal Act of 1992 (P.L. 102-579), the WIPP LMP, and BLM planning regulations (43 CFR 1600) issued under the authority of the Federal Land Policy and Management Act of 1976 (FLPMA) and the National Environmental Policy Act of 1969 (NEPA). The LMIP is designed to provide a comprehensive framework for the management and coordination of WIPP land uses during the life of the project. The LMIP, and any subsequent amendments thereto, will continue through the decommissioning phase.

The guidelines prescribed in the LMIP provide for the management and oversight of WIPP lands under the jurisdiction of the DOE in addition to lands outside the WIPP boundary that are used in the operation of the WIPP (e.g., groundwater surveillance well pads outside the withdrawn area). Furthermore, this plan provides for multiagency involvement in the administration of DOE land management actions. Documents referenced in the LMIP are available upon request to any person and/or organization desiring to conduct activities on lands under the jurisdiction of the WIPP in addition to those involved in development and/or amending

existing land management actions. Requests for documents should be filed by way of the WIPP Land Use Coordinator (LUC).

The LMIP envisions and encourages direct communication among stakeholders, including federal and state agencies involved in managing the resources within, or activities impacting the areas adjacent to, the WIPP Land Withdrawal Area (WLWA). It sets forth cooperative arrangements and protocols for addressing WIPP-related land management actions. The DOE recognizes the guidelines for contemporary land management practices pursuant to the WIPP Land Withdrawal Act and all applicable regulatory requirements contained therein. Commitments contained in current permits, agreements, or concurrent memoranda of understanding (MOU) with other agencies (e.g., State of New Mexico, DOI), shall be adhered to when addressing/evaluating land use management activities and future amendments that affect the management of WIPP lands.

The contents of the LMIP focus on the management protocol pursuant to the following issues: execution of the plan; environmental compliance; emergency management; industrial safety; maintenance and work control; minerals/oil and gas; reclamation; cultural resources; access/rights-of-way; recreation; security; wildlife; and grazing. Each issue and its coinciding planning/management criteria are described in the respective chapters.

CHAPTER 1

**EXECUTION OF THE
LAND MANAGEMENT IMPLEMENTATION PLAN**

CHAPTER 1

EXECUTION OF THE LAND MANAGEMENT IMPLEMENTATION PLAN

1.0 INTRODUCTION

WIPP land management authorizations and actions, including budget proposals, shall conform with, or at a minimum not conflict with, this LMIP. Valid existing rights, operations, and activities under existing permits, contracts, cooperative agreements, MOUs, or other instruments for land use shall be evaluated to assure that the Land Use Request (LUR) process does not conflict with preexisting permits and/or agreements. Requirements for implementation are contained in the WIPP LMP.

Actions in the LMIP shall be implemented over a period extending throughout the predisposal, disposal, and decommissioning phases of the WIPP Project. In some cases, more detailed and site-specific planning and environmental analyses may be required before an action can be taken.

The LMIP shall be reviewed annually and updated as needed, in consultation with the BLM and the State of New Mexico, to reflect new management direction, program policy, and monitoring results, or to respond to changing management needs within the scope of approved

DOE decisions, the LMP, and congressional mandates as contained in the WIPP Land Withdrawal Act.

As implementation of this plan proceeds, proposed actions not detailed in this plan will be weighed against the intent of this plan to determine conformance with the plan's objectives. The Land Management Council (LMC), convened in accordance with guidelines established by its charter (Appendix A), shall review all proposals through the LUR process, as defined in Chapter 2 of this plan, to determine whether land use actions proposed in the LUR are addressed specifically in this plan or, if not mentioned, if they are clearly consistent with the terms, conditions, and decisions of the approved plan.

1.1 OBJECTIVES

The objective of the LMIP is to provide the DOE with land management guidelines in addition to establishing criteria for review and implementation of land management decisions. These appraisals allow the DOE to evaluate the effectiveness of multiple-use decisions, and will provide guidance for the evaluation of productivity, condition, quality, or other issues related to land management actions. Monitoring plans for each respective land resource are discussed in subsequent chapters of this document.

1.2 PLANNED ACTIONS

1.2.1 Maintaining the Land Management Implementation Plan

The LMIP shall be reviewed annually in consultation with the BLM and the State of New Mexico and shall be maintained efficiently through timely updates which document additions (e.g., amendments to existing regulations), deletions, and other changes which have undergone appropriate WIPP document review procedures.

1.2.2 Updating, Amending, or Revising the Land Management Implementation Plan

The LMIP may be updated, amended, or revised by the LMC, in consultation with internal and external entities with vested interests or regulatory oversight (affected stakeholders, Appendix I), as appropriate, when considering a proposal or an action that is not addressed by the LMIP. The categories of the plan amendments are discussed below.

1.2.2.1 Updates

This category is used to define activities designated as "low impact" by the LMC. The purpose of this category is to designate proposal(s) that the LMC, in consultation with cognizant regulatory personnel, has identified as not being addressed specifically in the LMIP, and as not having significant environmental impact (see Figure 2.1). A LUR shall be submitted to the LMC for status determination. Cognizant regulatory personnel will assess the project for

determination (e.g., DOE/NEPA categorical exclusion). Updates, as defined in 1.2.2.1, do not necessarily require a plan alteration.

1.2.2.2 Amendments

This category is used when preliminary analysis by the LMC indicates that proposal(s) not specifically addressed in the LMIP have, or are likely to have, significant impacts. In this case the LMC, in consultation with cognizant regulatory personnel and affected stakeholders, and in accordance with all existing agreements (e.g., MOUs), will evaluate regulatory impacts and possible permit requirements and request a NEPA determination from the DOE.

1.2.2.3 Revisions

This category is used when a proposal(s) not specifically addressed in the LMIP will have a significant impact. A revision of the LMIP may involve the preparation of a new LMIP when updates or amendments can no longer keep the existing plan current with changing management needs, resource conditions, policies, or regulatory laws. Plan revisions will be considered only after a comprehensive review by the LMC and cognizant regulatory personnel, in consultation with the BLM and the State of New Mexico. Revisions will be reviewed by all affected stakeholders and may include formal public involvement. A revision likely would result in a significant mission or regulatory change and would be conducted in accordance with all pertinent DOE planning policies.

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CHAPTER 2

ENVIRONMENTAL COMPLIANCE

CHAPTER 2

ENVIRONMENTAL COMPLIANCE

2.0 INTRODUCTION

Parties who desire to conduct activities that have the potential to impact resources or land use on the WLWA, or on lands outside the WLWA boundary under the jurisdiction of the WIPP, must submit a LUR (Appendix B) to the WIPP LUC. A LUR consists of a narrative description of the project, a completed environmental checklist (ECL) (Attachment 1 to Appendix B), and a map depicting the location of the proposed project. A LUR must be submitted by any entity wishing to conduct a project or activity which may impact surface lands or resources within the WLWA or on lands used in the operation of the WIPP, under the jurisdiction of the DOE. The LUR is used to determine if applicable regulatory requirements have been met prior to approval of a proposed project (see Figure 2.1). The LUR process also pertains to subsurface activities that are outside the defined WIPP mission statement or previously approved WIPP programmatic NEPA documentation (e.g., neutrino experiments).

2.1 OBJECTIVES

The objective of this chapter is to describe the method that the DOE, working in coordination with the WIPP LUC, will use to review and implement regulatory guidelines that

govern all land use activities at the WIPP site. The DOE is required by various DOE Orders, consultation and cooperation agreements, MOUs, and regulatory requirements to evaluate all applicable local, state, and federal regulations prior to approval of any project that could impact human health or the environment.

2.2 PLANNED ACTIONS

The review and implementation of applicable regulatory requirements is initiated by a NEPA review. NEPA requirements are contained in the WIPP NEPA Compliance Program (WP 02-EC), and the associated NEPA procedures (e.g., WP 02-801, "NEPA Compliance," and WP 02-802, "NEPA Evaluation, Tracking, and Monitoring"). As described below, the ECL is used to initiate regulatory reviews. Through the submittal of a LUR and the attached ECL, the WID NEPA Compliance Coordinator evaluates potential environmental impacts, mitigating actions for the impacts, and potential permit requirements. ECLs are evaluated to determine if air, water, hazardous waste, or land use permits are required to complete a LUR. Potential impacts to wildlife and cultural resources are also evaluated by the ECL.

A detailed discussion of all regulatory requirements applicable to the WIPP Project is contained in the "WIPP Biennial Environmental Compliance Report" (BECR), DOE/WIPP 94-021, and the "WIPP Annual Site Environment Report" (ASER), DOE/WIPP 93-107. Both documents, available from the LUC on request, provide a regulatory compliance status for federal, state, and local environmental regulations applicable to the site. Prospective land use requestors will find that the BECR and the ASER are effective reference documents for better understanding regulatory requirements at the site. Both documents will

assist the requestor in identifying potentially applicable regulations that could affect the development of project schedules prior to submittal of both the LUR and the ECL. LUR submittals shall be reviewed in accordance with the flow diagram illustrated in Figure 2.1 of this chapter.

2.2.1 National Environmental Policy Act and Land Use on Properties Used in the Operation of the Waste Isolation Pilot Plant

2.2.1.1 Waste Isolation Pilot Plant Project Requests for Projects Within the WLWA

LURs associated with WIPP-specific activities, to include WIPP contractors and subcontractors, shall be submitted as follows:

1. The requestor will submit to the LUC a written request identifying the proposed project.
2. The LUC will provide the requestor with a DOE ECL (Attachment 1 to Appendix B) and a guide for the proper completion of a LUR (Appendix B). The submittal of a properly completed LUR (containing the completed ECL) is mandatory for obtaining authorization for use of lands contained within the WLWA, or lands outside the WLWA boundary used in the operation of the WIPP, managed under the jurisdiction of the DOE (e.g., groundwater surveillance pads, railroad rights-of-way).

3. The requestor will complete and submit the LUR to the LUC.

2.2.1.2 Land Use Request Review Process

1. The LUC will assign a unique number to the LUR with the corresponding DOE-AL ECL (with the WIPP checklist attachment) and enter the LUR into a tracking system.
2. The LUC will review the LUR to ensure completeness and transmit it, along with any supporting documentation, to the Waste Isolation Division (WID) NEPA Compliance Coordinator for review and determination. The NEPA Compliance Coordinator will enter the LUR number into the computerized NEPA tracking database.
3. The NEPA Compliance Coordinator will review the submitted ECL for impacts to human health and the environment per WP 02-802, "NEPA Evaluation, Tracking, and Monitoring." This procedure provides the sequence for evaluation of a proposed project.
4. In consultation with appropriate cognizant regulatory personnel, the WID NEPA Compliance Coordinator will complete a technical review, as required, to address any concerns not completely addressed on the LUR/ECL. Items that need to be resolved prior to project initiation will be added to the review in order to comply with regulatory considerations such as waste minimization, water and air permit

requirements, waste management, reclamation requirements, and rights-of-way, in addition to other concerns pertaining to the protection of human health and the environment.

5. The WID NEPA Compliance Coordinator will decide whether the proposed action represents a possible significant impact based upon 10 CFR 1021, "National Environmental Policy Act Implementing Procedures," and supplemental DOE guidance (e.g. DOE-AL Supplemental Directive 5440.1D).
6. If the proposed action represents possible significant impacts to human health and the environment, the ECL will be submitted to the DOE-AL for a NEPA determination. A copy will be sent to the LUC, who will arrange a meeting with the requestor. The requestor(s) will be advised of regulatory concerns.
7. If the ECL has addressed regulatory issues adequately, as appropriate to the specific project, the ECL will be returned to the LUC with a recommendation to approve the use of the land as represented in the ECL.
8. If the ECL has not addressed regulatory issues adequately, the ECL and the NEPA Compliance Coordinator review will be returned to the LUC with a recommendation to reject the request for use of the land until such time as the review items are addressed to the satisfaction of the LUC, the WID NEPA Compliance Coordinator, and the DOE.

9. The LUC will log out the ECL, signifying the return of the ECL to the requestor.
10. The LUC will return the ECL and the NEPA technical review to the requestor for resolution of identified issues.
11. When the requestor has addressed all concerns contained in the review satisfactorily, the ECL, along with review resolution documentation, will be returned to the LUC.
12. The LUC will log in the returned request and route the package to the NEPA Compliance Coordinator.
13. The NEPA Compliance Coordinator will reevaluate the ECL for completeness and adequacy.
14. The NEPA Compliance Coordinator will return the ECL to the LUC with a recommendation to either approve or reject the request.

2.2.1.3 Project Requests Through the Bureau of Land Management or State Land Office

Requests for projects that involve land uses on BLM, state, and DOE lands will require a "lead agency" determination. Lead agency status regarding projects involving multiple agencies will be determined by existing MOUs (Appendix C) or 40 CFR 1501.5. To this extent the following criteria are used to determine "lead agency" designation:

- Magnitude of respective agency's involvement
- Project approval/disapproval authority
- Expertise concerning the action's environmental effects
- Duration of agency's involvement
- Sequence of agency's involvement
- Concurrence by affected agencies

In the event the DOE receives lead agency designation, guidelines contained in Subsection 2.2.1.1 of this document apply. If either the BLM or the state is determined to be the lead agency, the LUR review process will be as follows:

1. A request will be submitted in writing to the LUC for use of the land within the WLWA, or on lands outside the WLWA under the jurisdiction of the WIPP, by a non-WIPP organization.
2. The requestor will contact the BLM or the State Land Office regarding their proposed action.
3. The BLM or state Supervisory Realty Specialist (SRS) will provide the requestor with an ECL.
4. The requestor will provide information to the lead agency to allow an environmental assessment (EA) to be prepared for the proposed project. Ancillary project actions (e.g. scope, format, payment of associated costs, etc.) shall be negotiated, prior to

- project approval, between the requestor, the LMC, and affected stakeholders (as appropriate). These details must be resolved to the mutual satisfaction of all parties.
5. Upon completion of the draft EA, the BLM or state SRS will transmit the document, along with any supporting documentation, to the LUC for review and comment.
 6. The LUC will assign a unique number to the LUR and enter the request for land use into the tracking system.
 7. The LUC will review the ECL and consult the cognizant NEPA Compliance Coordinator for environmental regulatory considerations.
 8. The NEPA Compliance Coordinator will convey any regulatory consideration regarding the proposed action to the LUC by way of a technical review.
 9. The LUC will append the technical review with any other land use considerations deemed proper and appropriate.
 10. The LUC will transmit to the BLM or state SRS, a recommendation to accept or reject the proposed action based upon the content of the review.
 11. If the regulatory considerations detailed in the technical review are significant, the BLM or state SRS will arrange a meeting with the affected requestor. The requestor(s) will be advised of the regulatory concerns of the proposed action.

12. If all regulatory considerations are addressed to the satisfaction of the DOE, the LUC will recommend the project for acceptance via a letter to the Environmental Programs Manager of the DOE Carlsbad Area Office (CAO).

13. The DOE Environmental Programs Manager, or the appointed designee, will transmit a letter to the BLM or state SRS, approving the proposed project, and will send a courtesy copy to the WIPP LUC.

LAND USE REQUEST REVIEW AND NOTIFICATION PROCESS

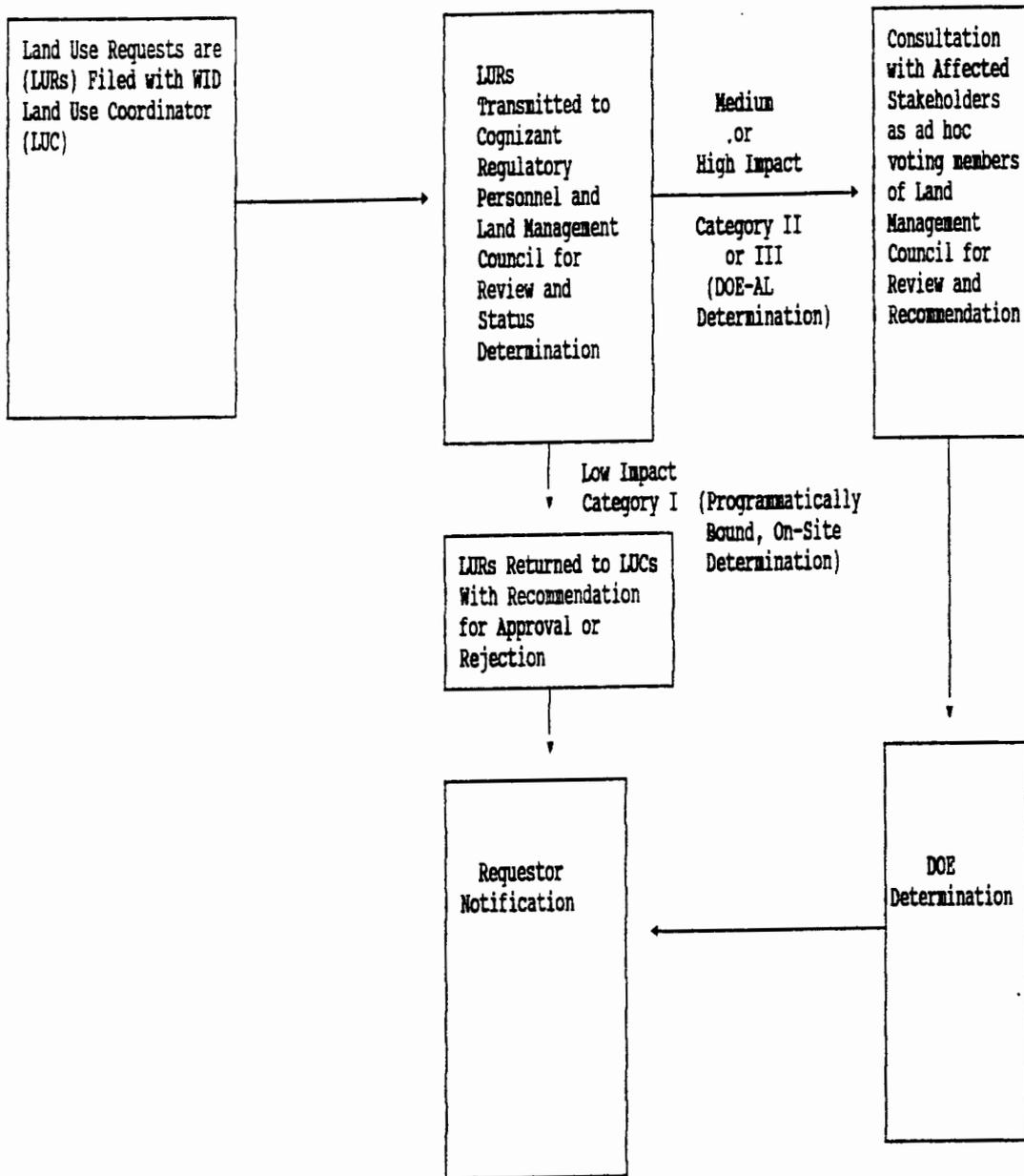


FIGURE 2.1

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CHAPTER 3

EMERGENCY MANAGEMENT

CHAPTER 3

EMERGENCY MANAGEMENT

3.0 INTRODUCTION

Preparations have been made to minimize the impacts of an emergency at the WIPP. Such preparations include developing emergency plans and providing training for emergency responders. Discussions relating to Emergency Management at the WIPP are included in the LMP, Sections 2.7 and 3.8.

WP 12-9, "WIPP Emergency Plan and Procedures," was developed to provide a framework of the responsibilities, capabilities, and authorities for the members of the emergency response organization (ERO). The ERO members, for the purpose of this document, consist of the following personnel/teams:

- Emergency Services Technicians (ESTs)
- Emergency Response Team (ERT)
- Backshift Fire Brigade (BFB)
- Central Monitoring Room Operator (CMRO)
- Facility Operations Shift Supervisor (FOSS)
- RCRA Emergency Coordinators

3.0.1 Responsibilities

3.0.1.1 Emergency Services Technicians/Incident Commander

The on-site EST(s) is responsible for the overall incident command of an emergency until the emergency is mitigated. The EST is in charge of life and/or property threats that lie within the WLWA boundary (i.e., medical, rescue, fire, radiological, and hazardous materials). The EST may also be activated outside the WLWA boundary by the FOSS. Agreements, as listed in WP 12-9, WIPP Emergency Plan, pertaining to response outside the WLWA boundary, shall be accommodated at the discretion of the FOSS, in accordance with existing facility operations standing instructions, unless an on-site emergency takes priority over actions prescribed in the MOU.

3.0.1.2 Emergency Response Team

The ERT is trained to incident-specific response, including, but not limited to, medical/rescue, fire fighting, release of radioactive and/or hazardous materials/waste, and contaminated/injured personnel. The response to any one event by the team shall be in accordance with the applicable federal, state, or local standards and/or guidelines established for that response. The ERT responds to emergencies at the WIPP in accordance with prescribed procedures and training (e.g., Certification Card EST-01).

3.0.1.3 Backshift Fire Brigade

The BFB is comprised of security personnel. They provide fire, rescue, and medical response support to the EST from 4:00 p.m. until 7:30 a.m., Monday through Friday, and 24 hours a day on Saturday, Sunday, and holidays.

The BFB is trained to respond to fires (on site and off) in accordance with existing MOUs and/or mutual assistance agreements. Personnel of the BFB are trained in accordance with New Mexico Firefighter Level 1 training standards.

3.0.1.4 Central Monitoring Room Operator

The on-shift operator is responsible for Central Monitoring Room (CMR) operations. The CMRO, who reports directly to the FOSS, has the authority and responsibility to activate response personnel and organizations when notified of incidents that require immediate response (e.g., personnel injury, spills, fires, etc.) as directed by existing (in-place) emergency procedures (e.g., WP 12-ER manual).

3.0.1.5 Facility Operations Shift Supervisor

This position is staffed 24 hours a day. The FOSS is designated as the supervisor responsible for the overall day-to-day operation of the WIPP, including compliance with applicable Operational Safety Requirements as defined in the "Final Safety Analysis Report" (WP 02-9). The FOSS is the senior shift representative for WID management. The FOSS is

in charge of directing plant activities at the WIPP during emergencies until relieved by the Crisis Manager.

3.0.1.6 Resource Conservation and Recovery Act Emergency Coordinator/Crisis Manager

The RCRA Emergency Coordinator at the WIPP is the FOSS and the Crisis Manager during an activation of the Emergency Operations Center (EOC). There shall be a RCRA Emergency Coordinator on site at the WIPP facility 24 hours a day, seven days a week, with responsibility for coordinating all emergency response measures. The RCRA Emergency Coordinators are thoroughly familiar with the WIPP Contingency Plan (WP 02-12), TRU mixed waste and hazardous waste operations and activities at the WIPP facility, locations of TRU mixed waste and hazardous waste activities, locations on the site where hazardous materials are stored and used, and locations of waste staging and accumulation areas as identified in the Spill Prevention, Control, and Countermeasures Plan as found in RCRA Part B Permit Application. Persons qualified to act as the RCRA Emergency Coordinator have the authority to commit the necessary resources to implement the WIPP Contingency Plan.

3.0.1.7 Emergency Operations Center

The EOC is activated by the FOSS when emergency conditions arise that cannot be mitigated without additional resources to the FOSS. The EOC is minimally comprised of a Crisis Manager, an Operations representative, a Safety representative, and the EOC manager.

3.1 OBJECTIVES

The DOE's objective of facility emergency preparedness is to protect and provide a safe environment for WIPP employees, contractor personnel, visitors, and the members of the general public during such emergency situations as serious accidents, external disruptions, and natural disasters. These include wildland fires, hazardous material accidents, tornadoes, floods, lightning strikes, and earthquakes.

3.2 PLANNED ACTIONS

3.2.1 Fire

The DOE shall provide a fire management program that will ensure a timely, well-coordinated, and effective response to suppress any wildfires within the WLWA. Once the CMR has been notified of a fire requiring response by emergency personnel, the CMRO shall activate the EST, the ERT, and/or the BFB to mitigate the event. This includes activation to the WLWA boundary specified in the LMP.

The ERT/BFB will assemble at the Emergency Services Vehicle Bay to don personal protective equipment (PPE). The on-shift EST shall act as Incident Commander and direct all aspects of the fire response. The EST reports directly to the FOSS. Moreover, activation may proceed outside this area as part of existing MOUs.

3.2.1.1 Strategy

- 1. The DOE shall employ full suppression strategy for a wildfire within the WLWA by empowering the WIPP Incident Commander to coordinate fire management activities.**
- 2. The DOE shall make a good-faith effort to acquire and maintain in a state of readiness the necessary resources to execute full suppression of a wildfire within the WLWA.**
- 3. The DOE shall provide notice, within 90 days, to the New Mexico Energy, Minerals, and Natural Resources Department (EMNRD) Forestry and Resources Conservation Division regarding the status of any wildfire or prescribed burn within the WLWA.**

3.2.2 Radioactive and Hazardous Materials

The initial response to any radioactive and/or HAZMAT incident shall be directed to protect human health, safety, and the environment. All radioactive and/or HAZMAT incident responses shall be conducted by personnel wearing the appropriate level of PPE as required by 29 CFR 1910.120.

The ERT shall provide initial response to spills that cannot be managed by the responsible individual(s). Upon request of the on-duty EST, after a spill has been stabilized,

any contamination will be removed by cognizant personnel. If necessary, the WIPP will use other resources (e.g., local fire departments, state police, subcontractors) to mitigate spills.

3.2.2.1 Strategy

The EST shall have the following duties during a spill of radioactive, hazardous, or potentially hazardous, materials.

1. Provide initial incident command of any emergency actions pertaining to releases or spills, radioactive materials, hazardous materials, or unknown substances.
2. Provide, if no emergency exists, medical surveillance and additional technical support for operations requiring a site-generated hazardous waste worker.
3. Advise the FOSS on conditions and progress.
4. Direct all operations involving releases that have the potential to harm responders involved in cleanup activities.
5. Complete proper HAZMAT forms as directed by WP 12-909, "Nonradioactive Hazardous Materials Spill Control."

CHAPTER 4

INDUSTRIAL SAFETY

CHAPTER 4
INDUSTRIAL SAFETY

4.0 INTRODUCTION

The industrial safety requirements for this section cover work performed by subcontractors, work performed on approved easements, work performed by WIPP employees, and recreational activities conducted within the boundaries of the WLWA. This program supplements WIPP policies contained in spill control plans (e.g., WP 12-909, "WIPP Hazardous Material Spill Response") and emergency response plans (e.g., WP 12-9, "WIPP Emergency Plan and Procedures") that relate to safe practices. The types of activities covered by this program include, but are not limited to:

- New construction work, including buildings, annexes, warehouses, storage areas, etc.
- Repairs or alterations
- Equipment installation and servicing
- Routine contract maintenance
- Remediation work
- Scrap and waste removal
- Security work
- Temporary contract personnel

- **Transportation (i.e., trucking and deliveries)**
- **Electrical, piping, rigging, roofing, etc.**
- **Environmental monitoring/land management work**

4.1 OBJECTIVES

The objective of the DOE is to provide and maintain a safe environment for any who wish to use WIPP lands. Additionally, the industrial safety program will define, for all WIPP subcontractors and members of the general public who wish to use WIPP lands, the safety and health policies, rules, and guidelines for minimizing unsafe conditions and acts that may result in personal injury and/or property damage. This program will provide a mechanism for subcontractors to communicate their safety and health concerns to WIPP safety and health personnel.

4.2 PLANNED ACTIONS

In order to maintain optimum conditions for a safe environment, the following shall be prohibited within the WLWA boundary:

- **Possession or use of alcoholic beverages**
- **Possession or use of a controlled substance**
- **Discarding refuse/trash within the WLWA**

Any activity (e.g., recreational hunting, camping, etc.) that is identified by the DOE as an imminent risk to the health and/or safety of WIPP personnel can, at the discretion of the DOE, be suspended indefinitely within the WLWA. Permanent prohibition of activities resulting in the contradiction and/or subsequent amending of the LMIP shall be considered only after a review by the LMC in consultation with affected stakeholders.

4.2.1 Work Performed by Waste Isolation Pilot Plant Employees

All work performed by WIPP employees shall comply with the requirements of the WIPP Safety Manual, WP 12-1 (available on request), and other applicable site requirements.

4.2.2 Safety Requirements for Subcontractors

When WIPP personnel perform work on the WIPP site or at off-site WIPP locations (e.g., groundwater surveillance well pads), their activities and equipment could affect subcontractor personnel and WIPP employees and property. Consequently, it is necessary that certain safety requirements be followed at all times when such operations are performed.

Work performed within the WLWA, whether initiated on a WID or SNL purchase requisition, shall comply with existing WIPP site safety requirements. Documentation for work performed on approved easements must be submitted to cognizant WIPP personnel for validation concerning the appropriate Occupational Safety and Health Administration (OSHA) requirements for the type of work to be performed.

Subcontractors who conduct permissible drilling activities (e.g., groundwater monitoring wells) within the WLWA will be held accountable for compliance with American Petroleum Institute (API) Recommended Practices for Occupational Safety for Well Drilling and Servicing Operations, API Recommended Practices 54 (RP54).

4.2.3 Policy

Each subcontractor and their respective affiliates (e.g. lower-tier subcontractors) shall comply with all local, state, and federal safety, health, and environmental regulations. The WIPP site representative (e.g., facility, work control, project engineer, or maintenance person in charge) shall provide the site safety rules for which the contractor will be held accountable, and shall verify the adherence to these rules by the subcontractor. Site safety rules range from providing proper eye protection to compliance with the lockout/tagout procedures (i.e., project-specific). The WIPP recognizes that the subcontractor may also require its employees to follow specific safety rules which exceed the WIPP rules. These will be acceptable, provided they do not conflict with WIPP site rules.

4.2.4 General Guidelines

Since unsafe practices by subcontractors could expose WIPP employees to injuries and illnesses, a person cognizant of work packages and purchase requisitions will designate a subcontract technical representative (STR). The STR will monitor the practices of the contractor and establish a mechanism to control subcontractor services to assure that such services are performed in a safe manner.

4.2.5 Prior to Commencement of Work

Prior to commencement of work, all subcontractors shall attend an on-site preconstruction and safety conference. Conferences for construction (Davis-Bacon) subcontractors shall be conducted by WID Procurement Services; those for maintenance contractors (non-Davis-Bacon) shall be conducted by the WIPP STR.

4.2.6 Submittals Required by Subcontractors

4.2.6.1 Construction Subcontractors (Davis-Bacon Work)

The Davis-Bacon Act (40 U.S.C. 276a-276a-7) is a federal law applicable to federally funded construction work in excess of \$2,000, which ensures that workers engaged in such construction work are not paid less than the scale of wages prevailing in the area in which the work is to be performed, as determined by the Department of Labor. Requisitions shall specify that each subcontractor shall provide WID Procurement Services the following information when bidding a project. This documentation will be reviewed and approved by the WID Industrial Safety Section.

1. Documentation of its previous three-year injury experience and a current OSHA 200 Log.
2. Historical information (last three years) on any OSHA citations and other regulatory inspection reports or citations relative to the type of work to be performed.

3. Confirmation of workers' compensation coverage or equivalent, including the experience modification rate and other specific insurance coverage.

4. Its written safety policy and programs, which would include, as appropriate, but not be limited to (training requirements and supporting documentation):
 - Hazard communication
 - Respirator protection
 - Respirator fit testing and medical approval
 - Driving powered-industrial trucks
 - Control of hazardous energy systems (lockout/tagout)
 - Confined space entry
 - PPE use

(WIPP personnel will have control of lockout/tagout procedures within the core or fenced area, and confined space entry procedures within the WLWA.)

5. Copies of the Material Safety Data Sheet (MSDS) for each chemical to be brought inside the WLWA. These MSDSs will be reviewed, evaluated, and approved by the WID industrial hygienist or designee before any chemical is permitted on WIPP lands. The contractor is responsible for removal and for cleaning up spills generated by their actions, including costs associated with the cleanup.

6. Written certification that all material-handling equipment (e.g., cranes, hoists, powered industrial trucks, chains, slings, spreaders) have been inspected and meet all requirements of Subpart N of both 29 CFR 1910 and 29 CFR 1926.
7. Written job hazard analysis for each phase of the work to be performed.

When specified in the subcontract, contractors shall supply work plans describing the type of work to be performed, the number of people performing task(s), their emergency action plan, their safety rules, and the names of responsible personnel.

Subcontractor personnel shall complete the appropriate WIPP training requirements prior to operating any WIPP site equipment, performing unescorted lockout/tagout functions within the fenced area, or entering any area within WIPP lands labeled as a confined space or meeting confined space criteria.

4.2.6.2 Maintenance Contractors (Non-Davis Bacon Work)

Maintenance contractors performing work within WIPP lands without active direction from the WIPP STR shall submit the same documentation required of the Davis-Bacon contractors (see above). When applicable, contractors operating under the direction of the site STR shall provide, for approval, to the WIPP STR and WID Industrial Safety the following:

1. Written documentation that all electrical hand tools have been tested as defined in OSHA 29 CFR 1926.404 (b).

2. Training records or confirmation of safety training for all employees as defined in OSHA 29 CFR 1926.21, "Safety Training and Education."
3. Copies of MSDSs for each chemical to be brought on site or to the project by the subcontractor.
4. Approved job hazard analysis or work instructions for each segment of work.

4.2.7 Waste Isolation Pilot Plant Responsibilities

4.2.7.1 Waste Isolation Division Procurement Services

WID Procurement Services shall provide:

1. The WIPP safety rules and procedures for subcontractors (available on request from the LUC);
2. Specific safety requirements for construction subcontractors meeting the Davis-Bacon criteria (available on request from the LUC);
3. Copies of all subcontract purchase requisitions to the WID Industrial Safety Section.

4.2.7.2 Waste Isolation Pilot Plant Subcontract Technical Representative Responsibilities

The WIPP STR shall:

- 1. Coordinate WIPP industrial safety issues with other site groups and subcontractors.**
- 2. Identify potential safety and exposure hazards that may interfere with the subcontractor while on the project.**
- 3. Require mitigating emergency response procedures relative to the scheduled work activities.**
- 4. Initiate stop work orders when OSHA, MSHA, or the WIPP safety rules are violated and report all stop work orders that impact subcontractors to the cognizant WID Procurement Services representative.**
- 5. Adhere to the existing system for maintenance of records regarding accident investigations, near-miss observations, injuries, and illnesses.**
- 6. Route all maintenance contractor (non-Davis-Bacon) submittals through the WID Environment, Safety, Health, and Regulatory Compliance (ESH&RC) Department for approval prior to commencement of work.**

4.2.8 Procedure for Reporting Accidents

- 1. The WIPP site-specific procedure for reporting accidents shall be used throughout the WLWA. All accidents involving injury or illness shall be reported immediately to the WIPP STR and the WIPP site medical personnel according to WP 12-918, "Reporting Occurrences in Accordance with DOE Order 5000.3B."**

- 2. Property damage caused by accidents shall be reported to the WIPP STR, who shall convey the information to appropriate management.**

- 3. Subcontractors shall post emergency numbers and ensure that such numbers are provided to all employees of lower-tier subcontractors.**

- 4. No off-site authorities shall be contacted prior to contacting the WIPP STR.**

- 5. Spills, releases to the environment, and other "off-normal" events are to be reported in accordance with WIPP procedures (e.g., WP 12-918, "Reporting Occurrences in Accordance with DOE Order 5000.3B")**

- 6. All information concerning injuries and/or illness involving their employees shall be recorded on their OSHA 200 Log or other appropriate record.**

4.2.9 Subcontractor Safety Procedures

When stipulated in the statement of work, all subcontractors shall include the following information in their bid package:

1. Medical surveillance and first aid plan
2. Electrical safety program
3. Hearing conservation program
4. Personal protection equipment program
5. Housekeeping program and inspection program
6. Hazardous waste disposal procedures

The statement of work for non-Davis-Bacon subcontractors whose employees are under the direction of a WIPP STR is not required to contain the above requirements because employees of such subcontractors are subject to WIPP safety programs.

4.2.9.1 Personal Protective Equipment

Subcontractors are responsible for providing WIPP-approved PPE to their employees. Any employee required to wear respiratory equipment shall have prior medical approval from a physician to wear such type of equipment, and be trained to wear it properly.

4.2.9.2 Safety Meetings

Subcontractors shall conduct safety meetings, the frequency of which will depend on the nature of the project, but at a minimum of weekly.

4.2.9.3 Subcontractor Procedures

Procedures of subcontractors shall not conflict with the WIPP site-specific procedures. In cases wherein procedures of subcontractors conflict with those of the WIPP, the WIPP STR will seek assistance and guidance from the WID ESH&RC Department.

4.2.10 Housekeeping Inspections

WIPP subcontractors and lower-tier subcontractors shall conduct daily safety checks of areas where their employees are working. Any unsatisfactory conditions shall be reported immediately to the WIPP STR. Corrective actions shall be taken immediately and documented on a daily safety inspection form.

Refuse and scraps that interfere with work flow and/or create fire hazards shall be disposed of properly in a timely manner and not allowed to accumulate.

Subcontractors shall not block aisles, walkways, stairs, etc. The WIPP STR shall be notified prior to the erection of any barricades or other efforts by the subcontractor to prevent entry into areas.

CHAPTER 5

MAINTENANCE AND WORK CONTROL

CHAPTER 5

MAINTENANCE AND WORK CONTROL

5.0 INTRODUCTION

Lands used in the operation of the WIPP are listed in one of two categories. The first consists of lands contained within the boundary of the WLWA. Inclusive in this area are roads, groundwater monitoring well pads, reclamation sites, and storage yards. Lands used in the operation of the WIPP outside the WLWA boundary consist primarily of access roads to groundwater well pads and a few isolated reclamation areas. [Note: roads and well pads used in the operation of the WIPP are identified in Figure 5.1.] The maintenance management program for all DOE facilities is consistent with DOE Order 4330.4A, "Maintenance Management Program." In accordance with this Order, property is maintained in a manner that promotes operational safety, worker health, environmental protection and compliance, property asset preservation, and cost effectiveness, while meeting the programmatic mission.

5.1 OBJECTIVES

The DOE maintenance objective (scope) is defined as the preventive, predictive, corrective, and service maintenance activities for facilities, equipment, and support infrastructure necessary to accomplish the WIPP mission.

The WID work control system is a management-directed and management-delegated system to control maintenance activities. It ensures that maintenance activities are effective in maintaining safe and reliable facility operation. This system applies to all personnel doing maintenance activities at the WIPP.

The WID work order system is the central component of the control system for maintenance activities at the WIPP. The work order system ensures that jobs are identified, logged, planned, scheduled, performed, tested, and formally accepted and documented in a systematic manner.

5.2 PLANNED ACTIONS

The WID has developed a phased process to implement the graded approach for WIPP maintenance activities. The phases are listed below.

Phase I	Assessment Criteria Development
Phase II	System Assessment and Classification
Phase III	Classification Equipment List Development
Phase IV	Priority System Development
Phase V	System Adjustments to Classification

A maintenance training program has been established through the central site training organization. The training organization maintains maintenance training programs that meet the intent of established industrial guidelines and address specific WIPP needs.

The WIPP facility's infrastructure and equipment shall be maintained by a proper balance of preventive, corrective, and predictive maintenance; procedures and standards; and configuration management. Maintenance activities are controlled by the WID work control system to ensure a safe and reliable facility operation. The work order, submitted in accordance with WP 10-WC3002, "Work Control Administration," is the fundamental form used in the work order system for:

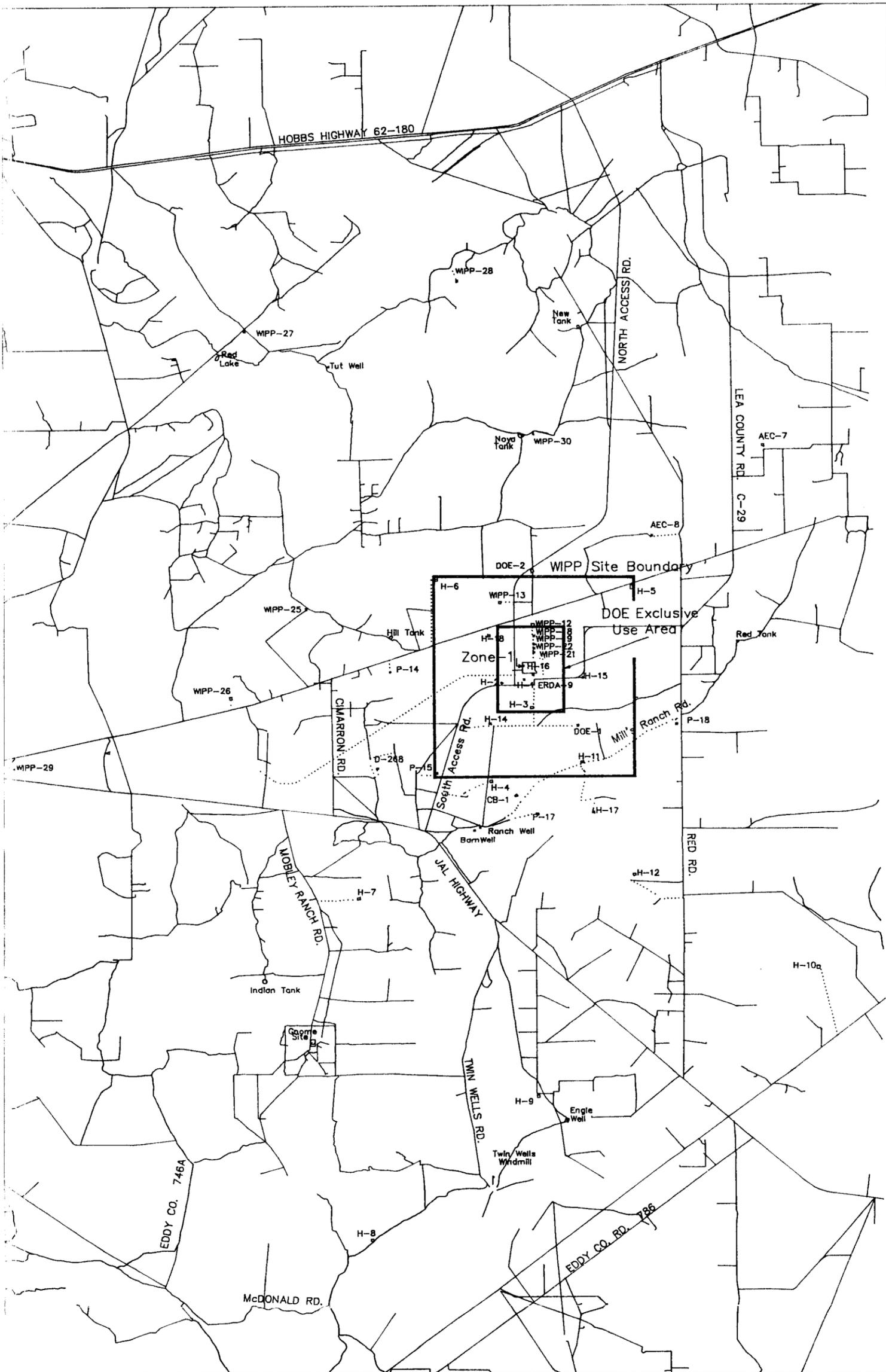
1. Job planning and analysis
2. Permits
3. Work performance standards
4. Priority system
5. Scheduling
6. Construction program interface
7. Post-maintenance/modification testing

Maintenance activities in support of both the LMP and the LMIP shall be performed to the same criteria as established for the base facility (Property Protection Area). The expanded maintenance work scope as it pertains to land management activities includes, but is not limited to:

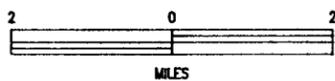
1. Maintenance of roads inside the WLWA.
2. Maintenance of the WIPP railroad easement and the corresponding frontage road.

3. **Maintenance of DOE signs inside the WLWA.**
4. **Maintenance of signs outside the WIPP boundary on properties used in the operation of the WIPP (e.g., North Access Road).**
5. **Maintenance of the North Access Road.**
6. **Construction and maintenance of cattle guards inside the WLWA.**
7. **Construction and maintenance of cattle guards outside the WLWA on roads used expressly for WIPP operations.**
8. **Maintenance and oversight of the WIPP water line in accordance with commitments accommodated by way of Contract DE-AC04-85AL24138-M002.**
9. **Construction and maintenance of security/safety fences within the WLWA (e.g., the fence surrounding the Off-Limits Area, and the fences adjacent to the North Access Road that prevent livestock from wandering onto the road) or at remote locations outside the WLWA used in the operation of the WIPP.**
10. **Construction and maintenance of groundwater surveillance well pads and their corresponding access roads inside the WLWA.**

11. Construction and maintenance of groundwater surveillance well pads and their corresponding access roads outside the WLWA. [Note: roads outside the WLWA, identified as part of the WIPP maintenance work scope, are limited to those which are intended exclusively for WIPP-related activities. Road maintenance of existing easements or rights-of-way, not constructed expressly for the WIPP uses but used as convenient access routes for WIPP-related activities, is not the responsibility of the WIPP.]



ROADS AND WELL PADS
USED IN THE OPERATION OF WIPP



NOTE: DOTTED LINES DENOTE ROADS USED AND MAINTAINED EXPRESSLY FOR WIPP OPERATIONS

Figure 5.1

CHAPTER 6

ENERGY AND MINERAL RESOURCES

CHAPTER 6
ENERGY AND MINERAL RESOURCES

6.0 INTRODUCTION

Resources known to underlie the WLWA are caliche, gypsum, salt sylvite, langbeinite, crude oil, natural gas, and distillate. Potassium salts (sylvite and langbeinite), which occur in strata above the repository, and hydrocarbons (crude oil, natural gas, and distillate), which occur in strata below the repository, are the only resources of practical significance that may be considered reserves. ("Resources" are minerals that are currently or potentially of economic value. "Reserves" are the portion of the resources that can be recovered economically at today's market prices and with existing technology.)

General discussions regarding energy and mineral resources at the WIPP are included in the LMP, section 3.5.

6.1 OBJECTIVES

The objective of the DOE with respect to mining and oil and gas production is to ensure that the development of mineral leases does not affect the integrity of the repository (WIPP LMP).

6.2 PLANNED ACTIONS

6.2.1 Provisions

In accordance with Section 4(b)(5) of the WIPP Land Withdrawal Act, no surface or subsurface mining unrelated to the WIPP Project, or oil or gas production, including slant drilling from outside the boundaries of the WLWA, are permitted at any time (including after decommissioning) on lands on or under the WLWA, with two exceptions. These exceptions are designated as Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, and consist of two 320 acre tracts (Figure 6.1). Both tracts, located in T.22 S., R. 31 E., Section 31, prohibit drilling within the first 6,000 feet of the surface. In accordance with section 4(b)(5)(b) of the Land Withdrawal Act, existing rights under these leases will not be affected unless the Administrator of the Environmental Protection Agency determines, after consultation with the Secretary of Energy and the Secretary of the Interior, that the acquisition of such leases by the Secretary of Energy is required to comply with the final disposal regulations or with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

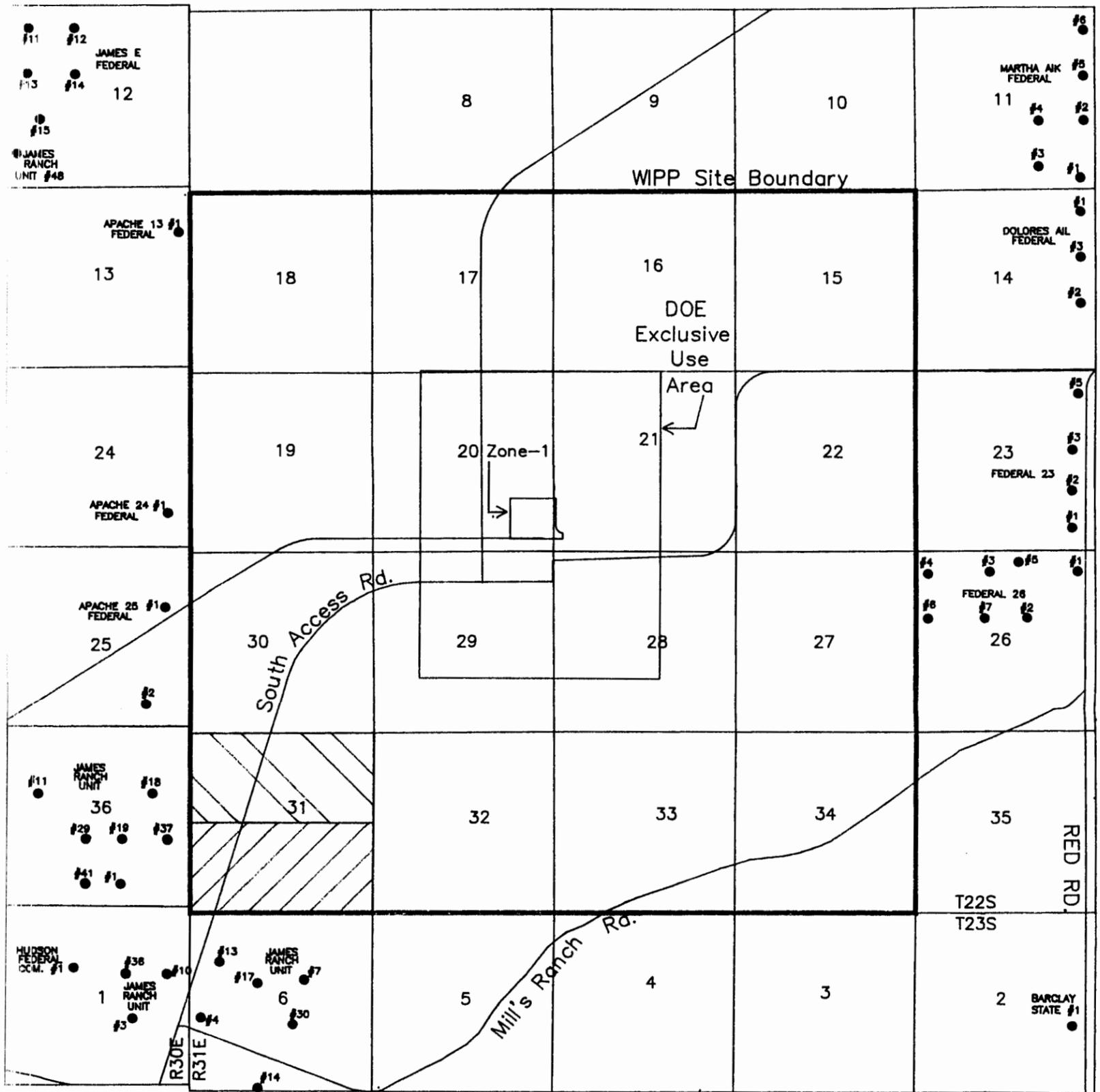
6.2.2 Surveillance

Surveillance of drilling and mining activity within one mile of the withdrawal boundary shall be conducted by the DOE in coordination and cooperation with the BLM and/or the state of New Mexico in accordance with the MOU (Appendix C) and the concurrent statement of work (Appendix D). In addition to those commitments contained in the MOU and statement of work, the DOE shall conduct perimeter surveillance to verify proposed drill locations in

accordance with Application for Permit to Drill (APD) submittals and evaluate potential encroachment of ancillary activities associated with producing wells and mines.

6.2.3 Department of Energy Response to Applications for Permit to Drill

Per the existing MOU between the BLM and the DOE (Appendix C), WIPP personnel will receive APDs from the BLM regarding wells proposed to be drilled, on BLM lands, within one mile of the WIPP boundary. The DOE shall field-verify the proposed locations and respond to the BLM, within 15 days, with DOE stipulations for APD approval. Companies that file for proposed locations within 330 feet of the WIPP boundary may be required, at the discretion of the DOE (and in accordance with existing DOE/BLM MOUs), to submit a daily set of drilling logs or "suite" of logs for verification, by the DOE, that the horizontal displacement of the well at no time exceeds the distance between bottom hole location and the WIPP boundary. Vertical deviation surveys will be provided by the operator for each 500 foot interval. Additionally, the operator shall perform directional surveys to establish bottom hole location when more than 5 degrees from vertical in any 500 foot interval is detected. The operator shall perform a directional survey when the total cumulative degrees of displacement indicate that the wellbore could deviate to within 100 feet of the withdrawal boundary. A directional survey at 100 foot intervals would be required until such time as data would indicate that the bottom hole location would not exceed 10 degrees from vertical or result in a bottom hole location less than 100 feet from the WLWA boundary. Should deviation continue toward the boundary, the operator shall be required to take corrective measures, to the satisfaction of the DOE, or cease drilling activities.



OIL AND GAS WELLS WITHIN
ONE MILE OF THE WIPP LAND WITHDRAWAL AREA



FEDERAL LEASE NM-02593



FEDERAL LEASE NM-02593-C

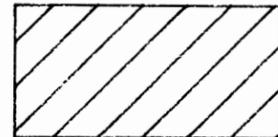


FIGURE 6.1

CHAPTER 7

RECLAMATION/ENVIRONMENTAL RESTORATION

CHAPTER 7

RECLAMATION/ENVIRONMENTAL RESTORATION

7.0 INTRODUCTION

This chapter identifies responsibilities of the DOE pursuant to all federal, state, and local environmental regulations to enhance and restore areas affected by the WIPP activities, to include areas disturbed prior to WIPP activities that were accepted as part of the land transfer from the BLM to the DOE. This chapter is designed to be revised as needed and is no way limited, except by law, to revisions based on new techniques for reclamation and new plans which the WIPP may incorporate in the future.

WIPP reclamation activities shall be conducted in accordance with the Environmental Protection Implementation Plan (DOE/WIPP 90-050); DOE Order 5400.1, "General Environmental Protection Program Requirements"; the DOE Organization Act (42 U.S.C. 7112); the Federal Land Policy and Management Act of 1976 (Public Law 94-579); the *Final Supplement to the Environmental Impact Statement (SEIS) WIPP* (DOE/EIS-0026-FS, January 1990); the *Final Environmental Impact Statement, WIPP* (DOE/EIS-0026 UC-70); and all applicable reclamation requirements by federal laws and regulations, Executive Orders, MOUs, DOE Orders, and state and local laws. These commitments include any unforeseeable future

mandates or amendments to existing regulations. General discussions pertaining to reclamation/restoration activities at the WIPP are included in Sections 2.14 and 3.13 respectively.

In accordance with this document, the WIPP shall implement a contemporary reclamation program and corresponding long-range reclamation plan. As locations are identified for reclamation, WIPP personnel will reclaim these areas by using the best acceptable reclamation practices. Seed mixes used will reflect those species indigenous to the vicinity and priority will be given to those plant species which are conducive to soil stabilization, wildlife, and livestock needs.

Without an active reclamation program, the establishment of stable ecological conditions in arid environments may require decades or centuries to achieve, depending on natural and unnatural disturbance and environmental conditions present during the entirety of the reclamation process. Reclamation activities will reduce soil erosion, increase the rate of plant colonization and succession, and provide habitat for wildlife in disturbed areas. In addition to maintaining the compliance posture of the WIPP with respective external entities, reclamation ultimately will serve to mitigate the effects of WIPP-related activities on affected plant and animal communities.

7.1 OBJECTIVES

The objective of the DOE reclamation program is to return lands used in the operation of the WIPP that are no longer commissioned for WIPP operations to a stable ecological condition. Plant species and topography of the reclaimed area will be conducive to the surrounding ecosystem. It is the intent of the DOE to establish reclamation guidelines for land use requestors on a case-by-case basis.

7.2 PLANNED ACTIONS

The DOE shall be responsible for reclaiming lands disturbed by DOE-funded activities. Reclamation for actions by outside agencies or organizations, completed on DOE property or crossing DOE property, is the responsibility of the outside agency or organization. Reclamation activities must be completed in accordance with guidelines established in this plan.

7.2.1 Timeliness of Reclamation Projects

The WIPP reclamation activities shall be conducted as soon as is reasonably possible after the determination is made that an area is to be decommissioned. The expediency of project initiation is contingent on manpower and funding.

7.2.2 Review of Reclamation Activities

All proposed WIPP reclamation activities shall be reviewed and approved by the LUC in consultation with cognizant DOE personnel and affected stakeholders.

7.2.3 Fencing of Reclamation Sites

Reclamation activities shall include the fencing of the project with prescribed standard BLM fence configurations (e.g., bottom-strand barbless wire 16" from the ground, middle-strand barbed wire 26" from the ground, and top-strand barbed wire 38" from the ground) to deter unauthorized use or grazing by livestock. The fence will remain in place until the determination

is made by the cognizant reclamation task leader that plant succession has progressed to a state of ecological succession suitable for use.

7.2.4 Reclamation Protocol

Reclamation activities shall incorporate low-impact, shallow-tillage protocol as often as is reasonably possible. This reclamation technique is preferred to mitigate the loss of ground moisture critical to seed germination.

7.2.5 Prioritizing of Reclamation Sites

The cognizant reclamation task leader shall identify and prioritize sites for reclamation (e.g., pads, roads, pits, etc.). Prioritization determinations shall be made in consultation with affected stakeholders. All projects and/or facilities authorized by previous commitments (e.g., MOUs, cooperative agreements) shall be managed by the cognizant reclamation task leader to project finalization per DOE commitments.

7.2.6 Seed Mixes

All reclamation areas shall be sown with seed mixtures that are approved by the cognizant reclamation task leader. These mixes will reflect plant species indigenous to the area.

7.2.7 Reseeding of Sites

Reclamation sites with plantings that do not germinate within a reasonable time frame, to be determined by the cognizant reclamation task leader, will be reseeded.

7.2.8 Reclamation and Cultural Resources

Reclamation activities shall incorporate mitigation plans regarding any potential adverse impacts to cultural resources imposed directly by reclamation activities, or by ancillary activities associated with reclamation projects.

7.2.9 Decommissioning of the Waste Isolation Pilot Plant

Once the WIPP is identified for decommissioning, surface structures shall be abandoned, decontaminated, and removed (including support facilities such as power lines). Underground facilities shall be decommissioned in accordance with all applicable laws, rules, and regulations in effect at the time. The surface shall be disked, leveled, capped (if necessary), and reseeded. Decommissioning and subsequent surface reclamation activities shall be in accordance with existing applicable regulations and pertinent decommissioning plans as required by Section 13 of the WIPP Land Withdrawal Act of 1992 (P.L. 102-579).

CHAPTER 8

CULTURAL RESOURCES

CHAPTER 8
CULTURAL RESOURCES

8.0 INTRODUCTION

This chapter presents directions pursuant to legislation governing the protection of archaeological and historic resources within the 16-section WLWA.

The WLWA consists of 10,240 acres in a region historically inhabited by nomadic aboriginal hunters and gatherers. These indigenous people left evidence of their existence by way of sporadic remains of prehistoric camps and short-term settlements. Hearth features (such as burned caliche), pottery fragments (or shards), flaked stones, groundstone implements, and cutting implements mark the locations of their camps. As of January 1, 1994, only 37 percent (3,830 acres) of the WLWA had been inventoried for cultural resources. Inventories conducted as of January 1, 1994, have located approximately 60 archaeological sites, along with 91 isolated occurrences. Based on the results of the inventory and assuming environmental homogeneity and even distribution of sites, the WLWA potentially encompasses as many as 99 cultural sites (WIPP LMP).

Site significance is contingent on the number of manifestations encountered, their diversity in composition, the total number of each type of manifestation, and existing evidence

suggesting whether or not a given site is datable. Previous limited cultural inventories indicate that the WLWA represents a potentially significant cultural resource contributor to the discipline of archeology and shall be regarded as such when deliberating land management decisions.

A general description of the cultural resource history for the WLWA is contained in Sections 2.3 and 3.2 of the LMP (pp. 2-5 through 2-8 and 3-4 through 3-5, respectively).

8.1 OBJECTIVES

The objectives of the DOE are to protect and preserve cultural resources in accordance with guidelines established in Appendix H of this plan.

8.2 PLANNED ACTIONS

The DOE shall be responsible for completing cultural resource clearances for DOE-funded activities prior to initiating projects that result in land disturbance by means of the LUR process (see Chapter 2). Cultural resource clearances for actions by outside agencies or organizations, not funded by the DOE, but completed on DOE property, or crossing DOE property, are the responsibility of the outside agency or organization. Cultural resource activities must be completed in accordance with guidelines established in this plan.

8.2.1 Cultural Resource Management

The DOE shall continue to inventory, evaluate, and manage cultural resources inside the WLWA in accordance with Section 110 guidelines of the National Historic Preservation Act. In locating, evaluating, and adding properties to the management inventory, the DOE shall consult the *Secretary of the Interior's Standards and Guidelines for Identification and Evaluation*.

8.2.2 Field Surveillance

The WIPP shall conduct field surveys in a timely manner relative to agency planning and LURs involving surface disturbance of land within the WLWA. The DOE shall select appropriate strategies to ensure that surveys are completed so that the DOE can carry out its responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR 800, "Protection of Historic and Cultural Properties," before initiating any activity that might damage or disturb historic properties.

8.2.3 Reports on Survey Results

The DOE shall provide reports on survey results, both negative and positive, fully documenting the rationale for decisions made in the identification and evaluation of properties. The inclusion of negative data--that is, data on surveys that result in the identification of no historic properties--is important to ensure that redundant surveys will not be performed in the future. Negative data are also needed to improve the reliability of predictive models.

8.2.4 Report Reviews

The DOE shall provide reports to the State Historic Preservation Officer (SHPO) and other interested parties for review, comment, and incorporation into statewide historic resource inventories, and for use in reviews under Section 106 of the National Historic Preservation Act when applicable. Such reporting to the state assists the state in maintaining comprehensive inventories while ensuring that state and DOE efforts are coordinated and compatible.

8.2.5 Dissemination of Cultural Resource Data

When large-scale surveys are conducted within the WLWA, or smaller scale surveys over time result in the accumulation of substantial bodies of survey data about cultural resources within the WLWA, the DOE shall prepare reports synthesizing and analyzing the resulting data for use by interested scholars as well as for management purposes. Such analyses should be provided to the SHPO and other interested parties for review, comment, and incorporation into inventories.

8.2.6 Potentially Eligible Properties

While conducting surveys, the DOE may encounter properties which are potentially eligible for the *National Register for Historic Places (National Register)* but which do not meet the criteria at the time of the survey. For example, properties may be less than 50 years old and not of exceptional significance, and therefore would not meet the *National Register* criteria. If the LMC makes a determination that such properties are likely to become eligible in the future,

it is to the DOE's advantage to document them at the time of the survey to facilitate later evaluation and registration.

8.2.7 Documentation

The DOE shall document current locations and conditions of artifacts, document records, and remains related to historic properties under their jurisdiction or control. In some cases, such as when objects have long been removed from their places of origin, documentation may not be feasible. Documentation should be included as appropriate in identification and evaluation records as well as *National Register* property records.

8.2.8 Project Clearances

Any proposed activity involving surface disturbance within the WLWA that has not received archaeological clearance from the LMC shall be postponed until such time that an appropriate archaeological investigation is completed and approved.

8.2.9 Management and Record Inventory

The WIPP shall create a management inventory and maintain records of identification, using appropriate forms as described in the "Guidelines for Federal Agency Responsibilities" under Section 110 of the National Historic Preservation Act, to include:

1. Description of methods used
2. Identification of lands inspected with data on all properties, both historic and nonhistoric
3. Identification of evaluation methods
4. Identification of sources (informants)
5. Documents produced during research and consultation

8.2.10 Information Disclosure

The DOE shall establish guidelines for withholding and disclosing sensitive information regarding locations or character of historic or archaeological properties if it is established by the LMC, in consultation with cognizant professionals, that such disclosure may create a substantial risk, harm, theft, or destruction of such properties. Protocol for restricting information disclosure will be in accordance with the *National Register* Bulletin 29, "Guidelines for Restricting Information on the Location of National Register Properties."

CHAPTER 9

ACCESS/RIGHTS-OF-WAY

CHAPTER 9

ACCESS/RIGHTS-OF-WAY

9.0 INTRODUCTION

Access to the WIPP site is from U.S. Highway 62/180, 13 miles to the north (North Access Road), and from Highway 128, four miles to the south (South Access Road). Rail access to the WIPP site is provided by a rail line connecting with a spur of the Atchison, Topeka, and Santa Fe railroad near the Western Ag-Minerals Nash Draw mine six miles southwest of the site (Figure 9.1).

This chapter identifies land use management responsibilities of the DOE as they pertain to general realty issues, access corridors, and rights-of-way that affect, but are not solely contained within, the WLWA.

WIPP lands may be designated, at the discretion of the LMC, as right-of-way corridors or as avoidance areas to protect environmental and social values while optimizing economic efficiency for utilities and transportation facilities. The LMC shall identify which lands will be avoided when routing future rights-of-way in order to protect sensitive resource values, and which areas may be designated as corridors. Major rights-of-way used in the operation of the WIPP, in addition to those which existed prior to land withdrawal, were acquired from the

BLM. Existing rights-of-way are commonly associated with linear facility development (e.g., power lines, gas lines, water lines).

Development and/or maintenance of adequate access routes within the WLWA represent significant concerns. General discussions pertaining to access to the WIPP are included in the LMP, Sections 2.6, 3.6, and 3.7, respectively.

9.1 OBJECTIVES

The objective of the DOE is to ensure proper management and maintenance of DOE/WIPP rights-of-way and access routes, in addition to providing safe and adequate access to the WIPP site while protecting the security of WIPP personnel and facilities.

9.2 PLANNED ACTIONS

9.2.1 Proposals for New Access Routes

The DOE shall examine, by way of the LMC, proposals from land users for new access routes when such access will not cause significant adverse impacts to other resources. In addition, the DOE shall:

1. Review and comment on applications or proposals received from the BLM for any land uses affecting, but not solely contained within, the WLWA.

2. Forward to affected stakeholders (e.g., State of New Mexico regulatory and oversight agencies), within 30 days of receipt from or submittal to the DOI BLM:

(i) Applications or proposals for any land uses affecting, but not solely contained within, the WLWA; and

(ii) Any DOE comments developed on such applications or proposals.

9.2.2 Utility Development

In general, WIPP lands are available for utility and transportation facility development; however, applicants shall be encouraged to locate any new facilities within existing right-of-way corridors. Deviations from existing corridors may be permitted on the basis of the need of the proposal and lack of conflicts with other resource values and uses.

9.2.3 Avoidance

Right-of-way avoidance areas, or exclusion areas, are defined as "areas where future rights-of-way may be granted only when no feasible alternative route or designated right-of-way corridor is available." Terms and conditions of right-of-way grants will depend on the sensitivity of the affected resources and existing laws and regulations established as protective measures for the area in question.

9.2.4 Access Permits

The DOE shall not grant permits for access when reasonable access already exists. Exceptions may be considered by the LMC only if the requestor presents, to the satisfaction of the LMC, a compelling need. [Note: See Chapter 2, "Environmental Compliance," for permitting protocol.]

9.2.5 Advertising

No commercial advertising signs will be allowed on WIPP lands. Violations will result in prosecution of the violator commensurate with laws governing property protection. Directional and road signs must be authorized by the DOE and must conform with DOE specifications and configurations.

9.2.6 Existing Easements and Rights-of-Way

9.2.6.1 North Access Road

The North Access Road is a private road and shall be restricted for use by the personnel, agents, and contractors of the DOE on official business related to the WIPP Project, or to personnel, permittees, licensees, or lessees of the BLM. Signs are placed and will be maintained at the turnout of Highway 62/180 stating the restrictions on access. Persons desiring access to Highway 128 should use the Lea County Line Road immediately to the east.

9.2.6.2 South Access Road

Eddy County Road 802 is designated as the South Access Road. This road originates at the turnout of Highway 128 and terminates as the pavement ends at the confluence of Sections 28 and 29 in T.22 South, R.31 East. Due to the fact that this is a county road, multiple-use access will be allowed unless it is determined that access by industry or the general public represents a significant safety risk to WIPP personnel. Upon determination, general access on Eddy County Road 802 may be restricted at the boundary of the 1454-acre Exclusive Use Area in accordance with DOE Order 5632.6, "Physical Protection of DOE Property and Unclassified Facilities."

9.2.6.3 Water Line

Water service for the WIPP facility is furnished by a water line that originates 31 miles north of the facility. Maintenance and operation of the water line is performed in accordance with Contract DE-AC04-85AL24138-M002 (Appendix E).

9.2.6.4 Access Railroad

Rail access to the WIPP site is provided by a rail line connecting with a spur of the Atchison, Topeka, and Santa Fe railroad near the Western-Ag Minerals Nash Draw mine six miles southwest of the site (Figure 9.1). Originally, rail was considered as the most viable means of transport of TRU waste to the WIPP. Although trucks have replaced rail as the preferred means of transport, the railroad and the concurrent easement road will be maintained,

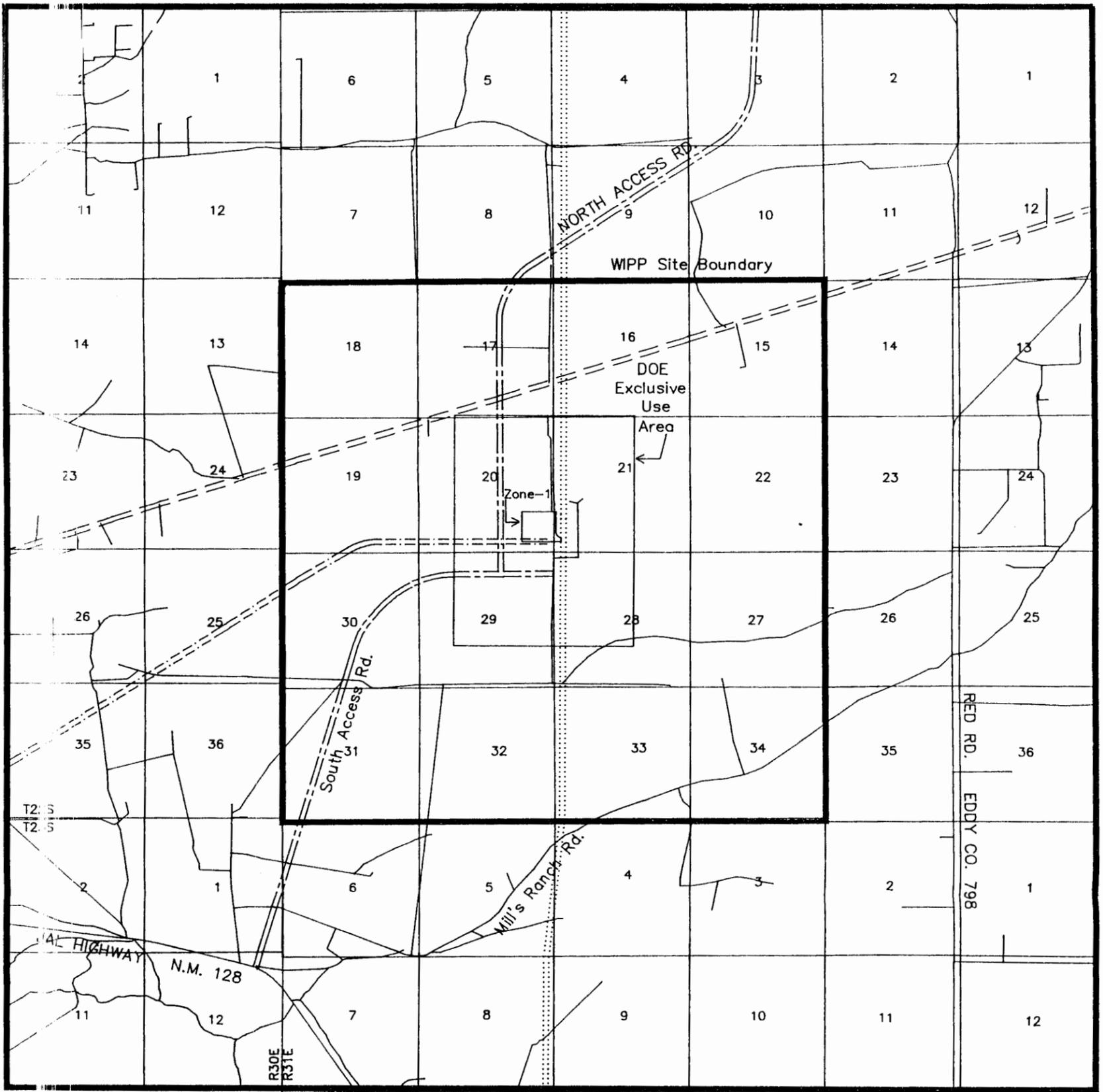
in accordance with Chapter 5 of this document, until such time as the determination is made that the rail spur is identified for decommissioning.

9.2.6.5 Transmission Line

The WIPP is serviced by a 69kV electrical transmission line that traverses the WLWA for two miles to the north and an additional two miles to the south. The southern terminal of the line is approximately five miles south of the WIPP at a location identified as the Southwest Public Service Company's Sand Dune Substation. Access to the power line's easement is restricted to WIPP employees and SPS employees. Unauthorized access to the easement is prohibited and shall result in DOE response commensurate with property protection (see Chapter 11, "Security").

9.2.6.6 High-Pressure Gas Line

A twelve-inch, high-pressure, interstate gas line with a corresponding easement road traverses portions of Sections 15, 16, 17, 19, and 20 of the WLWA. Maintenance and operation of the line and the easement road are the proprietary responsibility of the El Paso Natural Gas Company (the owner/operator of the line). The WIPP periodically uses the easement road for access to the east and, therefore, shall conduct maintenance activities as needed and in accordance with the plant work request process (see Chapter 5, "Maintenance and Work Control") to the road in order to provide adequate and safe access for WIPP vehicles (e.g., emergency response vehicles).



ACCESS AND RIGHTS-OF-WAY FOR THE WIPP SITE



- | | |
|---|-------|
| NORTH AND SOUTH ACCESS ROADS | ===== |
| 12" INTERSTATE GAS LINE | ===== |
| 69 KV OVERHEAD ELECTRICAL TRANSMISSION LINE | |
| RAILROAD | ===== |

NOTE: WATER AND TELEPHONE LINE RIGHTS-OF-WAY ARE WITHIN THE NORTH ACCESS ROAD RIGHT-OF-WAY

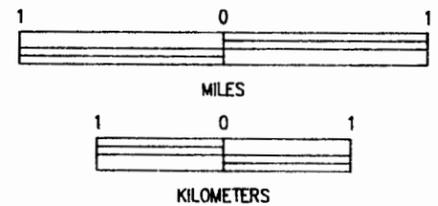


Figure 9.1

CHAPTER 10

RECREATION

CHAPTER 10

RECREATION

10.0 INTRODUCTION

Recreational opportunities shall continue in accordance with most traditional land uses, as described in the *Carlsbad Resource Area Resource Management Plan and Environmental Impact Statement* (BLM-NM-PT-86-004-4410), the DOE/BLM MOU (Appendix C), and the WIPP LMP. Traditional land uses that conflict with the mission of responsible land management practices can be restricted on WIPP lands at the discretion of the DOE in consultation with the LMC and affected stakeholders. Properties posted with DOE "no trespassing" signs are excluded from public use and will be patrolled by WIPP security personnel to prevent unauthorized use. Violators are subject to prosecution in accordance with applicable laws and regulations governing property protection. General discussions pertaining to recreational activities within the WLWA are included in the LMP, Sections 2.5 and 3.4.

10.1 OBJECTIVES

The objective of the DOE is to support a wide range of recreational outdoor activities for all segments of the public, commensurate with demand, access, safety, regulatory requirements, environmental protection, and liability.

10.2 PLANNED ACTIONS

10.2.1 Access

Roads used in the operation of the WIPP shall be maintained and open to public access unless otherwise designated. These roads will enhance recreational opportunities and allow use of WIPP lands. Areas identified as "sensitive" (e.g., reclamation areas, wildlife habitat) can, at the discretion of the LMC, be removed from access. These areas will be barricaded and/or posted accordingly to prevent unauthorized access.

10.2.2 Off-Road Vehicles

The use of motorized ORVs, including all-terrain vehicles, motorcycles, and four-wheel-drive vehicles, within the WLWA shall be limited to existing roads. Exceptions are those projects which are in conjunction with WIPP-related activities and have received proper authorization from the LMC. Trails and primitive roads will be posted with informational signs that clearly communicate restrictions regarding the operation of ORVs. The unauthorized use of ORVs traveling off designated roads, or in posted areas within the WLWA, will be regarded as criminal trespass. Violators are subject to criminal prosecution in accordance with applicable laws and regulations governing property protection.

10.2.3 Visual Resource Management

The DOE shall aspire to conduct all WIPP-related activities in accordance with visual resource objectives as described in the LMP. Proposed activities and projects will be evaluated for consistency with existing laws and best management practices regarding scenic quality. The impacts of each action will be evaluated by the LMC and affected stakeholders, via ECLs, EAs, and/or visual inspections of the proposed site prior to implementation. The ECL will analyze the project significance, the visual sensitivity of the affected area, and the project impacts. Stipulations will be attached as appropriate to ensure compatibility of projects with management objectives for visual resources. Painting requirements will be implemented for surface facilities in accordance with existing guidelines (e.g., BLM painting requirements). Activities may be modified, at the discretion of the LMC, to blend with the native landscape.

Prior to commencement of work, contractors and/or subcontractors will be briefed on compliance guidelines for a "start-clean, stay-clean" philosophy. Inspections revealing unclean projects (e.g., excessive trash and debris in and around a work site), or projects that compromise the visual integrity of the surrounding area, will result in the immediate suspension of the project until such time as project cleanliness complies with the standards of the LMC.

Access to aesthetic visual resources of the WIPP (e.g., bird watching, wildlife photography, wildflower photography, etc.) will be encouraged and supported by cognizant WIPP professionals as time and funding constraints allow. Advocating access by nonconsumptive users reaffirms positive public perception and involvement with the WIPP.

10.2.4 Hunting and Trapping

Hunting inside the WLWA will continue in accordance with applicable traditional land uses, existing New Mexico Department of Game and Fish (NMDG&F) and U.S. Fish and Wildlife Service (USF&WS) laws, and best management practices regarding the health and safety of WIPP personnel and the protection of the environment. Hunting within areas designated as "no trespassing" is prohibited. Violators are subject to prosecution under existing laws and regulations pursuant to property protection. Hunting inside the WLWA can, at the discretion of the DOE, be prohibited or limited if it is determined that the activity represents a profound safety risk to WIPP personnel, creates significant adverse impacts to the environment, represents a potential threat to the integrity of threatened and endangered (T&E) species habitat, and/or threatens the quality of life for isolated wildlife populations residing within the WLWA.

Trapping inside the WLWA will be allowed in accordance with applicable federal and state laws and regulations governing the taking of furbearers. Specific provisos pursuant to trapping on WIPP lands will be implemented in accordance with Subsection 12.2.5.2 of this plan.

10.2.5 Horseback Riding and Hiking

Recreational riding, biking, and hiking will be allowed in areas of the WIPP identified as "multiple land use areas." Restrictions such as "no trespass" zones will apply as with non-DOE users. Restricted areas shall be legally designated as such with signs and/or barricades. Except for posted areas, horseback riding, and/or hiking by the general public will be

encouraged to provide nonmotorized recreational experiences in addition to projecting affirmative relationships with nonconsumptive users.

10.2.6 Camping

Camping will be allowed in areas designated as "multiple land use areas" within the WLWA. Campers will be required to check in with the WIPP security inspectors prior to establishing camp. Names of campers, license numbers of vehicles, camp location, emergency phone numbers, and arrival and expected departure times shall be provided to the security inspectors. Campers must be informed that their camp is subject to random inspections at the discretion of security personnel. At the time of departure, campers shall check out with WIPP security personnel. In the event that checkout does not occur, security personnel shall deploy to the campsite for determination of camp status (e.g., abandoned, occupied, camper with injuries, vehicle problems, etc.).

Restrictions to inform the general public concerning camping in the WLWA will be posted on signs situated at access points to the area, in local newspapers, and in the state game hunting proclamation.

CHAPTER 11

SECURITY

CHAPTER 11

SECURITY

11.0 INTRODUCTION

The security force for the WIPP consists of a staff of security officers, with support personnel. A minimum of three officers are on duty at any given time, on a rotating schedule. The WIPP security force maintains field vehicles, which are used several times daily for perimeter inspections. General discussions pertaining to security at the WIPP are included in the LMP, Sections 2.7 and 3.8 respectively.

11.1 OBJECTIVES

Security will be maintained in the classic sense within the Property Protection, Off-Limits, and Exclusive Use areas only. These areas are posted against trespass under the authority of Section 229 of the Atomic Energy Act, 42 U.S.C. 2278a, and pursuant to the regulations set forth in 10 CFR 860 and DOE Order 5632.6, "Physical Protection of DOE Property and Unclassified Facilities." Security personnel will evaluate requests for services within the WLWA and make determinations based on DOE direction, manpower, and funding.

The objective of the security force shall be limited to observation, reporting, additional responsibilities (e.g. fire fighting), and to prevent unauthorized activities or uses within the WLWA. Incidents requiring response or investigation shall be referred to the proper legal authorities.

11.2 PLANNED ACTIONS

11.2.1 Property Protection Area

The interior core area of the facility (Figure 11.1) is a land area of approximately 30 surface acres surrounded by a chain link fence. This area is referred to as the "Property Protection Area." All access control features are maintained with uniformed security personnel on duty 24 hours a day.

11.2.2 Off-Limits Area

The Off-Limits Area (Figure 11.1) is comprised of 300 acres within Sections 20, 21, 28, and 29 of Township 22 South, Range 31 East. It is surrounded by a five-strand barbed wire fence. This area is marked by DOE "no trespassing" signs and will be patrolled by WIPP security personnel to prevent unauthorized activity or uses.

11.2.3 Exclusive Use Area

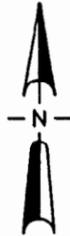
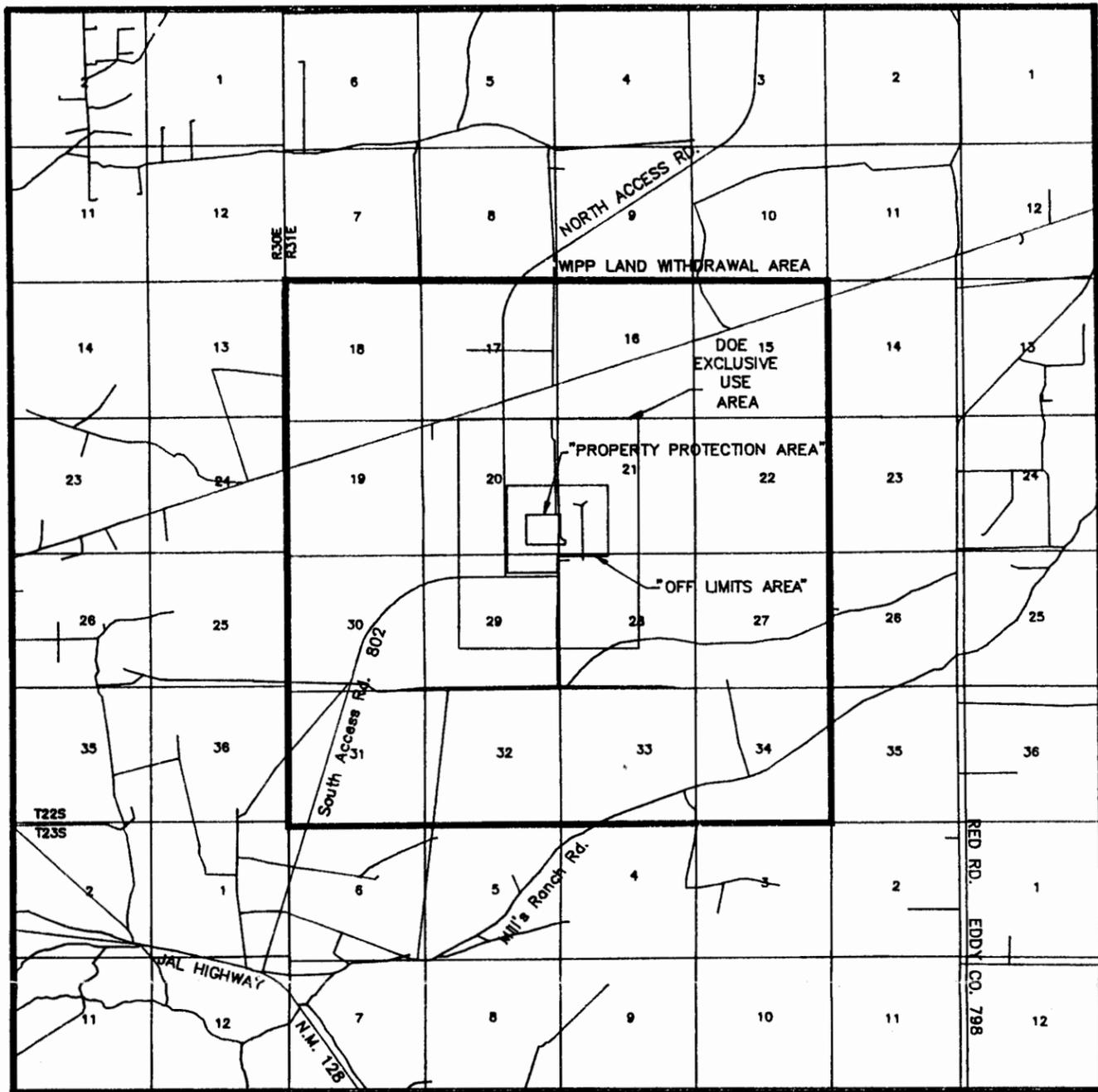
The Exclusive Use Area (Figure 11.1) is comprised of 1454 acres, or 2.2 square miles, within Sections 20, 21, 28, and 29 of Township 22 South, Range 31 East. This area was established to better ensure the security of the premises and the safety of persons present at the WIPP facility. This area is marked by DOE "no trespassing" signs and will be patrolled by WIPP security personnel to prevent unauthorized activity or use.

11.2.4 Waste Isolation Pilot Plant Land Withdrawal Area

The outer area is contained within the 16 square miles referred to as the "WIPP Land Withdrawal Area" (Figure 11.1). This area includes everything outside the Exclusive Use Area and will be open to multiple land use. This area will be designated by DOE property signs. Periodic patrols will be performed in this area to prevent unauthorized use.

11.2.5 Sensitive Areas

Sectors used in the operation of the WIPP (e.g., reclamation sites, well pads, roads, etc.) that are identified as "sensitive areas" due to circumstances involving ongoing construction, fragile plant and/or animal communities, imminent risks (safety hazards), or otherwise elevated security status can, at the discretion of the LMC, or by DOE directive, receive "sensitive" status. Sensitive areas will be posted against trespass and will be safeguarded commensurate with applicable laws governing property protection. WIPP security personnel will patrol these areas to prevent unauthorized access or use.



SECURITY ZONES WITHIN
THE WIPP SITE BOUNDARY

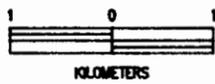
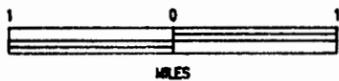


Figure 11.1

CHAPTER 12

WILDLIFE

CHAPTER 12

WILDLIFE

12.0 INTRODUCTION

The WIPP conducts a number of general wildlife management activities. Each activity is mandated and/or supported by state and federal guidelines or by way of commitments created through interagency agreements (e.g., *Raptor Research and Monitoring Interagency Agreement*, Appendix F) and/or MOUs (Appendix C).

The wildlife habitat around the WIPP is categorized in accordance with the BLM's standardized habitat sites subsequent to a detailed Integrated Habitat Inventory Classification System. WIPP lands comprise a small part of those lands grouped into major habitat types as described in Appendix L-2 of the *East Roswell Grazing Environmental Impact Statement*. Moreover, habitat types and species inventories were conducted for the DOE during initial site characterization studies as described in the WIPP Biology Program, the SEIS, the FEIS (DOE/EIS-0026-FS UC-70), the Site and Preliminary Design Validation studies, and the Environmental Monitoring Plan (DOE/WIPP 92-040).

This chapter is dedicated to planning wildlife investigation and management projects. Recommendations for approaches, potential prospectuses, and proposed investigational plans are

discussed. Tools, techniques, and personnel available for conducting investigations and achieving management objectives are examined. These criteria are essential to wildlife objectives for effective planning as it relates to choice between alternatives, establishment of realistic constraints (e.g., time, funding, manpower), practicality, and expediency in the development of efficient research methodology.

Examination of wildlife species of the area reveals significant diversity and complexity as described in the LMP (Sections 2.1, 2.2, and 3.1). Management of indigenous wildlife incorporates the development of a logical sequence when programming activities. Solutions for problems (e.g., home-range, territoriality of desert mule deer) will serve the implementation of conservation and resource management objectives as they pertain to the management and operation of the WIPP site.

Wildlife within the WLWA shall be given consideration during planning stages of projects involving the disturbance or encroachment of wildlife habitat inside DOE lands via the LUR process as described in Chapter 2, "Environmental Compliance." Monitoring and research of specific wildlife populations will occur as funding and manpower allow.

12.1 OBJECTIVES

The objective of the DOE is to maintain and/or enhance the ecological condition of wildlife habitat within the WLWA.

Decisions regarding the management of wildlife on DOE lands shall be implemented over time in accordance with the DOE budgeting process. Priorities will be established for each management program to coordinate sequential implementation.

Implementation of wildlife management objectives shall be in accordance with existing local, state, and federal laws. In addition, it is the DOE's objective to comply with commitments contained in existing MOUs and interagency agreements with separate agencies and to consider the needs of, and the impacts to, native wildlife populations throughout the life of the WIPP (to include decommissioning).

12.2 PLANNED ACTIONS

12.2.1 Raptors

1. The BLM and the DOE shall continue the Raptor Research and Management Program in accordance with Interagency Agreement No. 1422G910-A2-0016 (Appendix F).
2. All WIPP-related land management actions shall take into consideration, prior to project approval, the potential impacts on raptor resources in the area. Documentation identifying potential impacts and proposed mitigation methods shall be submitted to the cognizant regulatory personnel (WIPP raptor biologist) for status determination (e.g., approval or denial). For example, power lines within the

withdrawal shall be constructed using acceptable configurations (e.g., BLM specifications) regarded as "raptor safe" by WIPP raptor biologists.

3. All raptor research shall be conducted by personnel trained in the science disciplines and shall be authorized under state and federal permits to conduct the desired studies. At such time that a study is determined to be counterproductive or too intrusive, it can be terminated, at the discretion of WIPP cognizant personnel, until such time that a complete evaluation and concurrent disclosure is conducted.
4. The DOE shall solicit, contingent on funding, research proposals from educational institutions. These will provide valuable data, function to expand the data gathering network via colleges and universities, and provide a positive public image for the WIPP by conveying to the general public the positive environmental impacts of the WIPP. Cognizant WIPP personnel will serve as advisors to students conducting research and will evaluate research techniques to assess the impacts of the research on the resource. Cognizant WIPP personnel will reserve the right to suspend a study for evaluation if evidence reveals that intrusive research activities are having a negative impact upon the environmental resource.

12.2.2 Threatened and Endangered Species

1. Upon identification of habitat within WIPP lands occupied by state or federally listed species, the area will be set aside, posted against unauthorized entry, and routinely monitored. Prior to implementation of proposed projects and/or other activities that

may affect special status plant or animal species within the WLWA, expeditious notification (within 30 days of project implementation) of cognizant regulatory agencies (e.g., the NMDG&F, the USF&WS, the EMNRD Forestry and Resources Conservation Division) shall be conducted by WIPP personnel. The DOE shall solicit recommendations from said agencies for incorporation into a habitat management plan to be developed and implemented in a timely manner.

2. Federally listed T&E plant and animal species shall be managed according to USF&WS recovery plans. State-listed species will be protected by way of cooperative agreements, joint powers agreements, or MOUs with the NMDG&F, EMNRD Forestry and Resources Conservation Division, or other cognizant regulatory agencies.
3. The DOE shall continue to monitor for the presence of T&E species.
4. Cognizant WIPP personnel shall continually monitor and maintain, as required, sensitive habitats for T&E species.

12.2.3 Ungulates

1. The DOE shall initiate, contingent on funding and manpower, investigations designed to ascertain territories, home ranges, and migration trends of desert mule deer (*Odocoileus hemionus*). Evaluations of desired food sources by season would benefit WIPP biologists by way of aiding in the determination of seed mixes

conducive to the preferences of the local deer herd. Suitable mixes will then be used in reclamation plans.

2. As constraints associated with funding, manpower, and permitting allow, the WIPP will provide monitoring studies into the life histories of wild desert ungulates. These will involve the radio-tagging of deer to evaluate WIPP effects on transient populations. Moreover, this approach would allow scientists to determine the status of the local population pertaining to home-range parameters and migratory movements in response to seasonal activity, livestock forage, and oil and gas exploration.
3. New water developments within the WLWA will be made accessible to wild ungulates. Existing water developments (e.g., livestock watering units) inside the WLWA will be modified (if necessary) to accommodate wildlife needs.
4. Fencing within the WLWA will reflect configurations recommended by the BLM for construction in areas containing wild ungulates.

12.2.4 Small Game

12.2.4.1 Galliformes

1. The DOE shall implement, contingent on funding and manpower, analyses into the dynamics of the desert galliforme (quail and prairie chickens) populations.

Examination of food preferences, distribution, range, and breeding behavior will be incorporated into the research design.

2. Galliformes, particularly desert quail, comprise one of the more popular recreational pursuits of local hunters and therefore represent a direct pathway to man for environmental contaminants. Available information regarding the life histories of native quail (e.g., scaled quail and desert subspecies of bobwhites) are finite, thus affording WIPP scientists limited parameters for scientific inquiry and management designs. Due to their popularity with sport hunters and their capacity as bioindicators for WIPP radiological analyses, desert quail will be considered a priority for research as funding is made available.
3. New water development within the WLWA will be equipped to facilitate desert galliformes (e.g., bird ramps in livestock waterers). Existing water developments will be modified to facilitate desert galliformes.
4. Reclamation seed mixes will reflect plant species conducive to the needs of native gallinaceous birds.
5. Population densities of the lesser prairie chicken will be determined to assess the need for mitigation actions associated with surface-disturbing activities. Location and status of booming grounds, or "leks," will be identified each spring. Active leks will be monitored passively to preclude inadvertent disturbances associated with the operation of the WIPP or by members of the general public.

12.2.5 Nongame Species

12.2.5.1 Small Mammals

1. Small mammal population studies will continue pursuant to the WIPP nonradiological environmental sampling protocol as defined in the "Annual Site Environmental Report" (DOE/WIPP 93-017).

12.2.5.2 Furbearers

1. Fur trapping in the WLWA will be allowed. Trapping will be done in accordance with all applicable state and federal laws. Persons wishing to conduct trapping activities within the WLWA shall notify the WIPP security force and be briefed regarding safety requirements and conduct while operating on WIPP lands. Traps shall be well-marked and checked every 24 hours at a minimum. If the presence of traps represents a safety concern, or if the trapper has not complied with stipulations imparted by cognizant WIPP personnel, the traps will be removed immediately. If the presence of traps is determined to be unnecessary by the WIPP LUC, all traps will be removed until such time that the WIPP LUC, in consultation with the LMC and the proper authorities, concludes that trapping may resume.
2. Resident populations of furbearers (e.g., coyotes, foxes, bobcats) will be monitored on an "as needed" basis. Responses to anomalous conditions (e.g., disease) in the

furbearer population will be contingent on the severity of the condition (e.g., rabies) and the potential threat it represents to the employees of the WIPP.

12.2.5.3 Small Birds

1. WIPP personnel will continue to survey resident and transient populations of small birds (e.g., Passeriformes). Migration trends, habitat preferences, and nesting behavior will be factored into mitigation actions concerning adverse impacts of WIPP operations on protected species.
2. Reclamation efforts will use plant species conducive to the needs of small birds.
3. Water developments and similar hazards (e.g., molasses troughs) within the WLWA will be configured to prevent mortalities of small birds.
4. If the determination is made that the nest of a protected species compromises the normal working operation of the WIPP (e.g., nests built on construction machinery), cognizant WIPP personnel will contact appropriate regulatory agencies (NMDG&F, USF&WS) for guidance regarding response protocol. Nests will remain in place and undisturbed until the determination of legal response protocol.

12.2.5.4 Reptiles

1. The monitoring and management of reptiles will fall primarily under the auspices of T&E management. As of 1993, the area around the WIPP was identified as having habitat favorable for the inhabitation of the dune sagebrush lizard (*Sceloporus arenicolous*), a state-listed and USF&WS proposed Category II Federal Notice of Review species. Moreover, contacts with Texas horned lizards (*Phrynosoma cornutum*), a federal notice of review species, are not uncommon on WIPP lands. Therefore, potential impacts to these protected species will be considered during deliberation of land management decisions.
2. Projects conducted on WIPP lands, involving brush control and/or large-scale surface disturbance(s), will, after consultation with NMDG&F, take action in accordance with all applicable state and federal laws pertaining to the mitigation of impacts to habitat conducive to the presence of protected species of reptiles.

CHAPTER 13

GRAZING

CHAPTER 13

GRAZING

13.0 INTRODUCTION

Grazing within the WLWA operates within the authorization of the Taylor Grazing Act of 1934, the FLPMA, the Public Rangelands Improvement Act of 1978, and the Bankhead-Jones Farm Tenant Act of 1973. The responsibilities of the DOE include supervision of ancillary activities associated with grazing (e.g., wildlife access to livestock water development, assurance that all livestock water developments inside WIPP lands are configured according to regulatory requirements, etc.) and ongoing coordination with respective allottees. Administration of grazing rights shall be in cooperation with the BLM in accordance with existing MOUs (Appendix C) and the coinciding statement of work (Appendix D) through guidance established in the *East Roswell Grazing Environmental Impact Statement* (BLM 1979).

The WLWA is comprised of two grazing allotments administered by the BLM: the Livingston Ridge (No. 77027) and the Antelope Ridge (No. 77032) (Figure 13.1).

Acreage, vegetative composition, allotment status, animal unit month (AUM) numbers, and standard management practices (e.g., deferred rotation grazing techniques) are addressed in Section 2.4, "Affected Grazing Environment" (pp. 2-8 through 2-11), of the LMP. General

management objectives and planned actions are contained in Section 3.3, "Grazing Management" (pp. 3-5 through 3-6), of the LMP.

This document provides guidance pursuant to best management practices of the DOE, on lands contained in the WLWA, as they pertain to traditional livestock use.

13.1 OBJECTIVES

The objective of the DOE for grazing management is based on the current practices for adjacent public lands. Priorities involve maintaining rangeland resource values on a long-term, sustained-yield basis.

13.2 PLANNED ACTIONS

13.2.1 Grazing Regulations

The DOE will continue to allow grazing in accordance with historical land uses as regulated by pertinent laws, regulations, and existing agreements (e.g., BLM/DOE MOU) governing livestock use of public lands.

13.2.2 Configuration of Rangeland Improvements

As a result of the WIPP Land Withdrawal Act, all existing and future rangeland improvements (e.g., livestock water developments) within the WLWA belong to the DOE.

Therefore, all rangeland improvements within the WLWA shall conform with configuration requirements established by the LMC in consultation and cooperation with affected stakeholders and cognizant regulatory personnel. LURs will be developed, submitted, and considered in accordance with Appendix B of this document.

13.2.3 Wildlife Access

All rangeland improvements within the WLWA will be made accessible to wildlife. Any improvement that is determined by cognizant personnel to pose an imminent threat to wildlife of the area will be corrected immediately by the responsible party/parties or will be expeditiously removed from service at the expense of the responsible party/parties.

13.2.4 Future Rangeland Improvements

Future rangeland improvements shall be initiated through a request to the BLM by the responsible party (requestor). The request will be forwarded by the BLM to the DOE for evaluation by the LMC. The LMC will determine the expediency of the request, make status decisions per the request, and attach necessary stipulations to the request. LMC decisions will be sent to the BLM for incorporation into their response to the requestor. Decisions of the LMC are final and subject to amendment only at the discretion of the LMC. Stipulations requested by the LMC shall be addressed to the satisfaction of the LMC by the requestor prior to implementation of the request.

13.2.5 Maintenance of Existing Improvements

General maintenance of existing rangeland improvements will be the responsibility of the allottee unless otherwise directed by authority of the LMC. All maintenance will be conducted in accordance with all applicable laws and regulations governing the respective action.

13.2.6 Violations of Existing Agreements

Alleged violations of existing agreements (e.g., MOUs), commitments, and/or existing laws and regulatory requirements will be brought before the LMC for discussion, determination, and resolution. Examples of violations are connections to water developments that do not meet configuration requirements pertaining to existing regulations and/or laws, and fence configurations that do not meet existing requirements and/or laws.

13.2.7 Nonconformance with Grazing Requirements

If evidence suggests that a respective allottee is in nonconformance with existing grazing regulations/requirements on WIPP lands (e.g., exceeding legal AUM allocation), the concern shall be submitted, in writing, to the BLM for resolution. Final resolution shall be done in consultation and cooperation with the WIPP LMC, the BLM, and affected stakeholders.

13.2.8 Modifications to Improvements

Modifications of existing rangeland improvements (e.g., fence line alterations) may be conducted by the respective allottee. However, the modification shall not contradict the management goals and best management practices of the BLM and the WIPP LMC. Requests for modifications must be submitted in writing by the respective allottee to the BLM. The BLM shall forward the request to the DOE for review, comments, and determination by the LMC.

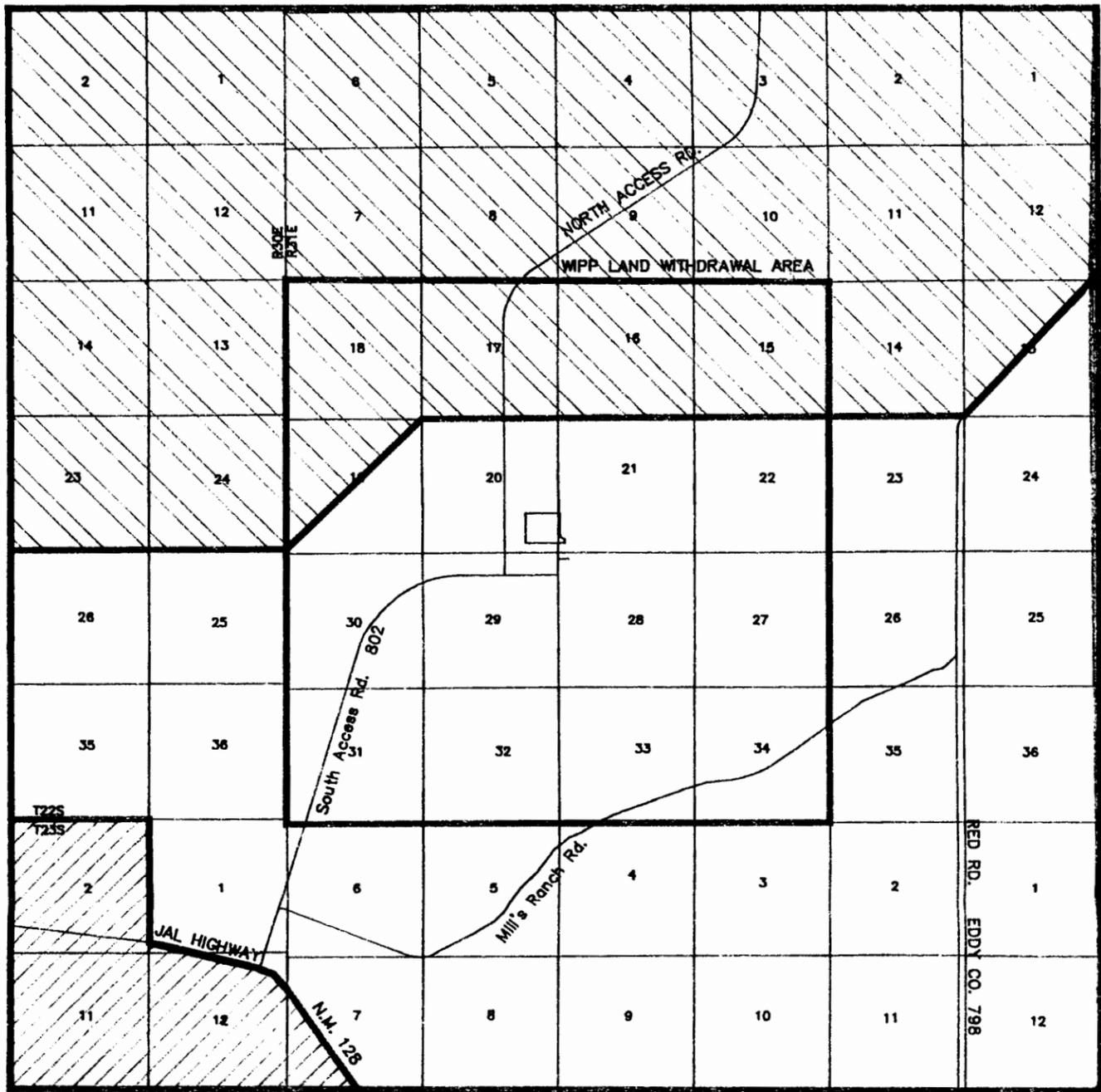
13.2.9 Amending Grazing Rights

If the determination is made by the LMC (in consultation and cooperation with the BLM and affected stakeholders) that livestock grazing represents a significant risk to the health and/or safety of WIPP personnel, the integrity of critical T&E or wildlife habitat, or that it poses a risk to the incorporation of best management practices by the LMC, ancillary restrictions and/or guidelines may be imposed on the respective allottee pursuant to their grazing privileges on WIPP lands. If the determination is made by the BLM, in consultation with the LMC, that a respective allottee has committed three or more incidents of noncompliance pertaining to existing grazing laws and/or restrictions, grazing privileges may be revoked within the WLWA, at the discretion of the LMC, in accordance with all applicable laws and regulations governing the revocation of grazing rights on public lands.

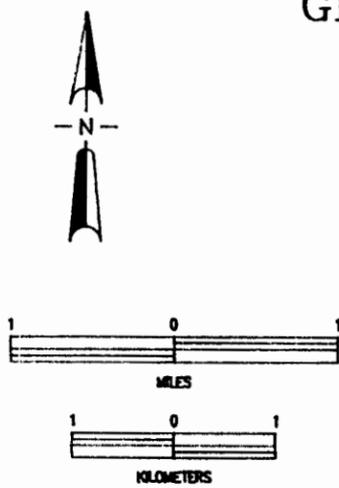
13.2.10 State Notification

The DOE shall provide notice to the EMNRD Forestry and Resources Conservation Division upon receipt or development of:

1. Grazing management changes and/or plans proposed for the WLWA (to include proposed brush control);
2. Any report generated from the BLM's and/or DOE's vegetative monitoring program covering the WLWA.



GRAZING ALLOTMENTS IN THE VICINITY OF THE WIPP LAND WITHDRAWAL



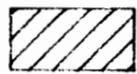
-  LIVINGSTON RIDGE ALLOTMENT
-  ANTELOPE RIDGE ALLOTMENT
-  NASH DRAW ALLOTMENT

FIGURE 13.1

APPENDIX A

**WASTE ISOLATION DIVISION
CHARTERS**

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WID CHARTERS
MC 9.17 REV.0
1 OF 3

TITLE: LAND MANAGEMENT REVIEW COUNCIL

COGNIZANT STAFF MANAGER:

DRAFT

APPROVED BY:

L.R. Fitch
ESH&RC

Date

C.M. Cox
WID General Manager

Date

1.0 CHARTER AND SCOPE

Provide policy guidance to the Department of Energy (DOE) in areas involving the coordination of the management and oversight of lands included within the boundaries of the Waste Isolation Pilot Plant (WIPP) land withdrawal domain and those lands outside the WIPP boundary used in the operations of the WIPP site. This includes compliance with all applicable regulatory requirements relating to activities which occur or are likely to occur within the boundaries of those lands which are used in the operation of the WIPP. These include (but are not limited to) regulations referenced in the WIPP Land Management Plan (DOE/WIPP 93-004), the WIPP Land Management Implementation Plan (DOE/WIPP 94-026), Joint Power Agreement(s) (JPA), and the U.S. Department of the Interior, Bureau of Land Management (BLM) - DOE Memorandum of Understanding (MOU) incorporating all regulatory requirements and provisos contained therein.

2.0 PARTICIPANTS

The Land Management Council (LMC) shall consist of the following:

DRAFT

DOE Land Management Designated Point of Contact (POC)

WID Land Management Designated POC, WID Land Use Coordinator (LUC)

Affected Stakeholder(s) - (see Section 5.0)

3.0 RESPONSIBILITIES

1. Attend LMC meetings.
2. Evaluate and establish positions on each issue or proposal before the Council for consideration, and register individual concurrence or nonconcurrence.
3. Participate in matters that come before the Council for action.
4. Establish and maintain lines of communication among all participating entities which, at any time, may have reason to utilize lands which are under the jurisdiction of the WIPP Project.
5. Obtain recommendations and guidance from cognizant federal and state agencies.
6. Provide recommendations and guidance to cognizant federal and state agencies.
7. Monitor DOE compliance with applicable implementation of new state and/or federal regulatory requirements as they pertain to lands under the jurisdiction of the WIPP Project.

**WASTE ISOLATION DIVISION
CHARTERS**

MANUAL
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WID CHARTERS
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TITLE: LAND MANAGEMENT REVIEW COUNCIL

8. Review of any unusual occurrences involving potential or existing safety concerns, contamination release, environmental noncompliance, Final Safety Analysis Report nonconformance, and the like as they pertain to land management concerns.

9. Other pertinent issue/policy agenda items.

4.0 OPERATION

1. Convening of the LMC by the LUC shall occur as issues related to land management arise, as defined in the Land Management Implementation Plan.

2. Consideration of issues related to land management will not proceed without prior notification to all members of the LMC (to include affected stakeholders).

3. Decisions by DOE affecting the vested interests or concerns of party/parties identified as "affected stakeholders" will incorporate comments from said parties as voting members of the LMC.

4. The LMC will track all Land Use Requests from inception to project culmination, to include modifications, longevity and/or decommissioning.

5.0 STAKEHOLDERS/KEY EXTERNAL INTERFACES

1. Agency for Conservation Archaeology (ACA)

2. City of Carlsbad, New Mexico

DRAFT

3. Eddy County

4. (New Mexico) Energy, Minerals, and Natural Resources Department (EMNRD)

5. Environmental Evaluation Group (EEG)

6. Forestry & Resources Conservation Division of EMNRD

7. Historic Preservation Division of the Office of Cultural Affairs (OCA)

8. Lea County

9. Mills Ranch, Mr. J.C. Mills, Operator

10. New Mexico Department of Game and Fish (NMDG&F)

11. New Mexico Environment Department (NMED)

12. (New Mexico) Office of Cultural Affairs (OCA)

13. Oil Conservation Division of EMNRD (OCD)

**WASTE ISOLATION DIVISION
CHARTERS**

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TITLE: LAND MANAGEMENT REVIEW COUNCIL

14. Sandia National Laboratories (SNL)
15. Smith Ranch, Mr. K. Smith, Operator
16. (New Mexico) State Historical Preservation Officer (SHPO)
17. (New Mexico) State Land Office (SLO)
18. U.S. Department of the Interior, Bureau of Land Management (BLM)
19. U.S. Department of the Interior, U.S. Fish and Wildlife Service (USF&WS)
20. (New Mexico) State Engineer Office
21. U.S. Federal Bureau of Investigation
22. (New Mexico) State Police
23. (New Mexico) Department of Agriculture
24. U.S. Department of Agriculture
25. Carlsbad Area Office (CAO) of the DOE
26. (U.S.) Department of Justice

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APPENDIX B

APPENDIX B

GUIDE FOR THE COMPLETION OF A LAND USE REQUEST

Acceptance or denial of a LUR is contingent on the accuracy and completeness of the LUR submittal. LUR submittals consist of three basic elements or steps. These are:

- Step 1:** The requestor(s) of specific projects shall complete a detailed, narrative description of the proposed activities for evaluation by the LUC. The contents of the description must contain the following:
- Disclosure of the names of all individual(s) and/or companies scheduled to perform the proposed action;
 - The intention or purpose of the proposed action;
 - Anticipated time lines for completion;
 - Impacts on the WIPP that would result if the LUR for the proposed project was denied;
 - Alternatives;
 - Anticipated environmental impacts;
 - Detailed reclamation/restoration plans.
- Step 2:** The requestor(s) shall submit a properly completed ECL (Attachment 1 to Appendix B).
- Step 3:** The requestor(s) shall submit a map (USGS 7.5 topographic, BLM land status, or WIPP-generated) depicting the location(s) of proposed action(s).

APPENDIX B, Attachment 1
 U.S. DEPARTMENT OF ENERGY
 Albuquerque Field Office
 ENVIRONMENTAL CHECKLIST/ACTION DESCRIPTION MEMORANDUM

Project/Activity Title:	NEPA ID Number:	Date:
Program Office:	B/R Code	
Line Management Office:	Project/Activity Number:	
Contact Name:	Signature:	

A. BREIF PROJECT/ACTIVITY DESCRIPTION: Include category (experiment, test, modification, maintenance, etc.), location, schedule, cost, etc.

B. ENVIRONMENTAL CONDISERATIONS: Will the project/activity, either during construction or operation, affect or involve any of the following considerations? If the proposed project/activity represents a commitment to a course of actions that would ultimately require a positive reponse to one or more of the considerations below, identify consideraton numbers and provide explanation.

	<u>YES</u>	<u>NO</u>		<u>YES</u>	<u>NO</u>
1. Air emissions	—	—	12. Activity outsied area fence/wildlife	—	—
1. Liquid effluents	—	—	13. Archaeological/cultural resources	—	—
Solid waste	—	—	14. Noise levels	—	—
Radioactive materials/soil	—	—	15. Radiation/toxic chemical exposures	—	—
2. Hazardous constituents	—	—	16. Pesticide/herbicide use	—	—
Mixed waste (rad & haz)	—	—	17. High energy source/explosives	—	—
7. Chemical storage/use	—	—	18. Transporation issues	—	—
3. Petroleum storage/use	—	—	19. Special status species/environment	—	—
Asbesto materials	—	—	20. Environment restoration site	—	—
10. Utility system	—	—	21. Other	—	—
11. Clearing or excavation	—	—			

Explanation and qualificaton of specific responses of "yes".

Number	Explanation

C. PERMITS: Does the proposed project/activity require any local, state, or federal permits/notifications or potential violation of laws, regulations, or DOE Orders?
 ___ YES ___ NO

Explain, _____

NCO
 CLASSIFICATION/RECOMMENDATION: _____

Signature: _____ Title: _____ Date: _____

WIPP CHECKLIST ATTACHMENT

For Originating Department's Use

DATE: _____

ACTIVITY TITLE: _____

LOCATION OF ACTIVITY: _____

PROJECTED START DATE: _____

ESTIMATED COST: _____

ORIGINATING DEPARTMENT: _____ COGNIZANT MGR/PROF: _____

Item A on Checklist - BRIEF PROJECT/ACTIVITY DESCRIPTION:

PROJECT/ACTIVITY JUSTIFICATION

Item B on Checklist - Explanation and Qualification "YES" responses:

Cognizant Department Manager Signature and Date:

For Environmental Compliance Use

PREVIOUS APPLICABLE NEPA REVIEW, IF ANY:

ENVIRONMENTAL COMPLIANCE REVIEW:

CX(s) That May Be Applicable to this Project/Activity:

Recommended Next Step for NEPA Documentation or Review:

Review Done by:

Approved by:

APPENDIX C

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. DEPARTMENT OF ENERGY
AND
THE U.S. DEPARTMENT OF INTERIOR

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. DEPARTMENT OF ENERGY
AND
THE U.S. DEPARTMENT OF INTERIOR

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. DEPARTMENT OF ENERGY
AND
THE U.S. DEPARTMENT OF THE INTERIOR

I. PARTIES

The parties to this Memorandum of Understanding (MOU) are the U.S. Department of Energy (DOE), represented by its Waste Isolation Pilot Plant (WIPP) Carlsbad Area Office, and the U.S. Department of the Interior (DOI), represented by its Bureau of Land Management (BLM), Roswell District Office.

II. BACKGROUND AND PURPOSE

The WIPP is authorized under Section 213 of the DOE National Security and Military Applications of Nuclear Energy Authorization Act of 1980, Public Law (P.L.) 96-164. The WIPP is authorized for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States exempted from regulation by the Nuclear Regulatory Commission.

The WIPP Land Withdrawal Act of 1992, P.L. 102-579 ("the LWA"), withdrew 10,240 acres of land in Eddy County, New Mexico, from the operation of the public land laws and reserved those lands for the construction, experimentation, operation, repair and maintenance, disposal, shutdown, monitoring, decommissioning, and other authorized activities associated with the purposes of the WIPP as set forth in Section 213 of P.L. 96-164.

Section 4 of the LWA makes the Secretary of Energy responsible for the management of the withdrawal, consistent with the Federal Land Policy and Management Act of 1976. The LWA directs the Secretary, in consultation with the Secretary of the Interior and the state of New Mexico, to develop a land management plan (DOE/WIPP 93-004) for the use of the withdrawal area until the end of the decommissioning phase. It further directs the Secretary and the Secretary of the Interior to enter into an MOU to implement the management plan.

III. AUTHORITY

This MOU is entered into pursuant to the authority of, and is consistent with, the LWA. Further, it is consistent with and subject to certain other appropriate statutory authorities, including the Department of Energy Organization Act, P.L. 95-91; the Energy Reorganization Act of 1974, P.L. 93-438; and the Economy Act of 1932, as amended by P.L. 98-216.

IV. MANAGEMENT

This MOU envisages direct communication between officials of the DOE and the BLM in consultation with other federal and state land management agencies which are involved in managing the resources within or activities impacting the surrounding areas of the WIPP withdrawal area. This MOU sets forth the cooperative arrangements and procedures for addressing land management within the withdrawal area. These cooperative arrangements and procedures implement the WIPP Land Management Plan for the withdrawal area and are consistent with the WIPP Land Management Plan's concept of multiple-use management.

The responsibilities and duties listed pursuant to this MOU relate to those shared by the DOE and the DOI. For additional land management issues not found in this MOU, consult the WIPP Land Management Plan (DOE/WIPP 93-004).

This MOU will be administered on behalf of the DOE by the Manager, Carlsbad Area Office, P.O. Box 3090, Carlsbad, New Mexico 88221.

This MOU will be administered on behalf of the DOI by the District Manager, Roswell District Office, BLM, P.O. Box 1397, Roswell, New Mexico 88201.

V. FUNDING

The details of the levels of funding to be furnished to one signatory organization by the other will be developed in specific interagency agreements, subject to the availability of funds. This MOU shall not be used to obligate or commit funds or as the basis for the transfer of funds. The DOE and the DOI will provide each other mutual support in budget justification to the Office of Management and Budget and in hearings before the Congress with respect to the programs described in the WIPP Land Management Plan and implemented through this MOU.

VI. RESPONSIBILITIES OF PARTICIPATING PARTIES

A. Cultural Resources

It is the intent of the DOE to manage cultural resources within the withdrawal area pursuant to Sections 106 and 110 of the National Historic Preservation Act, Archaeological Resource Protection Act, Native American Graves Protection and Repatriation Act, and applicable DOE Orders to ensure that scientific and sociocultural use by present and future generations shall not be diminished.

1. The DOE agrees to:

- a. Retain responsibility for management of cultural resources within the withdrawal area.
- b. Inventory and evaluate cultural resources prior to surface-disturbing activities.

c. Use avoidance as the primary mitigation measure.

2. The DOI agrees to:

a. Provide recommendations to the DOE in developing mitigation measures when avoidance of historic property is not possible.

B. Grazing Management

The withdrawal area includes portions of two grazing allotments administered by the BLM. The DOE's intent is to continue current management practices.

1. The DOE agrees to:

a. Retain responsibility for grazing management decisions affecting the two grazing allotments within the withdrawal area.

2. The DOI agrees to:

a. Provide proposed grazing management changes and/or plans to the DOE for review and comment.

b. Provide grazing management of the grazing allotments within the withdrawal area in accordance with applicable grazing laws including the Taylor Grazing Act, the Federal Land Policy and Management Act, and the Public Rangelands Improvement Act.

c. Continue BLM-funded vegetative monitoring program to determine if range management goals and objectives established for the grazing allotments are being achieved. As a minimum, the monitoring program will include collecting data on actual livestock use, wildlife habitat and population trends, degree of utilization of the key forage species, climatic conditions, and rangeland ecological conditions and trends.

C. Wildlife

The DOE intends to manage wildlife habitat within the withdrawal area for ungulates, raptors, upland game, and any special-status plant or animal species occupying the withdrawal area.

1. The DOE agrees to:

a. Retain responsibility for management decisions affecting wildlife habitat and the habitat of any special-status plant or animal species found occupying the withdrawal area.

- b. Continue with the BLM and the DOE Interagency Agreement No. 1422G910-A2-0016 - Raptor Research and Management Program.
- c. Upon receipt of the draft copy of the recovery plan (see Part 2a. below), the DOE shall review, comment, and transmit the draft copy of the recovery plan back to the BLM within 30 days.

2. The DOI agrees to:

- a. Develop a recovery plan in cooperation with the U.S. Fish and Wildlife Service and appropriate state agencies for any threatened or endangered plant and animal species found occupying the WIPP withdrawal area to ensure its success and survival.
- b. Continue with the BLM and the DOE Interagency Agreement No. 1422G910-A2-0016 - Raptor Research and Management Program.
- c. Consult with the DOE to ensure that any range improvement developments (e.g., installation of livestock watering units) will be designed to accommodate wildlife needs.

D. Fire Management

It is the intent of the DOE to provide a fire management program that will ensure a timely, well-coordinated, and cost-effective response to suppress wildfire within the withdrawal area.

1. The DOE agrees to:

- a. Employ full suppression strategy of a wildfire within the withdrawal area by utilizing the WIPP incident commander to coordinate fire management activities.

2. The DOI agrees to:

- a. Provide full fire-fighting support within the withdrawal area should the WIPP incident commander request such support.
- b. Commit necessary additional fire suppression resources should local BLM fire suppression resources be insufficient. The additional resources to be committed will be negotiated based upon the severity and behavior of the fire.

E. Mining and Gas and Oil Production

It is the intent of the DOE to ensure that mining and gas and oil activities do not encroach upon the withdrawal area. Adherence to this MOU is crucial to protecting the repository from inadvertent human intrusion. The WIPP is an offset owner to all gas

and oil leases adjacent to the withdrawal boundary and will exercise the right to provide input on proposed activities of adjacent offset operators requesting an exception to applicable New Mexico Oil Conservation Division (NMOCD) rules and regulations.

In accordance with Section 4(b)(5)(A) of the LWA, no surface or subsurface mining or oil or gas production, including slant drilling from outside the boundaries of the withdrawal, shall be permitted at any time (including after decommissioning) on lands on or under the withdrawal.

In accordance with Section 4(b)(5)(B) of the LWA, existing rights under Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C shall not be affected unless the Administrator of the Environmental Protection Agency determines, after consultation with the Secretary of Energy and the Secretary of the Interior, that the acquisition of such leases by the Secretary of Energy is required to comply with the disposal regulations or with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

1. The DOE agrees to:

- a. Coordinate with the BLM to provide input and recommendations in determining a BLM permit issuance for oil and gas extraction and mining activity on federal lands within one mile of the WIPP withdrawal boundary.
- b. Provide the technical expertise to interpret, review, and verify oil and gas activity calculations performed by the BLM.

2. The DOI agrees to:

- a. Forward applications for Permit to Drill and mining and reclamation plans to the DOE for review and comment in determining issuance of any oil and gas extraction or mining permit within one mile of the WIPP withdrawal boundary. The BLM shall resolve any DOE comments prior to approval of such applications and plans.
- b. Include the following as a Special Condition of Approval for oil and gas activity on federal lands at 330 feet or closer to the WIPP withdrawal boundary:
 - (1) Ensure that the operator provides the BLM with drill site downhole vertical deviation surveys for each 500-foot drilling interval.
 - (2) Provide the technical expertise to calculate well bore deviation at each 500-foot interval of drilling to determine the degree of deviation and forward these results to the DOE for review and verification of calculations.
 - (3) Require the operator, in accordance with the NMOCD Rule 111, to perform and provide the BLM a directional survey to establish bottom

hole location on well bores that experience deviation angles of more than five degrees from vertical in any 500-foot interval.

- (4) Require the operator to perform and provide the BLM a directional survey to establish bottom hole location on well bores when the total cumulative degrees of displacement, independent of direction, indicate that the well bore could deviate to within 100 feet of the withdrawal boundary. Should the directional survey indicate that deviation is toward the withdrawal boundary, the BLM would require a directional survey at 100-foot intervals until such time as data would indicate that the bottom hole location at total depth would not exceed 10 degrees from vertical or could result in a bottom hole location less than 100 feet from the withdrawal boundary. Should deviation direction continue towards the withdrawal boundary during the BLM monitoring of the 100-foot directional survey intervals, the BLM will require the operator to take corrective measures (e.g., side tracking) or cease drilling activity.
 - (5) Provide the DOE the directional survey results that establish bottom hole location on well bores that experience deviation angles of more than five degrees from vertical in any 500-foot interval and on well bores when the total cumulative degrees of displacement, independent of direction, indicate that the well bore could deviate to within 100 feet of the withdrawal boundary.
- c. Provide the DOE with completion, alternate use, and/or plugging and abandonment reports relevant to drilling, production, injection, and mining activity on federal lands within one mile of the withdrawal boundary.

F. Realty/Lands/Rights-of-Way

Land use management within the WIPP withdrawal boundary is the sole responsibility of the DOE. It is the intent of the DOE to monitor any land use proposal affecting the withdrawal area.

1. The DOE agrees to:
 - a. Consult with the BLM regarding future DOE right-of-way actions needed outside the withdrawal area.
 - b. Review and comment on applications and proposals received by the BLM for any land uses affecting, but not solely contained within, the WIPP withdrawal boundary.
 - c. Submit comments relative to any land uses affecting, but not solely contained within, the WIPP withdrawal boundary to the BLM's Roswell District Manager, or their representative, within 30 days of receipt from the BLM.

2. The DOI agrees to:

- a. Forward applications and proposals for land uses affecting, but not solely contained within, the WIPP withdrawal boundary to the DOE.
- b. Assume responsibility, when designated as the lead agency, for the preparation of the National Environmental Policy Act documentation for land uses affecting, but not solely contained within, the WIPP withdrawal boundary. The BLM shall obtain the review and approval of the DOE (the contributing agency) in regard to the BLM issuance of a Record of Decision.
- c. Incorporate any DOE- and/or WIPP-specific compliance requirements when preparing documentation for land uses affecting, but not solely contained within, the WIPP withdrawal boundary.

G. Reclamation

The DOE intends to return land disturbed by the WIPP activities to a stable ecological state that will assimilate with the surrounding undisturbed ecosystem.

1. The DOE agrees to:

- a. Reclaim land disturbed by the WIPP activities in accordance with the Environmental Protection Implementation Plan (DOE/WIPP 90-050); the Federal Land Policy and Management Act, 1976 (P.L. 94-579); the WIPP Final Supplement Environmental Impact Statement (DOE/EIS-0026-FS, Jan. 90); the WIPP Final Environmental Impact Statement (DOE/EIS-0026, Oct. 80); EPA requirements regarding disposal regulations; future Environmental Impact Statements; and land withdrawal requirements.
- b. Consult with the BLM in advance of reclamation activities to ensure compliance with applicable DOE reclamation commitments.

2. The DOI agrees to:

- a. Review DOE-proposed reclamation actions to ensure compliance with applicable DOE reclamation commitments.

VII. PUBLIC INFORMATION COORDINATION

Subject to the Freedom of Information Act, Title 5 U.S.C 552, decisions by either party on disclosure of information to the public regarding projects and programs developed pursuant to this MOU shall be made only after consultation between the parties.

VIII. PATENTS AND TECHNICAL DATA

Appropriate patent and other intellectual property provisions shall be included in interagency agreements and any other agreements entered into by the parties in order to implement this MOU. DOE patent and intellectual property policies shall apply to any such work performed by a contractor (including any subcontractor) which is funded in whole or in part by the DOE. Rights to inventions made by U.S. government employees shall be determined by the employing agency. .

IX. REVIEW, AMENDMENT, AND TERMINATION

The DOE and the DOI, in consultation with other federal and state agencies involved in managing the resources within the withdrawal, shall review the MOU on an annual basis to determine whether it remains current and whether it effectively and appropriately implements the WIPP Land Management Plan for the WIPP withdrawal.

In the event that the DOE and the DOI determine that this MOU should be revised or amended, such revision or amendment shall be accomplished only upon written agreement between the parties. Any revisions or amendments to this MOU shall be developed in consultation with the state of New Mexico.

This MOU may be terminated by mutual agreement of the DOE and the BLM, or by either party upon a 30-day written notice to the other party.

This MOU shall remain in effect until the end of the decommissioning phase of the WIPP, as that phase is defined in the LWA.

X. EFFECTIVE DATE

This MOU shall become effective upon the latter date of signature of the parties.

U.S. DEPARTMENT OF ENERGY

BY: George E. Dials

DATE: July 19, 1994

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

BY: Leslie M. Cone

DATE: July 19, 1994

APPENDIX D

WASTE ISOLATION PILOT PLANT
STATEMENT OF WORK
FOR
THE BUREAU OF LAND MANAGEMENT

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STATEMENT OF WORK
FOR
THE BUREAU OF LAND MANAGEMENT

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WASTE ISOLATION PILOT PLANT

STATEMENT OF WORK FOR THE BUREAU OF LAND MANAGEMENT

The Bureau of Land Management (BLM) shall perform the following specific tasks identified by the U.S. Department of Energy (DOE) as being necessary to the management of the Waste Isolation Pilot Plant's (WIPP) 16-section withdrawal area.

The parties to this Statement of Work (SOW) are the DOE, represented by its WIPP Carlsbad Area Office, and the U.S. Department of the Interior (DOI), represented by its BLM, Roswell District Office.

This SOW supports the WIPP Land Management Memorandum of Understanding executed between the DOE and the DOI.

This SOW will be administered on behalf of the DOE by the Manager, Carlsbad Area Office, P.O. Box 3090, Carlsbad, New Mexico 88221.

This SOW will be administered on behalf of the DOI by the District Manager, Roswell District Office, BLM, P.O. Box 1397, Roswell, New Mexico 88201.

RESPONSIBILITIES OF THE BLM

A. Cultural Resources

The BLM shall:

1. Provide recommendations to the DOE, within 30 days of request, in developing mitigation measures when avoidance of an historic property area is not possible.

B. Grazing Management

The BLM shall:

1. Provide proposed grazing management changes and/or plans to the DOE for review and comment.
2. Have the responsibility for all traditional administration of range resources afforded under the Taylor Grazing Act, the Federal Land Policy Management Act, and the Public Rangelands Improvement Act. Duties include, but are not limited to, the collection of grazing fees, project design and planning for development of range improvements, and development of Allotment Management Plans.

- c. Continue BLM-funded vegetative monitoring program to determine if range management goals and objectives established for the grazing allotments are being achieved. As a minimum, the monitoring program shall include collecting data on actual livestock use, wildlife habitat and population trends, degree of utilization of the key forage species, climatic conditions, and rangeland ecological conditions and trends.

C. Wildlife

The BLM shall:

1. Prepare in cooperation with the U.S. Fish and Wildlife Service and appropriate state agencies a recovery plan for any threatened or endangered plant and animal species found occupying the WIPP withdrawal area to ensure its success and survival.
2. Provide the DOE, within 30 days of report completion, a draft copy of the recovery plan for review and comment.
3. Consult with the DOE to ensure that any range improvement developments (e.g., installation of livestock watering units) will be designed to accommodate wildlife needs.
4. Continue with the BLM and the DOE Interagency Agreement No. 1422G910-A2-0016 - Raptor Research and Management Program.

D. Fire Management

The BLM shall:

1. Provide full fire-fighting support within the withdrawal area should the WIPP incident commander request such support.
2. Commit necessary additional fire suppression resources should local BLM fire suppression resources be insufficient. The additional resources to be committed will be negotiated based upon the severity and behavior of the fire.
3. Negotiate with the DOE for monetary compensation required by the DOI for commitment of fire-fighting resources within the withdrawal area on a case-by-case basis.

E. Mining and Gas and Oil Production

The BLM shall:

1. Forward applications for Permit to Drill and mining and reclamation plans to the DOE within ten days of receipt for review and comment in determining issuance of any drilling or mining permit on federal lands within one mile of the withdrawal boundary. Drilling or mining permits for this area will not be issued by the BLM until DOE recommendations have been received.

2. Include the following as a Special Condition of Approval for oil and gas activity on federal lands at 330 feet or closer to the WIPP withdrawal boundary:
 - a. Ensure that the operator provides the BLM with drill site downhole vertical deviation surveys for each 500-foot drilling interval within 48 hours of completion of each 500-foot drilling interval. The BLM will provide the DOE with these drill site downhole vertical deviation surveys within three days.
 - b. Provide the technical expertise to calculate well bore deviation at each 500-foot interval of drilling to determine the degree of deviation and forward these results to the DOE within three days for review and verification of calculations.
 - c. Require the operator to perform and provide the BLM with a directional survey to establish bottom hole location on well bores when the total cumulative degrees of displacement, independent of direction, indicate that the well bore could deviate to within 100 feet of the withdrawal boundary. Should the directional survey indicate that deviation is toward the withdrawal boundary, the BLM would require a directional survey at 100-foot intervals until such time as data would indicate that the bottom hole location at total depth would not exceed ten degrees from vertical or could result in a bottom hole location less than 100 feet from the withdrawal boundary. Should deviation direction continue towards the withdrawal boundary during the BLM monitoring of the 100-foot directional survey intervals, the BLM will require the operator to take corrective measures (i.e., side tracking) or cease drilling activity.
 - d. Require the operator, in accordance with the New Mexico Oil Conservation Division (NMOCD) Rule 111, to perform and provide the BLM a directional survey to establish bottom hole location on well bores which experience deviation angles of more than five degrees from vertical in any 500-foot interval and on well bores when the total cumulative degrees of displacement, independent of direction, indicate that the well bore could deviate to within 100 feet of the withdrawal boundary.
 - e. Provide the DOE with the aforesaid directional surveys within three days of receipt and completion, alternate use, and/or plugging and abandonment reports within five days of receipt.

F. Realty/Lands/Rights-of-Way

The BLM shall:

1. Forward applications and proposals for land uses affecting, but not solely contained within, the WIPP withdrawal boundary to the DOE within ten days of the BLM receipt of a completed application.
2. Assume the responsibility, when designated as lead agency, for the preparation of the National Environmental Policy Act documentation for land uses affecting, but not solely contained within, the WIPP withdrawal boundary and any DOE and/or WIPP specific compliance requirements documentation. The BLM shall obtain the review and approval

of the DOE (the contributing agency) of the aforesaid documents in determining issuance of a Record of Decision by the BLM.

3. Incorporate DOE- and/or WIPP-specific compliance requirements when preparing documentation for land uses affecting, but not solely contained within, the WIPP withdrawal boundary.

These requirements shall include at a minimum:

- a. A safety plan that includes a job hazard analysis
- b. A list of all hazardous materials
- c. A description of methods used to manage and dispose of solid and hazardous waste
- d. Detailed project design drawings to include specific areas of impact
- e. A copy of their threatened and endangered species review (wildlife study)
- f. A copy of the archaeology study

G. Reclamation

The BLM shall:

1. Within ten days of receipt from the DOE, review and comment on the DOE proposed reclamation actions to ensure compliance with applicable DOE reclamation commitments.

U.S. DEPARTMENT OF ENERGY

BY: George E. Dials

DATE: July 21, 1994

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

BY: Leslie M. Cone

DATE: July 19, 1994

APPENDIX E

SUMMARY OF CONTRACT DE-AC04-85AL24138

Section C

1. The water line was constructed from the Double Eagle Water System tap point to the WIPP (approx. 31 miles) at the sole expense of DOE.
2. The city of Carlsbad is authorized to utilize capacity in the initial 16 mile segment that is in excess of 500 gallons per minute, provided that:
 - a. Use of excess capacity by the city shall be without cost or liability to DOE
 - b. The city shall notify DOE 30 days in advance of the installation of each new tap and/or service capacity commitment.
 - c. The city shall, when requested by DOE, provide a monthly tabulation of deliveries by tap point for the proceeding 24 months.
3. The final 15 mile segment has four water tap lines authorized by DOE. Any additional tap points must be approved, in advance, by DOE.
4. The city of Carlsbad operates and maintains the water line, at its expense, providing raw water to the WIPP site free of any consumptive charge.
5. Single maintenance projects involving repairs or replacements that cost in excess of \$10,000 shall be considered abnormal and be funded by DOE, subject to DOE approval.

Section H

1. An operating committee will be designated to establish standard procedures and practices for the operation and maintenance of the waterline. (Note: The contract does not designate how often the committee will meet.)

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APPENDIX F

INTERAGENCY AGREEMENT NO.
between the
DEPARTMENT OF ENERGY
and the
BUREAU OF LAND MANAGEMENT

Raptor Research and Management Program

Agreement No. 1422G910-A2-0016

1.0 BACKGROUND

This Interagency Agreement is pursuant to Appendix 3 of the Memorandum of Understanding (MOU) #NM-6-34, dated October 26, 1990, between the United States Department of Energy (DOE), Waste Isolation Pilot Project (WIPP) Project Site Office (WPSO) and United States Department of Interior Bureau of Land Management (BLM), Roswell District, Carlsbad Resource Area Office (CRA). Appendix 3 prescribes management direction for the maintenance and protection of wildlife resources, including raptors. This Agreement defines the relationship and responsibilities of the BLM and the DOE/WPSO to expand the existing cooperative raptor and wildlife studies. The BLM will provide funding to expand the ongoing raptor/wildlife research program, and to engage in an on-the-ground sharing of resources to accomplish this effort.

The area has been designated as the Los Medanos Raptor Study Area which lies in Eddy and Lea counties of southeastern New Mexico. This is an area identified as having a significantly dense and diverse raptor population. Currently, a raptor research project is being conducted by DOE/WPSO within this area, which encompasses the proposed 16 section withdrawal area for the WIPP site and a large area of outlying land administered by the BLM. These research efforts have been ongoing for the past nine years, and have been funded by the DOE. The research has focused on the gathering of base line biological data, describing the behavior, territoriality, and life history of the Harris Hawk and other species. As a means of continuing and expanding this research program, while maintaining research continuity, the BLM will assist the DOE with funding and provide assistance in the collection of biological data, (i.e. species diversity, nesting sites, high use area, etc.) necessary to amend the current CRA Resource Management Plan (RMP), and to develop a new raptor Habitat Management Plan (HMP) for the area.

In summary, this cooperative effort will expand the monitoring and research to include potential short and long term impacts to all raptor populations and other wildlife species, and will more effectively focus on the raptor research needs of both agencies necessary to derive specific management direction. The BLM intends to expand the size of the Los Medanos study area, and to establish a raptor advisory committee to assist in the development of protocols and procedures to reduce impacts to wildlife species within the Los Medanos study area. The DOE/WPSO will assist in the development of these research protocols and of future HMPs for the area.

2.0 OBJECTIVES

1. To identify and map active nest sites and high use areas (tree groves, large mesquites w/nests, etc.) within the established boundaries of the Los Medanos study area in order to mitigate potential negative impacts accrued from land surface uses.
2. Establish wildlife management objectives for the area based on the research findings, and incorporate into the Carlsbad RMP amendment.
3. Base line data will be collected for the development of a Los Medanos Raptor HMP which will be initiated starting in FY95.
4. An overall raptor species list will be compiled from these efforts as well. It is already known, based on confirmed sightings, that some endangered species occur within or frequent the Los Medanos study area.
5. To establish an advisory committee for the designated raptor study area, to suggest research protocol, to review research proposals, and to ensure proper research techniques are practiced. However, approval of research proposals will not be the authority of this committee. The BLM and DOE will each assign at least one member to the advisory committee. Other members will include representative(s) from the New Mexico Department of Game and Fish, the US Fish and Wildlife Service, conservation groups, professional raptor research organizations and the interested public.

3.0 STATEMENT OF WORK

A. The DOE/WPSO agree to:

1. Denote active nest sites and high use areas for wildlife on 7.5 minute topographic maps.
2. Monitor population dynamics, focusing mainly on recruitment into the population, and home range size.
3. Monitor behavioral activities of family groups and single mature and immature birds.
4. Band all captured birds in order to track their long range migration through band recovery.
5. Attach radio telemetry to a maximum of 10 birds in FY 92 (as permits allow) to monitor winter and summer range, home ranges and territories, and locate nesting sites and high use areas.
6. Take blood samples from nestling(s) and adult(s) for analysis. The blood will be analyzed for contaminants (i.e. organophosphates, hydrocarbons, radionuclides, etc.).

7. Construct augmentation facility for the release of rehabilitated raptors, working in conjunction with licensed wildlife rehabilitators.
8. Summarize the findings in responsibilities 1-7 which will be the basis for meeting the research needs identified in Part 2.0., Objectives.
9. Provide the CRA, with a yearly summary report of the research findings. This report should include banding records, results of blood sampling, a 7.5 minute topographic map identifying raptor nests and high use areas, and a complete list of all species occupying the Los Medanos study area.

B. The BLM agrees to:

1. Provide 7.5 minute topographic maps associated with the study area.
2. Provide personnel support, when available, to assist with on the ground efforts being conducted by WPSO employees.
3. Provide necessary clearances required for the development of future wildlife habitat enhancement projects. These projects may be established within the proposed 16 section DOE land withdrawal or along Double Eagle water line right-of-way.
4. Share nest location and behavioral information and field note data relevant to the cooperative studies.

4.0 REPORTS

A yearly report summarizing the research findings including notations of active nest sites/high use areas, fledgling success, etc., shall be submitted by DOE/WPSO to the CRA after the monitoring seasons are complete. This report is due at the end of the fiscal year.

5.0 PAYMENT

As monies become available, a percentage of the total BLM allocated funds for this program shall be paid. The method for reimbursement will be via receipt of the SF 1081. The remaining percentage will be paid upon receipt and subsequent approval of the yearly summary report to be submitted at the end of the fiscal year.

The address for submission of the completed forms, progress reports, draft and final reports, etc. is:

Bureau of Land Management
Attn: John Sherman
P.O. Box 1778
Carlsbad, NM 88221

6.0 TERMINATION

This agreement shall become effective upon the date of last signature and shall remain in effect for five consecutive years from that effective date. The agreement shall be reviewed on an annual basis for consideration of the project's effectiveness in meeting the specific goals and to ensure that the requirements still exist.

The BLM may terminate this agreement upon thirty (30) days written notice of such termination. The DOE/WPSO shall be reimbursed for commitments extending beyond the effective date of termination to a date not later than the date upon which the agreement would have expired if not terminated under this paragraph, which the DOE/WPSO, in the exercise of due diligence, is unable to cancel. Payments under this agreement, including payments under this article, shall not exceed the ceiling amount elsewhere specified in this agreement.

7.0 ADMINISTRATION

1. BLM:

The Contracting Officer responsible for this contract is:

Peggy Dabb
New Mexico State Office
P.O. Box 27115
Santa Fe, NM 87502-0115
(505) 438-7638

The Contracting Officer's Representative (COR) will be:

John Sherman
Carlsbad Resource Area
P.O. Box 1778
Carlsbad, NM 88221
(505) 887-6544

2. DOE/WPSO:

The Contracting Officer is:

Ona M. Bellino
U.S. Department of Energy
Contracts and Procurement Division
P.O. Box 5400
Albuquerque, NM 87185
(505) 845-6156

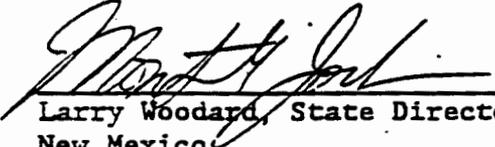
The Project Manager is:

Arlen E. Hunt
Waste Isolation Pilot Plant
WIPP Project Site Office
P. O. Box 3090
Carlsbad, NM 88221
(505) 887-8101

8.0 AUTHORITY

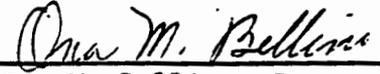
This agreement is entered into pursuant to the Authority of the Economy Act, 31 U.S.C. 1535.

U.S. Department of the Interior
Bureau of Land Management
New Mexico State Office


Larry Woodard, State Director
New Mexico

9/25/92
(Date)

U.S. Department of Energy
Waste Isolation Pilot Project
WIPP Project Site Office


Ona M. Bellino, Contracting Officer

9/25/92
(Date)

APPENDIX G

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES DEPARTMENT OF ENERGY
AND THE
NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
CONCERNING
MUTUAL ASSISTANCE AND EMERGENCY MANAGEMENT

THIS MEMORANDUM OF UNDERSTANDING (MOU) is between the United States Department of Energy (DOE), represented by the Albuquerque Field Office (AL), and the State of New Mexico (State), represented by the Department of Public Safety (DPS).

WHEREAS, both parties have certain responsibilities for protecting workers, the general public, the environment and property; and

WHEREAS, both parties have developed and maintain capabilities to accomplish these respective responsibilities; and

WHEREAS, both parties recognize that developing and maintaining a program of mutual assistance will enhance each's ability to accomplish their respective responsibilities in a more effective and efficient manner; and

WHEREAS, both parties are willing to enter into this MOU; and

WHEREAS, the DOE is authorized to enter into this agreement by Public Law 95-91; and

WHEREAS; the DPS is authorized to enter into this agreement on the behalf of the State to the extent provided by Section 74-4B-1 et seq., NMSA 1978.

NOW, THEREFORE, it is understood and agreed by the parties as follows:

1. General:

a. References:

The DOE Order 5500.1B, EMERGENCY MANAGEMENT SYSTEM

The DOE Order 5500.2B, EMERGENCY CATEGORIES, CLASSES, AND NOTIFICATION AND REPORTING REQUIREMENTS

The DOE Order 5500.3A, PLANNING AND PREPAREDNESS FOR OPERATIONAL EMERGENCIES

The DOE Order, 5500.4, PUBLIC AFFAIRS POLICY AND PLANNING REQUIREMENTS FOR EMERGENCIES

The DOE Order, 5000.3A, OCCURRENCE REPORTING AND PROCESSING OF OPERATIONS INFORMATION

The DOE Order, 5530.3, RADIOLOGICAL ASSISTANCE PROGRAM

The DOE Order, 5530.6, FEDERAL RADIOLOGICAL MONITORING AND ASSESSMENT CENTER (Draft, dated May 30, 1991)

New Mexico Hazardous Materials Emergency Response Plan and Procedures manual, December 1989.

Radiological Emergency Response Planning and Preparedness, (44 CFR, Part 351)

The DOE Order 5300.1B, TELECOMMUNICATIONS

The DOE National Security Emergency Preparedness (NSEP) Telecommunications Procedural Guide, dated January 10, 1990

The Federal Radiological Emergency Response Plan (50 F. R. 46542, November 8, 1985)

Chapter 74, Article 4B, NMSA 1978, "Emergency Management Act"

Chapter 74, Article 4E, Sections 1 through 9, NMSA 1978, "Hazardous Chemicals Information Act"

Chapter 12, Article 10, Sections 1 through 10, NMSA 1978, "State Civil Emergency Preparedness Act"

b. Definitions:

- (1) Sandia National Laboratories (SNL): A DOE facility located on Kirtland Air Force Base (KAFB), operated for the DOE by Sandia Corporation.
- (2) Ross Aviation Inc. (ROSS): A DOE facility located on KAFB, from which aircraft are operated for the DOE.
- (3) The Inhalation Toxicology Research Institute, (ITRI): A DOE facility located on KAFB, operated for the DOE by the Lovelace Biomedical and Environmental Research Institute.
- (4) The Kirtland Area Office (KAO): A DOE facility located on KAFB, which is the DOE office responsible for administering the contracts for ROSS, SNL, and ITRI.

- (5) The Waste Isolation Pilot Plant (WIPP): A DOE facility located in Eddy County, New Mexico, operated for the DOE by the Westinghouse Corp.
- (6) The Los Alamos National Laboratory (LANL): A DOE facility located in Los Alamos County, New Mexico, operated for the DOE by the University of California.
- (7) The AL: The DOE Albuquerque Field Office.
- (8) The AL Complex: The complex of buildings located on the corner of H and Pennsylvania streets on KAFB, which houses the AL.
- (9) The Los Alamos Area Office (LAAO): The DOE office responsible for administering the contract between DOE and the University of California for the operations of LANL.
- (10) Hazardous Materials (HAZMAT) Response: A response to an actual or potential emergency or incident involving hazardous materials.
- (11) DOE Emergency Manager: The DOE Emergency manager is the director (DOE or DOE contractor) of the emergency management team in the Emergency Operations Center (EOC) of a DOE facility.
- (12) DOE Incident Commander: The DOE Incident Commander is the DOE or DOE contractor on-scene director of emergency operations.
- (13) The AL Operations Center: The AL, 24 hour point of contact.
- (14) The Department of Public Safety (DPS): The state agency, through the Cabinet Secretary, that has the final authority to administer the provisions of the state Emergency Management Act.
- (15) The Emergency Management Bureau (EMB): The organization within the DPS whose function it is to coordinate state planning and responses where more than one state agency is involved, to ensure the citizens of New Mexico are protected from natural and man-made incidents, accidents, and disasters. This entity is also responsible for the state's EOC.
- (16) State Emergency Response Officer (ERO): A state police officer trained in hazardous material accident evaluation and emergency response. When the State Hazardous Materials Emergency Response Plan is activated, this

individual serves as a central coordinator to direct response functions of responsible state agencies.

(17) District Emergency Response Officer (ERO): A state police officer trained in hazardous material accident evaluation and emergency response who acts as the on-scene coordinator for accidents/incidents that occur in his/her district.

c. This MOU is entered into on behalf of the DOE by the Manager, AL, and on behalf of the State by the Cabinet Secretary of the DPS, to the extent the DPS is authorized to enter into this agreement by Chapter 74, Article 4B, NMSA 1978.

d. The provisions of this MOU apply to any actual or potential emergency or incident that:

- (1) Involves a significant threat to employees of the AL, KAO, SNL, ROSS, LANL, LAAO, WIPP, ITRI, other DOE/DOE-contractor personnel, or the general public;
- (2) Involves property under the control or jurisdiction of either the DOE or the State;
- (3) Involves a threat to the environment which is reportable to an off-site agency;
- (4) Requires the combined resources of the DOE and the State to resolve;
- (5) Requires a resource that the DOE has which the State does not have, or a resource that the State has which the DOE does not have, to resolve; or
- (6) Involves any other incident for which a joint determination has been made by the DOE and the State that the provisions of this MOU will apply. This determination shall be a joint determination made by the DOE and State ERO on duty, or the Director of the State EOC.

e. **Background:**

The AL has the responsibility for ensuring the safe transportation of DOE special nuclear materials and transuranic waste throughout DOE Radiological Region IV, which encompasses the state of New Mexico.

Radiological Emergency Planning and Preparedness (44 CFR 351) assigns to the DOE the responsibility to provide emergency response resources in the event of a major radiological emergency. Inherent in this responsibility and as delineated in the Federal Radiological Emergency

Response Plan (50 F. R. 46542, November 8, 1985), is the immediate reporting and response to emergency situations which could possibly endanger the safety of the inhabitants or the environment of New Mexico.

The nature of the work at some of the DOE facilities within the state creates the potential for on-site releases that have the potential of adversely affecting non-DOE areas and people. This situation promotes the need for close and professional cooperation between the DOE and State emergency planners and response personnel to effectively control incidents and accidents that might occur.

- f. The DOE and the State do hereby expressly waive any and all claims against each other hereto for any loss, damage, personal injury, or death occurring in consequence of the reasonable performance of this MOU.
- g. The DOE will coordinate with the DPS on response actions to a radiological accident or any other incidents involving DOE material or personnel.

2. Specific:

a. Emergency Management:

(1) The DPS shall:

Permit qualified and security cleared members of the DOE emergency management community identified by the Office of Emergency Plans and Operations, DOE, AL, access to the State EOC for the purpose of:

- (a) Coordinating communications functions;
- (b) Evaluating and maintaining communications capabilities;
- (c) Participating in exercises;
- (d) Link the State's High Frequency (HF) radio communications network with the DOE; and
- (e) Assisting the State during radioactive materials accidents that require joint operations or the use of the DOE Radiological Assistance Program (RAP) team.

At the request of the DOE, cordon off segments of the state highway system as may be necessary for the landing of DOE aircraft that are responding to incidents or accidents pursuant to the provisions of this MOU.

During an actual emergency permit DOE access to any appropriate warning networks, if necessary, which the State currently has available or may develop in the future. Specific details and justifications for the needed access will be provided to the State by the DOE at the time of the event.

Retain Incident Command authority for HAZMAT, radiological, or high energy release incidents occurring outside DOE property, utilizing such DOE officials as may be appropriate as advisors.

Maintain liaison with the DOE, through the EMB, regarding State emergency planning, preparedness, and response programs, and provide accurate and timely information to the DOE and public during emergency conditions.

However, the DOE may refuse requests from the State which would impede or interfere with the DOE's ability to meet its statutory responsibilities.

(2) The DOE Shall:

Permit qualified and DOE security cleared members of the State Emergency Management community identified by the EMB access to DOE's EOCs for the purpose of:

- (a) Coordinating communications functions;
- (b) Evaluating and maintaining communications capabilities;
- (c) Participating in exercises;
- (d) Coordinating activities on the behalf of the State in the event of a radiological related emergency; and
- (e) Coordinating activities on behalf of the State during radioactive Materials accidents that require joint operations or the use of the DOE RAP team.

Pay for DOE security clearances for up to three members of the State Emergency Management community who will have access to the DOE EOCs.

Consult with the DPS in the preparation of emergency assessments and preparedness programs, and provide technical advice and assistance within the scope of the DOE's activities.

Retain control over emergency planning activities relating to radioactive materials as delineated in the

Federal Radiological Emergency Response Plan (50 F. R. 46542, November 8, 1985).

During an actual emergency, permit the State access to any appropriate warning networks, if necessary, which the DOE currently has available or may develop in the future. Specific details and justifications for the needed access will be provided to the DOE by the State at the time of the event.

Participate in the search and recovery operations for nuclear materials, weapons, devices and transuranic waste involved in an incident.

Retain Incident Command authority for hazardous materials, radiation or high energy release incidents occurring on DOE property, utilizing such state officers as may be appropriate as advisors.

Maintain liaison with the EMB regarding DOE emergency planning, preparedness, and response programs, and provide accurate and timely information to the DPS and public during emergency conditions.

Provide equipment and authorizations for all communications required by DOE for DOE/State mutual aid for emergency communications.

However, the State may refuse requests from the DOE which would impede or interfere with the State's ability to meet its statutory responsibilities.

Keep the State notified of all emergency events as specified in e. below.

b. Training:

- (1) Annually, the DOE will provide orientation training to State emergency response personnel on the hazards and emergency response procedures of DOE sites. Annually, the State will provide orientation training to DOE emergency response personnel on the hazards and emergency response procedures of the State. Each of the parties will bear the cost of providing training to the other party.
- (2) The DPS and AL will inform each other of emergency management training programs that are being conducted that personnel of the other party are eligible to attend.
- (3) The DOE will provide to the State and the State will provide to the DOE any training which is mutually agreed upon.

c. **HAZMAT Response:**

If the State requires support from the DOE to respond to an actual or potential HAZMAT emergency or incident, the State will contact the AL EOC. The DOE will provide such assistance as is mutually agreed upon.

d. **DOE-owned or operated aircraft, crash response:**

In the event a DOE-owned or operated aircraft crashes within the State, the State and/or local jurisdiction will respond. The DOE will notify the State ERO of any hazardous cargo or the need for special security precautions.

e. **Notification:**

- (1) The DOE will promptly notify the DPS of any actual or potential emergency or incident classified at the Alert or higher Emergency classification level, and of any other actual or potential incident which, in the determination of the DOE Emergency Manager or Incident Commander, may impact the State, or for which it is determined that the DPS may need to be informed.

Both the State and the DOE will utilize the hazardous material response levels outlined in DOE Order 5500.2B when notifying each other of potential or actual releases, see (3) below.

- (2) The DPS will promptly notify the DOE through the AL EOC of any actual or potential emergency or incident which, in the determination of the State ERO on duty or the Director of the State EOC, may impact the DOE or for which it is determined that the DOE may need to be informed.

- (3) For the purpose of notification, the following are the DOE classes of emergencies:

ALERT - An Alert is declared when events are in progress or have occurred which involve an actual or potential substantial degradation of the level of safety of a DOE facility.

SITE AREA EMERGENCY - A Site Area Emergency is declared when events are in progress or have occurred which involve actual or likely major failures of facility functions needed for protection of workers and the public.

GENERAL EMERGENCY - A General Emergency is declared when events are in progress or have occurred which involve actual or imminent catastrophic reduction of facility safety systems

with potential for loss of containment or confinement integrity.

- (4) Attached to this MOU is a matrix containing the telephone numbers of both the DOE and the State that shall be used in making all notifications required by this MOU, plus some other telephone numbers relative to DOE and State emergency management. This attachment will be revised annually by the parties identified in g. below.

f. **Public Information Coordination:**

Consistent with the Freedom of Information Act (5 U.S.C. 552), procedures for the timely release of information to the public regarding any emergency response or preparedness activities under this MOU will be made following consultation between DOE and DPS representatives.

g. **Administration:**

This MOU will be administered on behalf of DOE by the Area Manager, KAO. Administration on behalf of the DPS will be the Director, EMB.

h. **Security:**

Except for the necessary access that is allowed to the "Q" cleared members of the State Emergency Management community in conjunction with their participation in the DOE EOCs during emergencies and/or emergency preparedness exercises, nothing in this MOU authorizes access to or disclosure of classified information required to be protected in accordance with federal law or regulations in the interest of national security. DPS agrees to comply with, and to assure that all of its personnel participating in activities under this MOU comply with all applicable security regulations and requirements of the DOE.

i. **Other:**

(1) **Command and Control:**

The DOE and the State will use the National Interagency Incident Management System (NIIMS), Incident Command System (ICS), which is the State's standard command and control system, during joint emergency operations.

(2) Nothing in this agreement negates or supersedes any other agreements between the DOE and the State.

3. Anti-Deficiency:

- a. Nothing in this MOU commits the DOE to expend funds which have not been authorized by the U. S. Congress.
- b. Nothing in this MOU commits the State to expend funds which have not been authorized by the New Mexico State Legislature.

4. Term, Modification and Termination:

- a. This MOU will become effective on being signed by the DOE and the DPS.
- b. This MOU may be terminated by mutual agreement of the DOE and the DPS, or by either party upon a 30 day written notice to the other party.
- c. This MOU will be reviewed annually by the parties identified in g. above and may be modified by written agreement between the DOE and the DPS.

Accepted on behalf of:

The DOE:

The State:



 Manager
 Albuquerque Field Office
 Department of Energy

3/3/92
Date



 Cabinet Secretary
 Department of Public Safety
 State of New Mexico

3-19-92
Date

Attachment

ATTACHMENT
 TO THE
 MUTUAL ASSISTANCE AND EMERGENCY MANAGEMENT
 MEMORANDUM OF UNDERSTANDING
 BETWEEN THE DOE AND THE NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
 NOTIFICATION TELEPHONE NUMBERS

		EMERGENCY NOTIFICATION		OTHER
		8 am - 4 pm	Other Hours	
STATE:	ERO *	827-9126	827-9126	
	EOC			827-9236 827-9126 827-9247
	EMB			827-9222 827-9126
DOE:	AL, EOC*	845-4667	845-4667	
	KAO Duty Officer	845-0142-1153	845-0142-1153	
	LAO Duty Officer	FTS 843-6211 Com. 667-6211	FTS 843-7080 Com. 667-7080	
	SNL, EOC			845-8150 845-4667
	LANL, EOC			FTS 843-6211 Com. 667-6211 FTS 843-7080 Com. 667-7080
	WIPP, EOC			887-8111 887-8100
	ITRI, EOC			844-1169 845-4264
	Ross Dispatch			845-5728 845-5728
	KAO			845-5575 845-5224

* First Notification

- EOC - Emergency Operations Center
- EMB - Emergency Management Bureau
- ERO - Emergency Response Officer
- DOE - Department of Energy
- AL - Albuquerque Field Office
- ITRI - Inhalation Toxicology Research Institute
- SNL - Sandia National Laboratories
- WIPP - Waste Isolation Pilot Plant
- LANL - Los Alamos National Laboratory
- LAO - Los Alamos Area Office
- KAO - Kirtland Area Office

APPENDIX H

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IMPLEMENTING REGULATIONS REGARDING CULTURAL RESOURCES

1. Antiquities Act of 1906 (P.L. 59-209);
2. Historic Sites, Buildings, and Antiquities Act of 1935, P.L. 74-292, as amended by P.L. 89-249, P.L. 94-458, and P.L. 96-625;
3. Archeological Recovery Act of 1960, P.L. 86-523, as amended by P.L. 93-291 (The Archeological and Historic Preservation Act of 1974), P.L. 95-625, P.L. 96-205, and P.L. 96-515;
4. Executive Order 11593 (1971);
5. President's Memorandum on Environmental Quality and Water Resources Management (1978); and
6. Archaeological Resources Protection Act of 1979, P.L. 96-609, as amended by P.L. 100-555 and P.L. 100-588;
7. National Historic Preservation Act, P.L. 89-665, as amended by P.L. 91-243, P.L. 93-54, P.L. 94-422, P.L. 94-458, P.L. 96-199, P.L. 96-244, P.L. 96-515, and P.L. 101-70

Implementing Regulations

1. 36 CFR 60 - National Register of Historic Places
2. 36 CFR 63 - Determinations of Eligibility for Inclusion in the National Register of Historic Places
3. 36 CFR 65 - National Historic Landmarks Program
4. 36 CFR 78 - Waiver of Federal Agency Responsibilities Under Section 110 of the National Historic Preservation Act
5. 36 CFR 800 - Protection of Historic and Cultural Properties
6. 43 CFR 7 - Protection of Archaeological Resources

Additional Guidance

1. U.S. Department of Energy Order 1324.7 - Departmental History Program
2. U.S. Department of Energy Memorandum - Management of Cultural Resources at Department of Energy Facilities
3. Section 110 Guidelines

APPENDIX I

APPENDIX I

KEY EXTERNAL INTERFACES/STAKEHOLDERS

1. Agency for Conservation Archaeology (ACA)
2. City of Carlsbad, New Mexico
3. Eddy County Commission
4. (New Mexico) Energy, Minerals, and Natural Resources Department (EMNRD)
5. Environmental Evaluation Group
6. Forestry and Resources Conservation Division of EMNRD
7. Historic Preservation Division of the Office of Cultural Affairs (OCA)
8. Lea County Commission
9. Mills Ranch, Mr. J.C. Mills, Operator
10. New Mexico Department of Game and Fish (NMDG&F)
11. New Mexico Environment Department (NMED)
12. (New Mexico) Office of Cultural Affairs (OCA)
13. Oil Conservation Division of EMNRD (OCD)
14. Sandia National Laboratories (SNL)
15. Smith Ranch, Mr. K. Smith, Operator
16. (New Mexico) State Historical Preservation Officer (SHPO)
17. (New Mexico) State Land Office (SLO)
18. U.S. Department of Interior, Bureau of Land Management (BLM)
19. U.S. Department of Interior, U.S. Fish and Wildlife Service (USF&WS)