
**Department of Energy
Finding of No Significant Impact**

**Lease of Land for the Development of a
Research Park at Los Alamos National Laboratory**

Los Alamos, New Mexico

**U. S. Department of Energy
Los Alamos Area Office
528 35th Street
Los Alamos, NM 87544**

DEPARTMENT OF ENERGY
FINDING OF NO SIGNIFICANT IMPACT

LEASE OF LAND FOR THE DEVELOPMENT OF A
RESEARCH PARK AT LOS ALAMOS NATIONAL LABORATORY

FINAL ENVIRONMENTAL ASSESSMENT: The Environmental Assessment (EA) for the Lease of Land for the Development of a Research Park at Los Alamos National Laboratory (DOE/EA-1212) and the accompanying Mitigation Action Plan (MAP) (both attached) provide sufficient evidence, analysis and mitigative actions to determine that a finding of no significant impact is appropriate for this action. The EA documents the evidence and analysis in the following chapters: 1. Purpose and Need for Agency Action; 2. Description of the Proposed Action and Alternatives; 3. Affected Environment; and 4. Environmental Consequences.

The Lease of Land for the Development of a Research Park at Los Alamos National Laboratory EA analysis indicates that potential adverse effects of the proposed action under normal conditions would be minimal. There are corrective actions and similar activities or considerations that serve to lessen any potential for adverse environmental effects, which have been incorporated into the project description for the development and operation of the Research Park and are considered to be integral parts of the proposal vital to defining it. These actions are discussed in the EA document (see Chapter 2.1). Examples of these types of defining corrective project activities are: the inclusion of stormwater runoff prevention measures such as the use of curbs, permeable asphalt and retention ponds as part of the development of the site; the enhancement of streets bordering the Research Park by the construction of additional traffic lanes to facilitate additional vehicular traffic at and around the Research Park; and the use of standard dust suppression methods (such as use of water spraying) to minimize the generation of dust

during all phases of construction activities. The EA, however, also includes certain project provisions within the analysis of the environmental effects of the proposed site development and subsequent occupation to mitigate any potential adverse effects that could result from future site activities. The MAP documents the potential adverse environmental effects that could result from construction and operation of the Research Park, identifies commitments made to mitigate those effects to render them not significant, and establishes Action Plans to carry out each commitment, together with the responsible Department of Energy or Los Alamos National Laboratory organization.

The EA considered the type of potential accidents that might occur within the Research Park through activities involving either process or activity use of hazardous chemicals or radioactive materials that could be associated with laboratories located at the site. The EA additionally considered the cumulative potential for adverse accident-related effects relative to the Research Park's proximity to laboratory and test facilities constituting Los Alamos National Laboratory. The EA analysis indicates that potential adverse effects of the proposed action are associated only with severe and extremely unlikely accident conditions involving the LANL CMR Building. In the most severe event, an unmitigated fire engulfing an entire wing of the CMR Building, from zero to four excess cancer fatalities could potentially result. Given that this is an extremely unlikely event, and that the analysis also uses many very conservative assumptions, this result is not judged to be significant. As a further perspective, cancer rates at this level are not likely to be distinguishable from average rates in the population from all causes. Also, risk at this level in a population, if arising from emissions from normal facility operations or industrial practice, are questionable candidates for regulation by EPA (Preamble to notice of final rule for 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants; Radionuclides, December 15, 1989).

PREDECISIONAL DRAFT REVIEW & COMMENT: On July 24, 1997, the Department of Energy invited review and comment on the predecisional EA from the State of New Mexico; four nearby American Indian Tribes: Cochiti, Jemez, Santa Clara and San Ildefonso

(sometimes referred to as the four accord pueblos because each tribe has entered into an accord with the Department of Energy); and the Mescalero Apache Tribe. In addition, the Department of Energy made the predecisional draft EA available to Los Alamos County and the general public at the same time it was provided to the State and Tribes by placing it in the Department of Energy Public Reading Rooms within the Los Alamos National Laboratory's Outreach Center and Reading Room in Los Alamos, and the TVI-Main Campus Library in Albuquerque. The predecisional draft EA was also placed on the World Wide Web Computer Internet System. Additionally, known local stakeholder groups were notified of the availability of the predecisional draft on July 24, 1997, and copies of the EA were provided to all interested parties for their review.

Comments were received from four stakeholders: The Sierra Club (Rio Grande Chapter), Joan and Bruce Matthews, the New Mexico Environment Department, and the U.S. Fish and Wildlife Service. These comments were addressed in the final EA and MAP, and individual letters with responses to the comments were sent to the respondents. Copies of these letters and responses will be placed in the Department of Energy Public Reading Rooms listed above.

AGENCY CONSULTATIONS: Construction activities within the Research Park tract and its subsequent occupancy may affect potential habitat of the Federally threatened Mexican spotted owl. In the course of informal consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act provisions, the Service reviewed a Biological Assessment and provided the Department of Energy with recommended mitigative actions for the protection of potential Mexican spotted owl nesting and roosting habitat located near the boundary of the Research Park within Los Alamos Canyon. Additionally, the Service reviewed and commented on the EA. In their combined comment letter they concurred with our determination that, with the implementation of the recommended mitigation actions, the construction and subsequent occupation of the Research Park may affect, but would not likely adversely affect, the Mexican spotted owl or its habitat. The mitigation measures include the completion of the second year of the

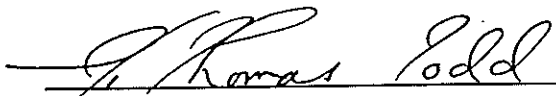
two year Mexican spotted owl field survey protocol by a LANL ESH-20 biologist licensed to perform these surveys, and implementation of a seasonal restriction on Research Park activities within one-quarter mile of the potential Mexican spotted owl nest/roost habitat until the second year of surveys is completed in 1998. If owls are found during that survey time, construction within one-quarter mile of the actual nest site will be restricted from occurring during the duration of the breeding seasons to follow until subsequent protocol surveys determine that the owl no longer occupies the area, or reevaluation of the impacts on the Protected Activity Center (PAC, to be developed) revealed that such measures were not required. Reinitiation of informal consultation by the DOE with the U.S. Fish and Wildlife Service will also occur. If owls are not found during the 1998 breeding season surveys, project activities within one-quarter mile of the habitat may occur and continue uninterrupted over the next 10 year period (ending at the close of the calendar year 2007). As a final mitigation, there will also be a 328 feet (100 meters) buffer area that is to be a building exclusion zone would be imposed between the nesting/roosting habitat within Los Alamos Canyon and the Research Park building and construction locations. These mitigations have been incorporated into the MAP and will be implemented during the buildout and occupation of the Research Park.

Review of the land in and around the Research Park by archeologists indicated that buildout of the Research Park could have an adverse affect on cultural resources within the Research Park boundaries. During the subsequent process of complying with requirements of the National Historic Preservation Act, the State Historic Preservation Officer concurred with our determinations of effects and recommendations of mitigative actions. A Memorandum of Agreement (MOA) between the Department of Energy Los Alamos Area Office and the New Mexico State Historic Preservation Officer (SHPO) will be prepared and executed to ensure the protection of cultural resources in the Research Park Lease tract of land. The MOA will discuss the fencing of the National Register eligible sites by either Department of Energy or Los Alamos National Laboratory; monitoring of the site condition by the Los Alamos National Laboratory ESH-20 archeology team; preparation of a data recovery plan by the Los Alamos National Laboratory ESH-20 archeology team; notification

of Native American groups on the intent to recover data from the sites by Department of Energy; consultation with the SHPO by Department of Energy; and completion of analysis report required by the data recovery plan by the Los Alamos National Laboratory ESH-20 archeology team. The aspects of implementing the measures agreed upon in this MOA are contained in the MAP and will be realized before construction occurs within close vicinity of the resources.

FINDING: The United States Department of Energy finds that there would be no significant impact from proceeding with its proposal to lease to the County of Los Alamos a 60-acre tract located at Technical Area 3 of Los Alamos National Laboratory, for their development and use as a research park. This finding is based on the EA that analyzes the consequences of the relevant issues of environmental concern, together with the MAP that identifies mitigations and makes commitments and Action Plans to implement these mitigation features so as to render them not significant. The Department of Energy makes this Finding of No Significant Impact pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act [40 CFR 1500] and the Department of Energy National Environmental Policy Act Implementing Procedures [10 CFR 1021]. Therefore, no environmental impact statement is required for this proposal.

Signed in Los Alamos, New Mexico this 8th day of October, 1997.



G. Thomas Todd
Area Manager
Los Alamos Area Office

FOR FURTHER INFORMATION: For further information on this proposal, this Finding Of No Significant Impact (FONSI), the Mitigation Action Plan, Mitigation Action Plan Annual Report, or the Department of Energy's National Environmental Policy Act (NEPA) review program concerning proposals at Los Alamos National Laboratory, please contact:

Elizabeth Withers, NEPA Compliance Officer

Los Alamos Area Office

U.S. Department of Energy

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Copies of this FONSI (with the Environmental Assessment and the Mitigation Action Plan attached) will be made available for public review at the Los Alamos National Laboratory Outreach Center and Reading Room, 1450 Central Avenue, Suite 101, Los Alamos, New Mexico, 87544 at (505) 665-2127 or (800) 543-2342. Copies will also be made available in the Department of Energy Public Reading Room, located in the TVI-Main Campus Library, 525 Buena Vista SE, Albuquerque, New Mexico, 87106 at (505) 224-3000.