



DOE/EA-1677

***Final Environmental Assessment  
Addressing the Conveyance and Transfer of  
the Two Land Tracts Pursuant to Public Law  
111-11, Section 13005***

**National Nuclear Security Administration  
Service Center**

May 2010





## **COVER SHEET**

### **FINAL ENVIRONMENTAL ASSESSMENT ADDRESSING THE CONVEYANCE AND TRANSFER OF TWO LAND TRACTS PURSUANT TO PUBLIC LAW 111-11, SECTION 13005**

**RESPONSIBLE AGENCY:** Lead Federal Agency: U.S. Department of Energy (DOE).  
Cooperating Federal Agencies: U.S. Air Force (USAF), Kirtland Air Force Base; U.S. Department of Interior, Bureau of Land Management.

**TITLE:** Final Environmental Assessment Addressing the Conveyance and Transfer of Two Land Tracts Pursuant to Public Law 111-11, Section 13005.

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**ABSTRACT:** The Proposed Action addressed in this EA includes both the administrative conveyance of a 135-acre tract of land to the Lovelace Respiratory Research Institute (a private sector entity) with its use unchanged for the foreseeable future (as identified by the Institute). Also included in the Proposed Action is the transfer of a 7-acre tract to the USAF from DOE with its use unchanged for the foreseeable future (as identified by the USAF). After consulting with the USAF, DOE is in the process of removing, the unoccupied site improvements that previously were built on the 7-acre tract when it was operated as the Coronado Club by Sandia National Laboratories (including the main building, the in-ground swimming pool, parking lot, and access street); the outdoor tennis courts remain located on site. DOE chose to undertake the expedited structure demolition actions prior to making a decision on the future transfer of the tract to USAF to eliminate maintenance and upkeep costs.

**PUBLIC COMMENTS:** A Notice of Availability for the Draft EA was provided to the local media on March 19, 2010. This initiated the 30-day public review period. At the closing of the review period, no public comments had been received.



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## **Acronyms and Abbreviations**

BLM	Bureau of Land Management
CDC	Centers for Disease Control
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COPD	chronic obstructive pulmonary disease
dBA	A-weighted decibel
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
GSA	General Services Administration
HEPA	high-efficiency particulate air
KAFB	Kirtland Air Force Base
LBERI	Lovelace Biomedical and Environmental Research Institute
LRRI SC	Lovelace Respiratory Research Institute South Campus
M&O	Management and Operating
NEPA	National Environmental Policy Act of 1969
NIH	National Institutes of Health
NNSA	National Nuclear Security Administration
RCRA	Resource Conservation and Recovery Act
ROW	Right-of-Way
SWEIS	Site-Wide Environmental Impact Statement
TRU	transuranic
U.S.C.	United States Code
USAF	U.S. Department of the Air Force

## 1.0 PURPOSE OF AND NEED FOR AGENCY ACTION

Chapter 1 of this environmental assessment (EA) introduces the roles of the U.S. Department of Energy (DOE) National Nuclear Security Administration (NNSA); the U.S. Department of the Air Force (USAF); and the U.S. Department of the Interior (DOI), Bureau of Land Management (BLM) in the conveyance and transfer of two land tracts to the Lovelace Respiratory Research Institute and to the USAF as proposed to be accomplished pursuant to Public Law 111-11, Section 13005. This chapter also includes the requirements DOE must meet under the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] §4321); the scope of this EA; summaries of the relationship of this impact analysis to other NEPA documents and proposed actions, the cooperating agencies invited to participate in the preparation of the EA, and the public involvement opportunities for the preparation of this document; and a statement of the purpose of and need for agency action. Chapter 2 presents the description of the Proposed Action, the No Action Alternative, and other alternatives considered but eliminated from detailed analysis. Chapter 3 of this EA presents a comparison of environmental impacts, by resource area, for the alternatives analyzed.

### 1.1 Background

The privatization<sup>1</sup> of government assets and functions has occurred since the founding of the United States of America as a nation state in the late 1700s, and is of perennial interest to Congress. Over the past couple of decades, national policy has especially favored privatization efforts by government agencies. Executive Order 12803, issued April 30, 1992, encouraged the privatization of government-run facilities that were federally financed, such as roads, bridges, electrical supply facilities, rail transportation assets, airports, water supply facilities, schools, hospitals, postal services, prisons, and waste treatment and disposal facilities. Billions of dollars of government functions and assets have since been contracted for and sold outright to reduce costs, cut the Federal budget deficits, reduce government responsibilities, and spur competitive growth and encourage innovative service efficiencies by private sector firms. One such example of privatization through contracting and the divestiture of functions by the DOE involves a scientific research facility located near Albuquerque, New Mexico.

The Lovelace Respiratory Research Institute South Campus (LRRI SC) (formerly known as the Inhalation Toxicology Research Institute and the Inhalation Toxicology Laboratory) is a government-owned scientific research facility that is privately operated under contract as part of the Lovelace Respiratory Research Institute (~~the Institute~~) by the nonprofit medical research organization, Lovelace Biomedical and Environmental Research Institute (LBERI). The LRRI SC occupies a 40-acre portion of a 135-acre tract about 10 miles southeast of Albuquerque, New Mexico (see Figure 1-1). The 135-acre tract is currently administered by the U.S. Government. Part of the land tract was condemned for military use in the early 1940s with subsequent transfer to

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<sup>1</sup> Privatization, as used in this document, includes the divestiture of functions, contracting out, or the disposition or transfer of assets, such as by sale or long-term lease, to a private party. The term is highly variable between published documents.

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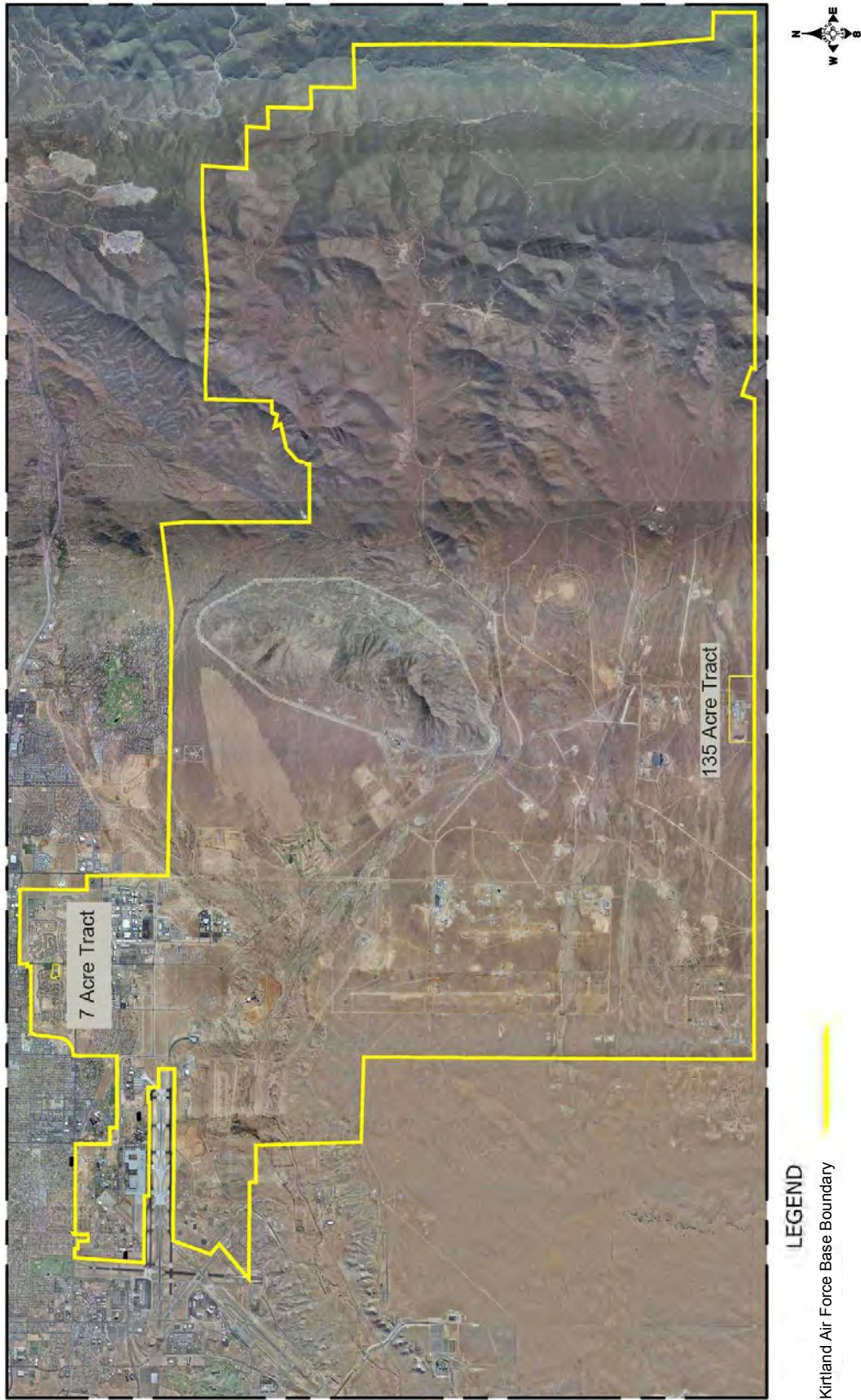


Figure 1-1. 135-Acre and 7-Acre Tracts



the U.S. Army for use as the Albuquerque Army Air Base, which later became part of today's Kirtland Air Force Base (KAFB); and the remaining part of this 135-acre tract is public domain land withdrawn by the DOI-BLM for use by the USAF as part of KAFB. The DOE maintains a permit from the USAF for the use of the 135-acre tract (USAF 1997), together with an additional 9 acres of land associated with site utilities (such as potable water and electric power). Only a 40-acre portion of the 135-acre tract is developed with a variety of buildings and structures, paved roadways, vehicle parking areas, and other improvements built by DOE mostly in the late 1950s (see Figure 1-2), although other portions of the tract have been disturbed by prior site uses and clean-up activities. In 1960, DOE entered into a standard Management and Operating (M&O) contract with LBERI for the operation of the site as a research facility to house laboratory activities investigating long-term health effects associated with energy-related materials released in the workplace or general environment, with the emphasis on inhaled materials.

The facility was operated by LBERI under the terms of the M&O contract until late 1996. By that time, DOE had determined that it no longer needed the facility's full level of operations to meet its congressionally assigned mission requirements, and due to its declining direct research budget, decided to further the privatization of facility operations through alternative contracting methods (see *Harnessing the Market: The opportunities and Challenges of Privatization*: <http://www.osti.gov/privatization/report/>). DOE approved a 5-year privatization plan for the operation of the facility. This began with the termination of the M&O contract on September 30, 1996, and the concurrent execution of a 5-year lease agreement on October 1, 1996, between DOE and LBERI for both the LRRI SC site buildings and structures and some major pieces of laboratory equipment. The lease agreement allowed LBERI to solicit research projects from non-DOE entities (such as the Centers for Disease Control, the National Institutes of Health, Department of Homeland Security, and the Department of Defense) while still conducting work for DOE through the use of cooperative agreements. This privatization arrangement was successful for LBERI and allowed it to establish a broad client base for a variety of human-health-oriented research services that are outside the scope of activities formerly requested by DOE. To promote the privatization policy, in 1997 the Secretary of the Air Force granted a permit to DOE for the purpose of subletting to and entering into a cooperative agreement with LBERI, in turn, to maintain and operate an inhalation and toxicology research facility on KAFB, New Mexico. The permit was to remain in effect until an agreement to cancel is reached by the USAF and DOE, or until cancelled by the Secretary of Defense. In October 2001, DOE and LBERI entered into a 25-year lease agreement for the LRRI SC facility for its continued use for research, scientific, or educational purposes.

In order to complete the privatization of the facility through the outright transfer of government assets to LBERI, on March 30, 2009, Congress passed Public Law 111-11, the Omnibus Public Land Management Act of 2009 (~~the Act~~). Section 13005 of the Act (Lovelace Respiratory Research Institute, see Appendix A) authorizes the Secretary of Energy (~~the Secretary~~), acting through the Administrator for the NNSA and in consultation with the Secretaries of the Interior and the Air Force, to convey all right, title, and interest of the United States in and to the 135-acre tract where LRRI SC is located, together with site improvements, to the Institute for its continued use for research, scientific, and educational purposes.

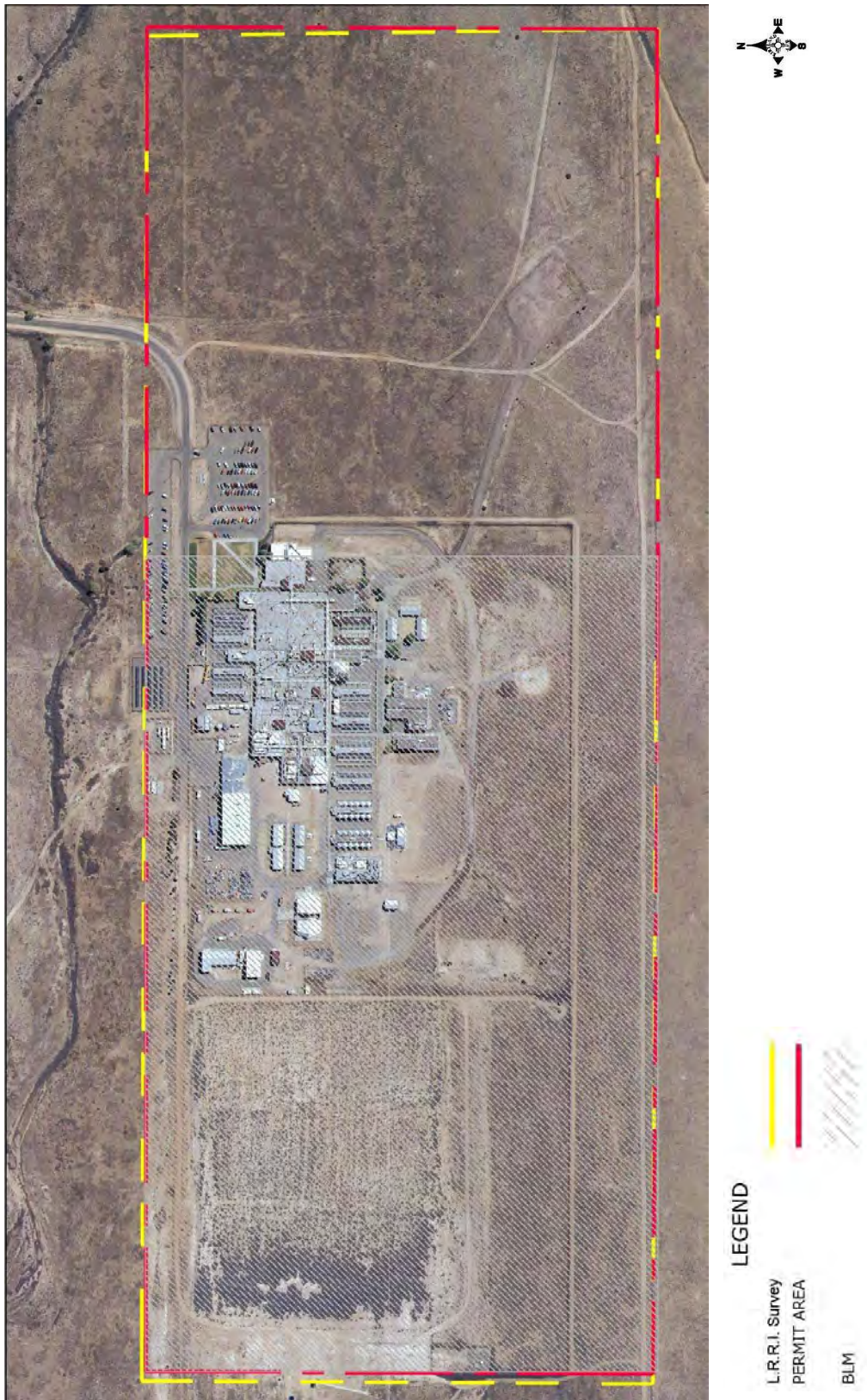
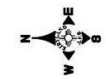
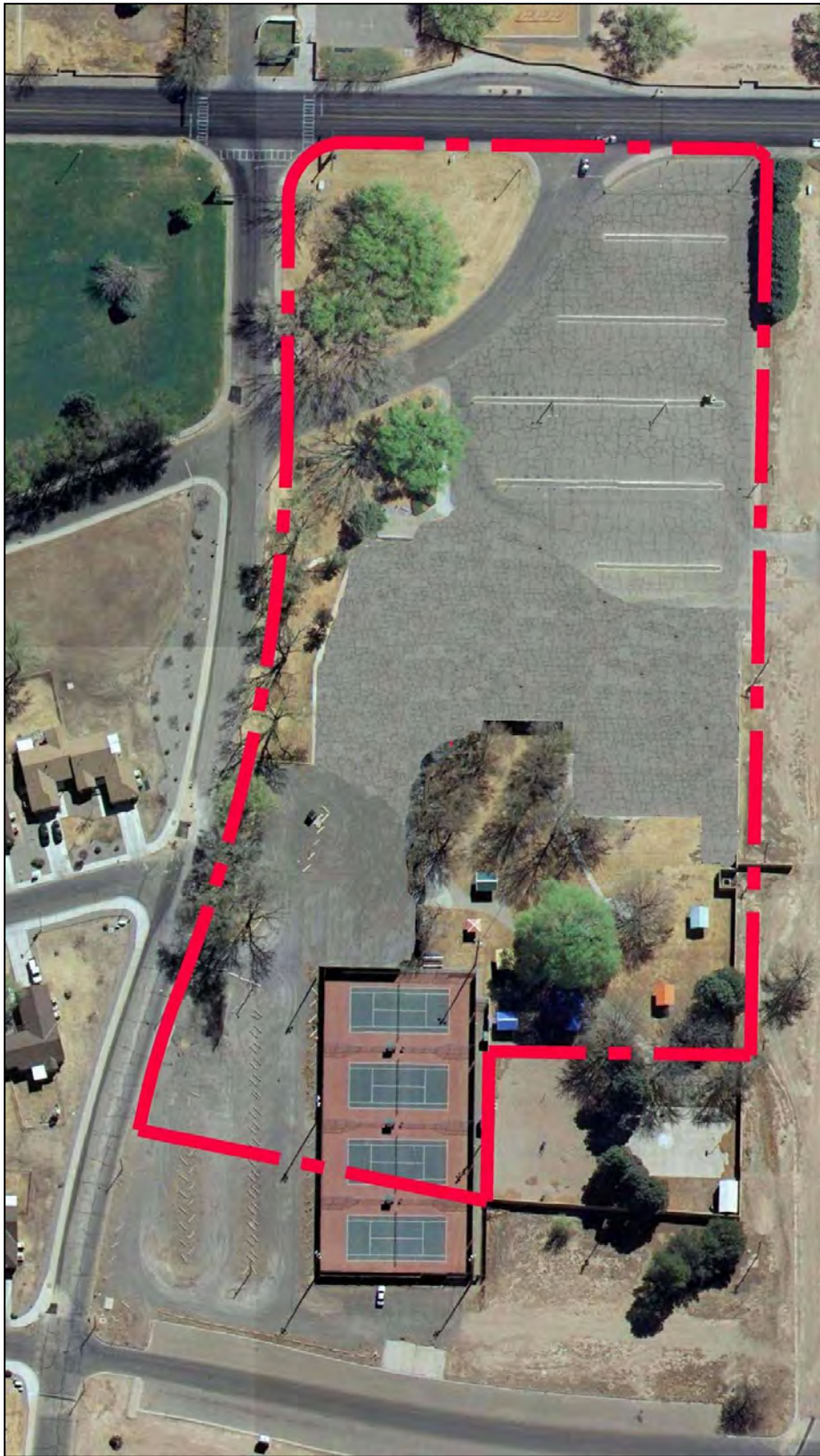


Figure 1-2. LRRRI South Campus

After the conveyance of the 135-acre tract to the Institute is complete, and upon request by the Secretary of the Air Force, DOE is directed to transfer to the Secretary of the Air Force administrative jurisdiction over a certain 7-acre tract, also referred to as “Parcel B” in the public law, administered by DOE and located within KAFB (see Figure 1-1), with or without site improvements as specified by the Secretary of the Air Force. Previously, site improvements on this 7-acre tract included buildings and structures formerly operated as the Coronado Club, a conference and meeting center with food services and indoor and outdoor recreational facilities. The Coronado Club structures (which are more than 50 years old) and most of the recreational facilities are currently undergoing demolition by DOE as a separately authorized action; the only site improvements at the 7-acre tract that will remain for future USAF consideration will be the outdoor, uncovered tennis courts (see Figure 1-3). Public Law 111-11 requires the Secretaries of the Interior and the Air Force to complete any real property actions, including the revocation of any Federal withdrawals within the 135-acre tract to be conveyed to the Institute and the transfer of the 7-acre tract to the USAF, that are necessary to allow the DOE to subsequently undertake the conveyance and transfer actions of the subject tracts.

As part of Public Law 111-11, the USAF may retain ownership and control of any portions of the utility systems and infrastructure located on the 135-acre parcel and any access the USAF determines to be necessary to operate and maintain these utilities (see Figure 1-4). Through formal agreements, KAFB would be responsible for the electric poles and lines up to the substation. LRRRI would be responsible for the electric utilities from that substation to the rest of the 135-acre parcel. A right-of-way (ROW) would be granted to KAFB to maintain the electric lines up to the substation on the LRRRI property. LRRRI would pay KAFB for all electricity provided to them. KAFB would be responsible for the gas lines up to and including the gas meter. LRRRI would be responsible for the gas utilities from the gas meter to the rest of the 135-acre parcel. A ROW would be granted to KAFB to maintain the gas lines up to and including the gas meter on the LRRRI property. LRRRI would pay KAFB for all gas provided to them. KAFB would be responsible for the water lines up to and including the water meter, as well as the line exiting on the northwest side of the parcel. A ROW would be granted to KAFB to maintain the water lines up to and including the water meter and the line exiting on the northwest side on the parcel on the LRRRI property. LRRRI would pay KAFB for all water provide to them. LRRRI would be responsible for the sewer system within the 135-acre parcel including the outfall meter. LRRRI would pay KAFB for all sewer service provided to their property. In addition, the USAF would provide access for the Institute’s employees/invitees across KAFB and would provide access to utility services for the land and improvements to the land.

In the normal course of events, administrative control of land that is not required by a government agency would be relinquished to the General Services Administration (GSA) for disposal. GSA is the Federal agency responsible for the conveyance of excess and surplus Federal real estate, as stated in Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484). GSA is invested with the statutory means whereby Federal real property holdings no longer required by Federal agencies for their needs are disposed of as surplus property for non-Federal public or private use. Other Federal agencies are first notified of the availability of the land, and if another Federal need is identified, GSA would then arrange for the administrative



LEGEND  
7-Acre Parcel Boundary

Figure 1-3. 7-Acre Tract (Parcel B)

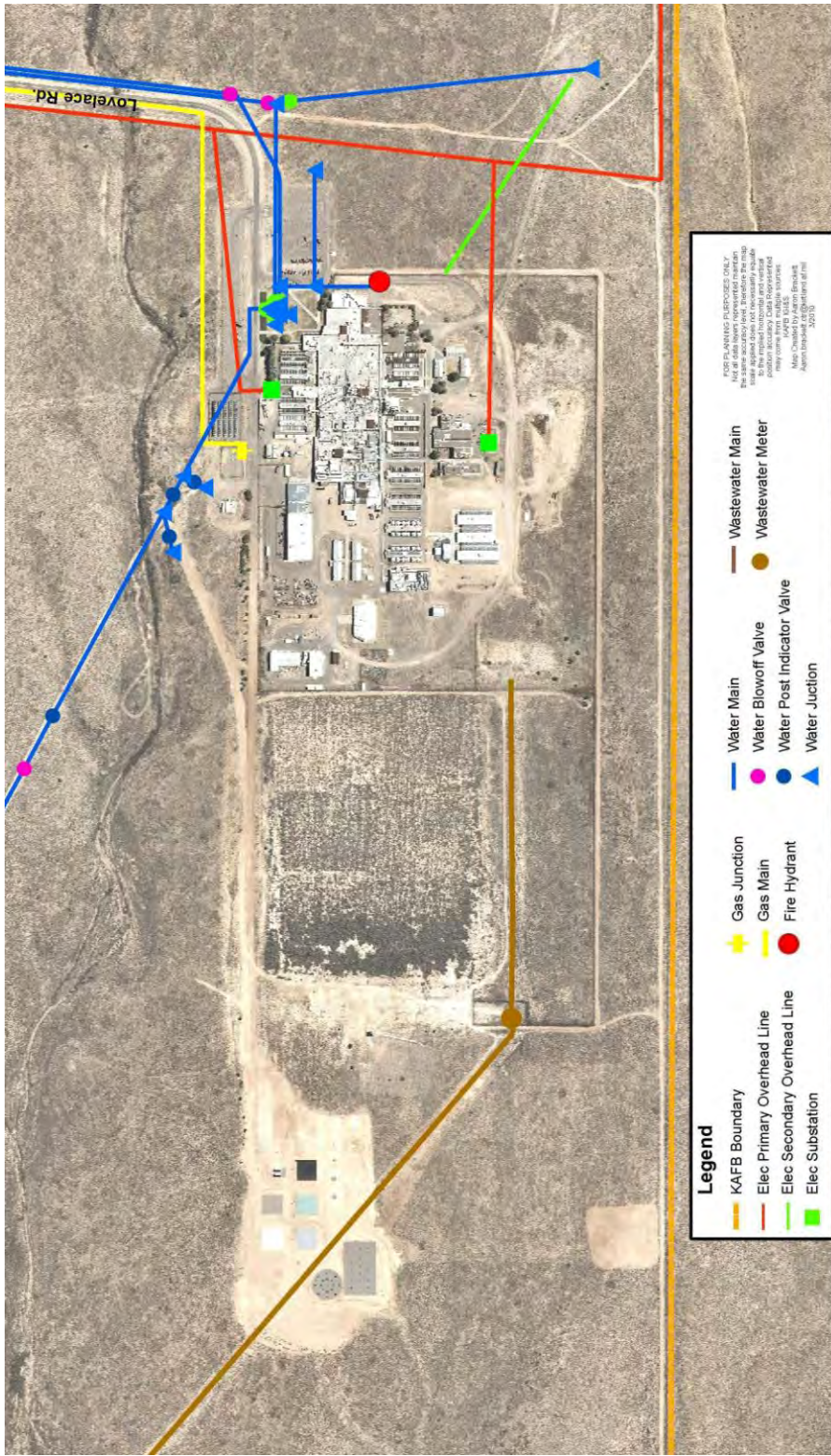


Figure 1-4. LRRRI Utilities

control of the land to be turned over to that Federal agency for their use. Next in line for disposal of real property would be state and local public agencies and eligible nonprofit organizations for specified public uses. Purchase of the property at fair market value under competitive sale for unrestricted use is the last resort of the GSA for disposal of surplus land. However, in this case, the disposal of the subject property identified by DOE as no longer being required for present or future mission use is regulated under the specific provisions of Section 13005 of the Act.

## **1.2 NEPA Requirements / NEPA Process**

NEPA requires Federal agency decision makers to consider the environmental consequences of their proposed actions before decisions are made. In complying with NEPA, all Federal agencies follow the Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR], Part 1500-1508) and their own agency's NEPA implementing procedures. DOE's NEPA implementing procedures have been codified at: CFR Part 1021. The DOE is the lead agency in this EA. The two cooperating agencies in the preparation of this EA, the USAF and the DOI-BLM, also have codified NEPA implementing procedures: the USAF's NEPA implementing procedures are codified at 32 CFR Part 989, and the DOI's NEPA implementing procedures are codified at 43 CFR Part 46 (see later discussion in this chapter regarding cooperating agencies).

For the purposes of compliance with NEPA, reasonable alternatives are identified as being those that meet the DOE's purpose and need for title conveyance and administrative control transfer actions by virtue of timeliness, appropriate technology, and applicability to the subject land tracts. The EA process provides environmental information to Federal decision makers with sufficient evidence and analysis to determine whether to prepare an environmental impact statement (EIS) or issue a Finding of No Significant Impact (FONSI) for the proposed land conveyance and transfer actions. The EA can be used in developing mitigation actions, if necessary, to minimize or avoid adverse effects on the quality of the human environment and natural ecosystems should DOE decide to proceed with implementing the Proposed Action.

An Interagency, Interdisciplinary Management and Review team from DOE, DOI-BLM, and the USAF has prepared this final EA in accordance with NEPA to examine potential environmental impacts associated with the conveyance and transfer of each of the land parcels identified for such in Public Law 111-11, Section 13005. NEPA requires Federal agency officials to consider the environmental consequences of their proposed actions before decisions are made. In this case, the Act requires the USAF and DOI-BLM to undertake the actions necessary to complete the real property transfer actions, including the revocation of any Federal withdrawals within the 135-acre tract, to allow DOE's subsequent consideration of the conveyance of that tract to the Institute. This requirement obviates any discretionary decision for action on the part of the USAF and DOI-BLM. While the BLM will act as a cooperating agency in the preparation of the EA (see Appendix B), the BLM will issue a separate decision in the form of a categorical exclusion that allows for the transfer of land or interest in land to or from other bureaus or Federal agencies where current management would continue and future changes in management would be subject to the NEPA process<sup>2</sup>. The

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<sup>2</sup> BLM NEPA Handbook, H-1790-1, Section E, Realty, CX #15, p. 152.

DOE must, however, in accordance with the terms of the Act, make a discretionary decision regarding the conveyance of the subject 135-acre tract; it must either choose to implement the No Action Alternative, or to implement the action alternative (Proposed Action) and convey the property title for the subject 135-acre tract to the Institute and then transfer the 7-acre tract to the USAF. Therefore, the only decision to be supported by this EA is the DOE's decision regarding the conveyance and transfer of the two subject land tracts.

There is no DOE decision to be supported by this EA with respect to the type or level of operations conducted at either the 135-acre tract or the 7-acre tract. Operations at the 135-acre tract were discussed in the cumulative impact section of the 1999 Final Site-Wide Environmental Impact Statement for Sandia National Laboratories/New Mexico (DOE 1999) and are considered bounded by the Sandia National Laboratories operations at that time. Operations at the 7-acre tract were also considered bounded by the 1999 Site-Wide EIS. The on-going lease agreement is in force between DOE and the Institute for the operation of the 135-acre tract as the LRRI-SC identifies the DOE's 2001 decision regarding the operation of the facility for the purposes of research, scientific, or educational activities. Restrictions within the Act prescribe the future use of the 135-acre tract to these same three uses, although no restrictions are included in the Act with respect to any new construction or demolition actions that the Institute might choose to undertake in the future. Both the terms of the lease and the terms of the Act intentionally provide the Institute with a considerable amount of latitude with respect to conducting operations at the site. Similarly, with respect to the subject 7-acre tract that could be transferred to the USAF in accordance with the Act, land use would be determined by the USAF and not by the DOE. Both the Institute and the USAF have identified their contemplated future uses of the respective land tracts as being a continuation of current types of operations such that the types and intensity of environmental effects would remain the same (i.e., a maintenance of the status quo) over the foreseeable future (which, for the purposes of this EA, is defined as about the next 5-year period) (see Appendix C for copies of correspondence from the Institute regarding their contemplated use of the land tract). No immediate site development is contemplated by either party. If any site development is undertaken in the future, both parties would be subject to various laws, regulations, codes, zoning ordinances, and government agency oversights, which, in the case of the USAF, would include NEPA review(s) for necessary planning, design, construction, and operations carried out on the subject land tracts. Under the provisions of the Act, DOE has the right to re-enter the property for the purpose of ascertaining its use and of land ownership reversion should the Institute fail to meet the use requirements specified by the Act. Under the Act, DOE has no authority to direct future use of either property and therefore it cannot "know" the future development. The underlying assumption of the analyses associated with this EA is that the contemplated future uses are very similar to or inclusive of the actual future site uses. In this instance, neither of the receiving parties, USAF or LRRI, identified any projected changes to the current set of site uses, the intensity of those site uses, or the overall set of existing environmental effects attendant to the existing site operations over the foreseeable future. The DOE will engage in a qualitative discussion of the impacts of its proposed conveyance and transfer actions in this EA, rather than in a detailed quantitative analysis for either tract.

The ultimate goal of the NEPA process, and this EA, is to aid DOE officials in making decisions based on an understanding of environmental consequences of their administrative actions in conveying ownership title and transferring control, and in recommending actions that could be taken to protect, restore, and enhance the environment. Per Section 1500.1 of the Council on Environmental Quality's Regulations for Implementing NEPA: "Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork--even excellent paperwork--but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment."

### **1.3 Scope of This EA**

This EA compares the impacts associated with the administrative conveyance and transfer of each of the subject land tracts with the potential environmental impacts associated with taking no such action with the land tracts. The analysis contained in this EA tiers from the DOE's programmatic analysis of the 1999 Final Site-Wide Environmental Impact Statement for Sandia National Laboratories/New Mexico (DOE 1999), which included the analyses of potential impacts from the operation of Sandia National Laboratories at Albuquerque, New Mexico, inclusive of the LRR1 SC site and its operations (to the extent to which DOE could know and/or direct such activities at a leased site under the privatization of the site operations initiated in 1996); and of the former Coronado Club site, which was still operated as part of Sandia National Laboratories at that time. In this EA, DOE also considers information concerning the contemplated future uses of the subject tracts as identified by the potential receiving parties, which would be unchanged from their current uses over the foreseeable future. Because of DOE's inability to control the future uses that the land tracts might be put to, any precise statement of land use, environmental, and socioeconomic effects that could result from reuse is based upon the stated future use contemplated by LRR1 and the USAF and is, therefore, somewhat speculative. While DOE has provided this information to explore the environmental impacts associated with the uses of the land that could result from the conveyance or transfer of the individual parcels, DOE has no authority to implement any contemplated future land uses outside of the provisions of the Act. Any recommended mitigations directed at reducing or eliminating future adverse impacts from land development and use by either of the receiving parties are beyond the control of the DOE and would be the responsibility of the recipients.

### **1.4 Cooperating Agencies**

The CEQ Regulations (40 CFR 1500-1508) define cooperating agency as any Federal agency other than lead agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal, and specifically notes that a state or local agency or Native American tribe may also become a cooperating agency by agreement with the lead agency. Part 1501.6 provides specifics on the roles of a cooperating agency. On June 3, 2009, DOE, as the lead agency for the preparation of this EA, invited the USAF and the DOI-BLM to participate in the preparation of this EA as cooperating agencies. Both the USAF and the DOI-BLM accepted DOE's invitation and have served as cooperating agencies for the preparation of this EA. Both



agencies have reviewed the document and contributed information needed for the analysis of impacts that could result from the DOE decision to convey or transfer the two subject land tracts.

## 1.5 Public Involvement Activities

On June 1, 2009, DOE provided written notification of their intention to prepare this EA to the State of New Mexico and the Pueblo of Isleta (see Appendix D).

A Notice of Availability (NOA) for the Draft EA was provided to the local media on March 19, 2010. This initiated the 30-day public review period. Notification letters inviting comments on the Draft EA were sent to Stakeholders and the State of New Mexico. At the closing of the review period, no public comments had been received. A notification letter inviting comments on the Draft EA was sent to the Pueblo of Isleta. No comments were received from the Pueblo of Isleta. Appendix E provides the additional details about the public notification.

## 1.6 Statement of Purpose and Need

The DOE, DOI-BLM, and USAF need to act in order to complete a privatization process begun in 1996. Public Law 111-11, Section 13005, authorizes the conveyance or transfer of two land tracts identified as the 135-acre tract occupied by the LRRS SC, and the Coronado Club tract formerly occupied by the Coronado Club facility, both located within the boundaries of KAFB and permitted to or administered by the DOE. In summary, the terms of the Act are structured so that the Institute and each of the three Federal agencies receive benefits from the actions. In furtherance of the privatizing action, the Institute receives ownership to the existing facility and equipment that they currently lease and operate as the LRRS SC. The Institute also receives title in fee simple to the 135-acre tract of land for as long as it is operated in the manner prescribed by the Act<sup>3</sup>. The DOE, as the long-time permittee of the land tract, and the USAF and DOI-BLM as the administratively controlling Federal agencies, are each relieved of any future structure demolition or site clean-up responsibility and the costs for the entire 135-acre tract of land as a form of consideration<sup>4</sup>. The Institute will be responsible for such costs associated with the 135-acre tract. The USAF receives administrative control over the 7-acre tract, which is located adjacent to both the existing on-installation residential areas and to the core of the KAFB office and training area where the majority of installation operations personnel have assigned duty stations.

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<sup>3</sup> The language of the Act (see Appendix A) provides that if at any time the Institute changes the principal use of the land from scientific, research, and education purposes to some other use, title will revert to the government at the option of the Secretary, and the government will have the right of re-entry. Thus, as prescribed by the Act, the Institute will be granted title in fee simple, subject to these conditions.

<sup>4</sup> *Consideration*: Consideration is a contract term in real estate defined as follows: That which is received by the grantor in exchange for his or her deed; something of value that induces a person to enter into a contract. Consideration is most commonly given in the form of currency.

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## 2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Two alternatives are analyzed in this EA: (1) the No Action Alternative, and (2) the Proposed Action (conveyance and transfer of the two subject land tracts). The Proposed Action has been identified as meeting DOE's purpose and need for action. The No Action Alternative, while analyzed for the purpose of providing a baseline for comparison of impacts, would not meet the need for agency action.

No Action Alternative. Under the No Action Alternative, the conveyance of the subject 135-acre tract would not occur. DOE would maintain the USAF use permit for the 135-acre land tract, and would continue to lease the site buildings and equipment to the LRRI-SC for the Institute's operational use over the remainder of the 25-year lease period (about another 18 years). Under the terms of the existing lease contract executed between DOE and the Institute in 2001 allow the LRRI-SC to be used for research, scientific, or educational use purposes at the Institute's discretion. Transfer of the 7-acre tract would also not occur. DOE would perform demolition of all remaining site improvements (the outdoor tennis courts) on the 7-acre tract over the next 10 to 15 years as funding becomes available. DOE does not currently contemplate any site improvements or other use of this property over the foreseeable future.

The Conveyance and Transfer Alternative (the Proposed Action). The Proposed Action would include both the administrative conveyance of the subject 135-acre tract to the Institute with its use unchanged for the foreseeable future (as identified by the Institute), and the transfer of the 7-acre tract to the Secretary of the Air Force from DOE with its use unchanged for the foreseeable future (as identified by the USAF). After consulting with the USAF, DOE is in the process of removing the unoccupied site improvements that previously were built on the 7-acre tract when it was operated as the Coronado Club by Sandia National Laboratories (including the main building, the in-ground swimming pool, parking lot, and access street); the outdoor tennis courts remain located on site. DOE chose to undertake the expedited structure demolition actions prior to making a decision on the future transfer of the tract to USAF to eliminate maintenance and upkeep costs. . When the transfer occurs, the only remaining structures on site will be the tennis courts, which are partially located within the boundaries of the 7-acre tract and partially located within the adjacent tract of land, which is administered by the USAF. Currently these tennis courts receive occasional use from local USAF personnel and their family members residing within the KAFB boundaries and collocated near the 7-acre tract. With the remaining large trees and grass-covered portions of the tract, the tennis court area presents a park-like appearance (see Figure 1-3).

### 2.1 Alternatives Considered But Not Analyzed Further in this EA

Conveyance Without Transfer Alternative. The alternative action of conveying the subject 135-acre tract without conducting the subsequent transfer of the 7-acre tract in accordance with the provisions of the Act was considered. However, the USAF has already expressed a strong desire for future use of the Coronado Club land tract, so this alternative was not considered to be reasonable for meeting the requirements of the transfer provision within the Act, and it was not analyzed further in this EA. Should the USAF later decide to forgo the optional request for this

tract, the impacts of retaining the tract under DOE administrative control would be bounded by the impact analysis presented in the No Action Alternative.

Conveyance or Transfer of the Subject Land Tracts to Parties Other Than Those Identified in Public Law 111-11. The alternative action of conveying or transferring the subject land tracts to parties other than those identified by the Act was considered, but it was eliminated from further analysis in this EA. The conveyance or transfer of the subject land tracts to other parties could not be undertaken by DOE and still allow the Department to meet the provisions of the Act. Therefore, no other parties were considered for receipt of the land for the purposes of this impact analyses. If DOE decided not to convey or transfer the subject land tracts in accordance with the provisions of the Act, then routine disposition action through the GSA would be considered.

No Conveyance or Transfer Action Decision With Subsequent Termination of the Current Lease Agreement Alternative. The Act does not require DOE to convey the subject 135-acre tract to the Institute (and, without the completion of conveyance actions, there could be no subsequent transfer of the 7-acre tract under the terms of the Act). Consideration was given to the alternative action of there being no conveyance or transfer actions undertaken by DOE together with the termination of the lease agreement for the subject 135-acre tract to the Institute. Provisions of the lease agreement would require that DOE notify the Institute of the intent to terminate the lease without cause, and that DOE initiate other specified termination actions. Subsequently, the DOE could undertake a wide range of actions, including leasing the 50-year-old facility ~~as-is~~ to other parties for their same or similar uses, renovating the facility to allow for different uses by DOE or by other parties under a new lease arrangement, or demolishing the buildings and other site improvements. Neither the DOE or USAF currently has funding for either renovation or demolition of the facility, nor has any such funding been requested through the Federal budgeting process to date for these types of actions. The main building at the site is currently in good physical condition, with the most recent health and safety systems and equipment upgrades completed in the 2004 to 2005 timeframe. That being the case, termination of the existing lease without cause and any change in use by DOE or outright demolition of the facility are unplanned and totally speculative at this point. This alternative is considered to be unreasonable for meeting the DOE's purpose and need for action under the terms of the Act, and has not been analyzed further in this EA.

## 3.0 ENVIRONMENTAL IMPACTS

### 3.1 Regional and Local Setting

The two subject land tracts are within Bernalillo County and within the current boundaries of KAFB, which is a government-owned, multidisciplinary facility that is located on 51,560 acres of land in central New Mexico, abutting the City of Albuquerque on its southeast side. KAFB is situated along the western flank of the Manzano Mountains. KAFB land slopes downward towards the Rio Grande and contains several finger-like mesa tops separated by relatively narrow and deep canyons. KAFB is home to the USAF, DOE, Sandia National Laboratories, and a variety of other Federal agencies and other associated entities.

Commercial and residential development in Bernalillo County is mostly within the City of Albuquerque and adjacent City of Rio Rancho, and their mutual surrounding suburbs. The lands to the south of KAFB are largely undeveloped rangeland areas administered by the DOI (in trust for Isleta Pueblo); the lands to the east of KAFB are largely undeveloped forest land areas administered by the U.S. Department of Agriculture and DOI-BLM.

Detailed descriptions of natural resources, cultural resources, socioeconomics, waste management, regulatory compliance records, and general operations at Sandia National Laboratories are presented in the Site-Wide Environmental Impact Statement (SWEIS) (DOE 1999) and the annual *Site Environmental Reports at Sandia National Laboratories*. The annual *Site Environmental Reports at Sandia National Laboratories* can be viewed at the following Internet Web site address: <http://www.sandia.gov/news/publications/environmental/index.html>. These documents can be found in the DOE Reading Room at the Zimmerman Library on the University of New Mexico campus in Albuquerque, New Mexico, and upon request to the public affairs office at the NNSA's Sandia Site Office, Albuquerque, New Mexico. The SWEIS (DOE 1999) is no longer available electronically.

The Institute's routine operations include maintenance support services, ongoing custodial services, security services, and training services. Standard safety procedures, environmental safeguards, and hazardous waste and materials management are conducted at the institute in accordance with applicable government laws, regulations, and requirements. The facility has operated since 1996 as a private biomedical research institute, with its work funded through various Federal and non-Federal grants, contracts, and philanthropic contributions. Beginning in the early 1960s, the initial DOE-supported research program conducted at the Institute focused on the human health consequences associated with the inhalation of airborne radioactive fission products; this program was expanded in the late 1960s and early 1970s to include research on the transuranic (TRU) alpha-emitting radionuclides. In the mid-1970s, the research program was broadened further to examine the potential health effects of airborne chemicals released from energy use and energy production sources such as coal combustion and gasification, solar collectors, and light-duty diesel engines. After 1980, the program focus shifted to include more basic research, with an emphasis on understanding the fundamental biological response of the respiratory tract to inhaled materials. Current scientific research activities include work on the mechanisms, detection, and treatment of

diseases (including lung inflammations, cancers, asthma and immunology, infectious diseases, emphysema, and chronic obstructive pulmonary disease (COPD)); preclinical studies of new drugs; inhalation drug delivery; clinical trials; pharmacoeconomics; and biological, chemical, and nuclear Homeland Defense studies. The Institute has more than 40 years of experience in assessing and mitigating the treatment of aerosolized radionuclides using animal models. The Institute also has long-term experience with clinical trials. For additional information concerning the operations at LRRI-SC, visit their Web site at [www.lrri.org/](http://www.lrri.org/).

Building space is roughly divided into about 33 percent of the space being devoted to animal housing; 30 percent laboratory operations; 8 percent for offices; 18 percent to storage and common spaces; and the remaining 11 percent to the physical plant. The site includes unique facilities for conducting long-term inhalation toxicology studies using laboratory animals under carefully controlled conditions. These facilities are designed with specialized air handling systems, are isolated from other laboratories, and may be used for research on radioactive or potentially carcinogenic materials. About 5 to 10 percent of the laboratory operations are devoted to work with aerosols, with about 40 percent of the work including the conduct of exposure studies using test aerosols with laboratory animals, primarily rodents. Work is typically conducted with microgram to milligram quantities of materials and is carried out within enclosures for health protection measures and to treat air exhausts. An additional 15 to 20 percent of the work can be described as analytical chemistry operations, typically related to characterizing the biochemical mechanisms of respiratory disease. A wide variety of hazardous chemicals, some of which are carcinogenic, biological agents, and radioactive materials in small quantities, are handled in the facility. Air effluents are treated with various techniques such as a high-efficiency particulate air (HEPA) filtration, activated charcoal filtration, and thermal oxidation. Certain biological operations conducted at the facility are licensed by the Centers for Disease Control (CDC), and must follow National Institutes of Health (NIH) guidelines. Air effluents are permitted with the Albuquerque/Bernalillo County Air Quality Control District. Sanitary waste water is discharged to the KAFB main line and a monitoring station is located upstream of that juncture. The facility is a small-quantity generator under Resource Conservation and Recovery Act (RCRA) regulations. Occasional small quantities of low-level wastes are shipped offsite to a permitted commercial facility as appropriate. Hazardous, sanitary, and medical waste disposal is contracted to a local offsite firm (DOE 1999).

Potential environmental issues were identified based on their likelihood to be affected by the No Action Alternative (continued lease and administrative control of the subject land tracts) and the Proposed Action (the administrative conveyance and transfer of title or administrative control of the subject land tracts in accordance with the Act) analyzed in this EA. A table at the end of this chapter identifies the environmental issues of interest and provides a comparison of impacts between the implementation of the No Action Alternative and the Proposed Action, the Conveyance and Transfer Alternative. In this instance, actions taken by DOE to convey title to the subject 135-acre tract and subsequently to transfer administrative control over the 7-acre tract would result in no changes to the operational activities currently ongoing at each of the land tracts over the foreseeable future. Based on the provisions of the Act, the subject 135-acre tract would continue to be used for the same purposes with the same resulting environmental impacts as occur

today or it could revert back into Federal ownership per the provisions of the Act. No changes to the physical facility are anticipated over the foreseeable future by the Institute. The 7-acre tract would also continue to be used over the foreseeable period of time for the same purpose as it is currently being used, with the same resulting operational environmental impacts as occur there today. Therefore, detailed operational impact analysis of the two tracts is unneeded to support an informed decision on the part of the DOE for the actions under consideration (the No Action Alternative and the Proposed Action).

### **3.2 Scope of the Real Property Activities for USAF, DOI-BLM, and DOE**

Under the Proposed Action, Public Law 111-11 establishes the following required Federal actions:

#### ~~Parcel (A)~~ 135-acre Tract Conveyance

- USAF returns withdrawn portion of parcel A to DOI-BLM
- USAF transfers the remaining portion of parcel A to DOE
- BLM transfers their portion of parcel A to DOE.

#### ~~Parcel (B)~~ 7-acre tract Transfer

- If DOE conveys title of parcel A to the Institute, then DOE transfers administrative control of parcel B to USAF.

Under the No Action Alternative, Federal ownership of Parcel A and administrative control of Parcel B remains unchanged.

There are no direct environmental effects that would result from strictly administrative actions like real property ownership and control changes as detailed above. As ongoing and future site operations would be unchanged for the foreseeable future period of time, both direct and indirect environmental effects from the real property under Federal government ownership (the No Action Alternative) and the proposed real property ownership by a private entity or controlled by another Federal agency (the Proposed Action) would remain the same. Therefore, the DOE decision on the alternatives, to convey and transfer (the Proposed Action) or not to convey and transfer the subject land tracts (the No Action Alternative), would not be influenced by operational environmental effects. The USAF is subject to the same Federal, state and local laws and regulations as the DOE, and would act in accordance with these requirements with respect to the 7-acre tract. The Institute would be subject to many of the same Federal, state and local laws and regulations with respect to the 135-acre tract, but in some instances these might not have identical public notification requirements or other similar agency consultation requirements. For example, if a federally protected threatened or endangered species were to be identified on the tract after its conveyance, the Institute would be subject to the provisions of the Endangered Species Act; however, it would not have to undergo the same agency consultation requirements that Federal agencies must undertake for the protection of the species. Cumulative impacts of both the No Action Alternative

and the Proposed Action, when considered in light of other agency nearby activities, would be the same for both alternatives. A summary comparison of potential environmental impacts for the alternatives is presented in Table 3-1.

**Table 3-1. Comparison of Environmental Impacts**

<b>Environmental Category</b>	<b>No Action Alternative</b>	<b>Proposed Action Land Conveyance and Transfer</b>
<b>Waste Management</b>	For operations at the 135-acre tract, waste management would continue to be conducted with hazardous waste, solid waste, and special medical waste routinely shipped to commercial facilities for disposal; and radioactive wastes shipped to either DOE or commercial offsite facilities for treatment and disposal. LRRRI holds a RCRA/hazardous waste small- quantity generator permit with the State of New Mexico. LRRRI holds a radioactive materials license with the Nuclear Regulatory Commission. No new waste types or quantities would be anticipated for the foreseeable future.	Same as No Action Alternative for the 135-acre tract. No changes to permits. Minimal waste management actions would be anticipated at the 7-acre tract for the foreseeable future.
<b>Air Quality</b>	Air emissions would continue to meet CAA Attainment criteria for operations at the 135-acre tract; LRRRI holds an air quality permit with the City of Albuquerque; no new types or levels of air emissions would be expected for the foreseeable future. No air emissions would be expected for the foreseeable future at the 7-acre tract.	Same as No Action Alternative. No changes to permit. KAFB is within an area that is currently designated as an attainment area for criteria air pollutants. Therefore the proposed actions do not require a conformity determination.
<b>Cultural Resources</b>	Cultural resources are not present at either the 135-acre tract or the 7-acre tract. No impacts on these resources nearby would be anticipated.	Same as No Action Alternative.
<b>Visual Resources</b>	The visual setting of the 135-acre tract is divided between industrial development of about a 40-acre area of the tract, with the remainder of the tract covered by native vegetation. The 7-acre tract presents a park-like visual setting with formal landscaping. Over the foreseeable future the visual setting would remain unchanged.	Same as No Action Alternative.
<b>Transportation, Traffic, And Infrastructure</b>	Transportation of supplies and materials and site-generated wastes takes place at the 135-acre tract. Vehicular traffic and site infrastructure are present at both tracts and would remain unchanged for the foreseeable future.	Separate Memoranda of Agreement between LRRRI and KAFB and NNSA will be implemented to address access, utilities, security, and similar support functions. Support will remain the same as under the No Action Alternative.



Environmental Category	No Action Alternative	Proposed Action Land Conveyance and Transfer
<b>Geologic Setting</b>	Both tracts are located on relatively flat areas of dissected terraced land along the western flank of the Manzano Mountains. Cleanup of site soils has already occurred. No changes to site soils, topography, or seismic setting would occur for the foreseeable future at either site.	Same as No Action Alternative.
<b>Water Resources</b>	Surface water at both tracts is limited to storm water runoff; subsurface water is not used for site activities. Potable water is provided to the site from KAFB supply wells located at KAFB. LRRRI holds a groundwater discharge permit with the State of New Mexico and a wastewater discharge permit with the City of Albuquerque. No changes to surface water run-off or run-on, or to subsurface waters, would be anticipated for either the 135-acre tract or the 7-acre tract over the foreseeable future.	Same as No Action Alternative. No changes to permits.
<b>Human Health and Worker Safety</b>	Worker health risks from occupational injuries are not expected under normal operations. The sites Maximum Exposed Individual public risk and Region of Influence population risks to the public are dominated by operations at Sandia National Laboratories and KAFB. No excess Latent Cancer Fatalities or chemical exposure deaths are expected for either worker or public populations under normal site operations. Off-normal or accident (including terrorist-initiated events) are dominated by potential events at Sandia National Laboratories and KAFB. No changes to human health from operations would be anticipated for either the 135-acre tract or the 7-acre tract over the foreseeable future. LRRRI holds a select agent registration with the CDC and follows the standards and practices as prescribe by the CDC and the NIH regarding biomedical laboratories, safety equipment, and facility construction and renovation.	Same as No Action Alternative. No changes to permits and registrations.
<b>Noise</b>	Noise generation and vibrations in the area of the two tracts are dominated by operations at Sandia National Laboratories and KAFB. Noise and vibrations generated by operations at the 135-acre tract are typical industrial noises from such sources as air conditioners and ventilation systems, and are generally below the 50 to 70 dB range. Noise generated at the 7-acre tract would be temporary associated with waste-removal operations. No changes to noise-generation levels would be anticipated for either the 135-acre tract or the 7-acre tract over the foreseeable future.	Same as No Action Alternative.

Environmental Category	No Action Alternative	Proposed Action Land Conveyance and Transfer
<b>Socioeconomic</b>	Employment at the 135-acre site is approximately 300 workers. No workers are present at the Coronado Club site. No changes to the socioeconomic effects from operations would be anticipated for either the 135-acre tract or the 7-acre tract over the foreseeable future	Same as No Action Alternative.
<b>Land Use</b>	Land ownership or administrative control would remain in Federal government control; use of the land tracts would continue over the foreseeable future. City of Albuquerque land use planning and zoning designation of both tracts is for “government” use.	Land ownership and administrative control would change; however, no changes to the use of the land tracts would be anticipated for either the 135-acre tract or the 7-acre tract over the foreseeable future. The City of Albuquerque would redesignate the 135-acre tract from a “government” use designation to a non-government land use planning and zoning designation
<b>Environmental Justice</b>	Populations that are subject to environmental justice considerations are present within 50 miles of KAFB, However, as operations at neither the 135-acre tract or the 7-acre tract would occur in residentially populated areas, operations are not expected to result in any disproportionately high and adverse human health or environmental effects on minority and low-income populations.	Same as No Action Alternative.
<b>Biological Resources</b>	Both land tracts are located in grassland areas. No federally or state protected threatened or endangered species or their critical habitats have been identified as present at either the 135-acre tract or the 7-acre tract. No site actions are anticipated that would disturb existing native habitat areas at either tract over the foreseeable future.	Same as No Action Alternative.
<b>Floodplains and Wetlands</b>	No floodplains or wetlands are present at either the 135-acre tract or the 7-acre tract, so no impacts on these types of natural resources would be anticipated for the foreseeable future at either land tract	Same as No Action Alternative.
<b>Prime Farmland</b>	No prime farmland is present at either the 135-acre tract or the 7-acre tract, so no impacts on this type of natural resource would be anticipated for the foreseeable future at either land tract.	Same as No Action Alternative.

<b>Environmental Category</b>	<b>No Action Alternative</b>	<b>Proposed Action Land Conveyance and Transfer</b>
<b>Accidents/Intentional Destructive Actions</b>	Accidents that might occur at the LLRI SC could involve radioactive materials, hazardous chemicals, or biological organisms or by-products of their culture present at the 135-acre site. Accidents, such as slips, trips, falls, or vehicle crashes at the 7-acre tract could result from recreational use of the tract by members of the public. No changes to the type or level of impacts from accidents or intentional destructive actions would be anticipated at either site for the foreseeable future.	Same as No Action Alternative.
<b>Cumulative Impacts</b>	Over the foreseeable future, Federal funding will likely limit the construction of new buildings in and around KAFB. Clean-up actions will continue over the next 5 years as needed. KAFB processes some 10 realty actions per month, rarely transfers land, and almost never conveys land to outside DOD entities. Land use is expected to be stable at KAFB. There are no planned realty conveyance and transfer actions on DOE administered land.	Same as No Action Alternative. There will be no further Federal realty actions on the 135-acre parcel.

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## **4.0 LISTING OF AGENCIES AND PERSONS CONSULTED**

Kirtland Air Force Base, Cultural Resource Manager (Cultural & Historic Preservation)

Kirtland Air Force Base, Biological Resource Manager (Threatened and Endangered Species)

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## 5.0 REFERENCES

- DOE 1999            U.S. Department of Energy (DOE). 1999. *Sandia National Laboratories/New Mexico Final Site-Wide Environmental Impact Statement, DOE/EIS-0281, {Chapter 4 and Chapter 6}* U.S. Department of Energy, Sandia Site Office. Albuquerque, NM. October 1999.
- USAF 1997            U.S. Air Force (USAF). 1997. *Department of the Air Force Permit to the Department of Energy to Use Property Located on Kirtland Air Force Base.* Albuquerque, NM. 1997.

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# **APPENDIX A**

**PUBLIC LAW 111-11**



## Appendix A - Public Law 111-11

[excerpt]

Public Law 111-11

### SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term “Institute” means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term “map” means the map entitled “Lovelace Respiratory Research Institute Land Conveyance” and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term “Secretary of Energy” means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as “Parcel A” on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel Conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—

If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—

(1) **IN GENERAL.**—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as Parcel B on the map, including any improvements to the parcel.

(2) **REMOVAL OF IMPROVEMENTS.**—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

## **APPENDIX B**

### **COOPERATING AGENCY COMMUNICATION**







DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE MATERIEL COMMAND  
WRIGHT-PATTERSON AIR FORCE BASE OHIO

AUG 13 2009

HQ AFMC/A6/7  
4225 Logistics Avenue  
Wright-Patterson AFB OH 45433-5772

Ms. Karen L. Boardman, Director  
NNSA Service Center  
PO Box 5400  
Albuquerque NM 87185-5400

Dear Ms. Boardman

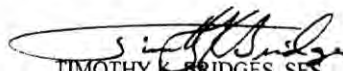
The Air Force accepts the Department of Energy (DOE) invitation, 3 Jun 09, to participate as a formal cooperating agency in preparation of an Environmental Assessment (EA) for the proposal to convey and transfer federal land to the Lovelace Respiratory Research Institute (LRRRI) as prescribed in the President's Council on Environmental Quality National Environmental Policy Act (NEPA) Regulations, 40 CFR 1501.6, *Cooperating Agencies*. This property was permitted to the DOE during the 1960s for respiratory research by LRRRI and its precursor organizations. This transfer is authorized by the Omnibus Public Land Management Act of 2009 (H.R. 146 Title I, Section 13005).

As a cooperating agency, the Air Force understands we will be expected to participate in various portions of the EA development; as such, we specifically request to: (1) participate in the Integrated Project Team for the LRRRI land transfer; (2) participate in the scoping process; (3) assume responsibility, upon request by your organization, for developing information and preparing analysis on issues for which it has special expertise; (4) provide Air Force staff support in the fields of public affairs, NEPA, utilities, legal and (5) be involved in interdisciplinary reviews.

The Air Force requests we be provided appropriate, related information in a timely fashion to avoid unnecessary delays to the process. In turn, the Air Force commits to respond to inquiries in a prompt manner.

Should you or your staff have further questions regarding this letter, please feel free to contact the NEPA Specialist at Kirtland AFB, Mr. Joshua Adkins, (505) 846-7084, or the AFMC NEPA Manager, Ms. Melanie Pershing (937) 257-8194.

Sincerely

  
TIMOTHY K. BRIDGES, SES  
Command Civil Engineer  
Installations and Mission Support

cc:  
AF/A7CIB (Mr. Jack Bush)  
377 ABW/CC (Col Duvall)  
377 MSG/CEANQ (Mr. Joshua Adkins)



**United States Department of the Interior**

**BUREAU OF LAND MANAGEMENT**

New Mexico State Office  
1474 Rodeo Road  
P.O. Box 27115  
Santa Fe, New Mexico 87502-0115  
[www.blm.gov/nm](http://www.blm.gov/nm)



In Reply Refer To:  
NMNM 012273  
2300 (9320)

November 17, 2009

Ms. Karen L. Boardman, Director  
Department of Energy  
National Nuclear Security Administration Service Center  
P.O. Box 5400  
Albuquerque, NM 87185

Dear Ms. Boardman:

Thank you for your letter of invitation to participate as a cooperating agency in the Environmental Assessment (EA) process to convey and transfer federal lands to the Lovelace Respiratory Research Institute by Public Law 111-11.

We accept your invitation to participate and look forward to working with you as a cooperating agency in the development of the EA. The point of contact will be Gilda Fitzpatrick, Realty Specialist and she can be contacted at the address above or telephone (505) 954-2197.

Sincerely,

/s/ Mike Tupper

FOR Linda S.C. Rundell  
State Director

NM(9320, G. Fitzpatrick)

930:GFitzpatrick:vcm:NMNM012273.ltr:11/09/09:x2169

## **APPENDIX C**

### **LOVELACE RESPIRATORY RESEARCH INSTITUTE MISSION STATEMENT**



**Lovelace Respiratory Research Institute**  
2425 Ridgecrest Drive SE  
Albuquerque, NM 87108-5127  
voice 505.348.9400  
fax 505.348.8567  
www.LRRI.org



March 2, 2009

Ms. Karen Boardman  
Director  
NNSA Service Center  
P.O. Box 5400  
Albuquerque, NM 87185

Dear Ms. Boardman:

This is in response to your February 19, 2009 letter requesting information about the future contemplated uses of the Inhalation Toxicology Laboratory upon passage of the pending legislation allowing the government to transfer the ITL to LRRI.

Based on our current and anticipated contracts for the next five years, we do not expect to undertake any work during that period that would result in a significant increase in the type or magnitude of impacts the facility currently has on the environment. As you are aware, the facility has for many years conducted research activities that involve handling potentially harmful agents such as radionuclides, pathogens, and chemicals in order to study the effects of the inhalation of airborne materials on the human respiratory system. Our work for many years has included the use of laboratory animals. We plan to continue similar work after the transfer of the facility.

Further, based on our reasonably foreseeable work in the facility over the next five years we do not expect that there will be significant increases in the volume, concentrations or discharge rates of wastes, air emissions or water effluents from the facility. As a privately owned facility, the ITL will, of course, be subject to regulation by appropriate state agencies with regard to discharges and emissions from the facility.

Please feel free to contact me or Pat Marx if you have any additional questions regarding the facility.

Sincerely,

A handwritten signature in black ink that reads 'Robert W. Rubin'.

Robert W. Rubin, Ph.D.  
President & CEO

## Summary of Lovelace Respiratory Research Institute Mission

### Lovelace Respiratory Research Institute (LRRRI)

LRRRI is an independent, private, research institute serving humanity through research on the prevention, treatment, and cure of respiratory disease. LRRRI is the only private basic-science, biomedical research organization totally dedicated to the study of respiratory diseases.

### LRRRI Conducts Research Designed to Protect the Public

For over 60 years, LRRRI and its subsidiaries have been a center of excellence in research designed to define and mitigate threats to the public from exposure to dangerous materials of all kinds. For over a half century, LRRRI has undertaken research designed to develop an understanding of the toxicology of such substances and worked to find ways to mitigate and eliminate their negative health effects. Lovelace continues to conduct research into countermeasures to infectious and biological agents, nuclear and radiation exposures, as well as chemical agents.

LRRRI was founded in 1947 in the State of New Mexico and is a not-for-profit corporation. The Institute has 140 PhDs, MDs, and DVMs and 610 employees. LRRRI forecasts \$81 million in revenue in 2010. LRRRI has two facilities: a 350,000 square foot facility located on KAFB and 125,000 square foot headquarters and research facility located on Ridgecrest Drive. These facilities are DOD secure and have a chemical, biological, and nuclear defense focus. LRRRI has 220 clients and its for-profit subsidiary has a 280,000-person clinical research population base. There are outlets in eight cities.

We have a variety of scientific disciplines needed to pursue better treatments and cures of respiratory disease that include:

- Clinicians (physicians, veterinarians)
- Board-certified laboratory animal veterinarian
- Molecular and cellular biologists
- Immunologists
- Physiologists
- Neurobiologists
- Epidemiologists, pharmacoeconomics, and health outcomes scientists
- Board-certified toxicologists
- Board-certified veterinary pathologists
- Aerosol scientists
- Analytical chemists
- Statisticians, biomathematical modelers
- Certified quality assurance specialists
- Certified health and safety specialists

### Areas of Academic Concentration

LRRRI has an academic focus to our research in addition to contract work that we perform for the government, private pharmaceutical corporations, and biotechnology companies. LRRRI scientists have authored thousands of publications based on research performed at the Institute and in collaboration with colleges and universities across the nation. Our academic focus includes: **Lung Cancer** - The lung cancer program focuses on using the basic laboratory setting to identify critical determinants that regulate genes and pathways whose function may prove valuable as biomarkers for early detection, for monitoring disease recurrence, and as targets for therapy; **Asthma and Respiratory Immunology** - Research includes studies on secondhand smoke and allergic asthma, the material influences in the development of asthma, and the pulmonary effects of air pollutants; **Infectious Disease** - research focus spans the breadth of pulmonary sciences, immunology, and microbiology to focus on the study of infectious disease. The focus for this academic area is on the whole of the disease and less on the molecular aspects of the pathogen; **Environmental Respiratory Health** - This research studies the health effects of exposures to airborne materials in the outdoor, indoor, and workplace environments; **COPD/Emphysema** - This academic area involves the integration of knowledge gained from cell culture, animal model, and genetic epidemiology studies to better define the genes and pathways involved in the development of emphysema and chronic bronchitis and to learn from pharmaco-economic studies the efficacy of currently marketed drugs; **Inhalation Toxicology and Drug Development** - This academic area has expanded from 40 years of research of inhaled radionuclides, cigarette and diesel emissions, environmental toxicants, and aerosol science to a multifunctional research effort that retains this expertise but has expanded into the arenas of biological and chemical threat agent research all the way to preclinical drug development and contract services.

### **LRRRI Has Strong Interest in Health and Safety**

LRRRI has a sound record in Environmental, Health, and Safety Programs that affect its employees, neighbors, and the environment. Over our 62-year history, LRRRI has worked very safely with dangerous materials, which include 95% of all carcinogens known to man. LRRRI scrupulously follows regulatory controls in chemical, biological, nuclear, and radiological research. Some of the controls we employ to protect health and safety are: HEPA-filtered exhaust, continuous air monitors, stringent security measures, protective clothing and respiratory protection, containment procedures, specialized training, and emergency response practice and drills.

### **LRRRI's Unique Strengths**

LRRRI has unique strengths that make us competitive and give us the edge that we need to employ some 610 employees. We are: ■ Able to undertake FDA-mandated, GLP-compliance testing of infectious and toxic agents for two-species preclinical testing rule; ■ We have a long history and wide-ranging capabilities in working with chemical threat agents; ■ We are able to undertake GLP studies of nonhuman primates and other species; ■ We have a vast aerosol science experience including generation, physical/chemical measurement, and airway deposition; ■ We have experience with field testing of aerosols of bio/chem hazardous agents; ■ We have a wide range of capabilities in infectious disease for biodefense and emerging infectious diseases; ■ We are CDC-registered and approved for Select Agents; and ■ We are a national NIH center for sulfur mustard research.

We have an international reputation for academic excellence; ■ We have hundreds of successful NIH grant submissions; ■ We have thousands of peer-reviewed publications; ■ We have 40+ years of experience in assessing and mitigating the threat of aerosolized radionuclides; ■ We have capabilities in developing countermeasures to "dirty bombs" and chemical agent threats; ■ We have long-term experience with clinical trials; ■ We have extensive wind tunnel facilities; ■ We have numerous animal and cell culture models of infectious and other respiratory diseases; ■ We are licensed with extensive facilities to develop countermeasures to inhaled radionuclides; ■ We are the National Environmental Research Center (NERC) for the EPA (lab and field studies of inhaled air pollutants).

### **Current Environmental Research Activities**

We have made significant contributions in the area of environmental research. Our activities focus on specific pollutants and combinations responsible for respiratory and cardiovascular effects of complex air pollution mixtures. We are conducting studies on the cardiovascular and systemic immune effects of combustion-derived aerosols and on the health hazards of inhaled secondary organic aerosols generated from precursor gases in a smog chamber. Our scientists have continued their work in the pro-atherosclerotic vascular effects of different environmental particles and non-particulate combustion emissions, as well as the effect of atmospheric transformations on toxicity of combustion emissions. We also study the cancer and non-cancer hazards from new technology diesel engines and fuels and other respiratory, cardiovascular, and systemic hazards from inhaled nanoparticles.

### **Accreditations, Licenses, and Certifications**

In addition to regular inspections and audits by our customers, LRRRI holds accreditations, licenses, and certifications with every federal and state organization that covers our work. Each of these agencies holds no-notice inspections. We are proud of our record in these areas: ■ USDA - Registered animal research facility, Licensed Class A Dealer, Compliant with PHS policy on humane care and use of animals; ■ AAALAC - Fully accredited animal maintenance and care; ■ NIH - NIH Animal Assurance; ■ DEA & NM - Controlled Substances Registration; ■ CDC - Select Agent Registration; ■ FDA - 23 years of experience and greater than 150 complete regulated studies, South Campus fully GLP compliant; ■ DOD - Chemical, Biological, and Radiological Surety.

*For additional information, contact Pat Marx, LRRRI COO, at 505-348-9361.*

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## **APPENDIX D**

### **INTERAGENCY AND INTERGOVERNMENTAL COORDINATION**





Department of Energy  
National Nuclear Security Administration  
Service Center  
P. O. Box 5400  
Albuquerque, NM 87185



JUN 1 2009

Mr. Ron Curry  
Secretary  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87502

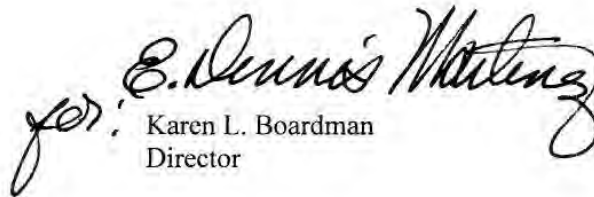
Dear Mr. Curry:

The U.S. Department of Energy (DOE) National Nuclear Security Administration (NNSA) Service Center has determined that an Environmental Assessment (EA) should be prepared for the proposed conveyance to Lovelace Respiratory Research Institute (LRRI) of approximately 135 acres of public lands with improvements on Kirtland Air Force Base. This conveyance is part of Omnibus Public Land Management Act of 2009, Public Law 111-11 signed by the President in March of this year.

DOE National Environmental Policy Act (NEPA) regulations provide for the notification to host states and tribes of a determination to prepare an EA and for the opportunity to review EAs prior to DOE approval. The process is intended to improve coordination and facilitate early and open communication between DOE host states and tribes. DOE expects to prepare the EA in beginning this summer and provide it to the State of New Mexico, tribes, and other interested stakeholders for at least a 14-day review period.

If you have any questions or would like further information on this proposed project please contact Mike Gardipe at (505) 845-6022. For further information about the NEPA process, please contact Jeff Robbins at (505) 845-4426.

Sincerely,

  
for: Karen L. Boardman  
Director



Department of Energy  
National Nuclear Security Administration  
Service Center  
P. O. Box 5400  
Albuquerque, NM 87185



JUN 1 2009

Mr. Robert Benavidez, Governor  
Pueblo of Isleta  
P.O. Box 1270  
Isleta Pueblo, NM 87022

Dear Governor Benavidez:

The U.S. Department of Energy (DOE) National Nuclear Security Administration (NNSA) Service Center (SC) has determined that an Environmental Assessment (EA) should be prepared for the proposed conveyance to Lovelace Respiratory Research Institute (LRRI) of approximately 135 acres of public lands with improvements on Kirtland Air Force Base. This conveyance is part of Omnibus Public Land Management Act of 2009, Public Law 111-11 signed by the President in March of this year.

DOE National Environmental Policy Act (NEPA) regulations provide for the notification to host states and tribes of a determination to prepare an EA and for the opportunity to review EAs prior to DOE approval. The process is intended to improve coordination and facilitate early and open communication between DOE host states and tribes. DOE expects to prepare the EA this summer and will provide it to the State of New Mexico, tribes, and other interested stakeholders for at least a 14-day review period.

If you have any questions or would like further information on this proposed project, please contact Mike Gardipe at (505) 845-6022. For further information about the NEPA process, please contact Jeff Robbins at (505) 845-4426.

Sincerely,

*for!*   
Karen L. Boardman  
Director

**APPENDIX E**  
**PUBLIC NOTIFICATION**





**Service Center  
News**

News Media Contact  
Molly Abbott, 505-845-6202

For Immediate Release  
March 19, 2010

**Notice of Availability of a Draft Environmental Assessment Addressing the  
Conveyance and Transfer of Two Land Tracts on KAFB.**

A draft environmental assessment (EA) of land conveyance and transfer actions at Kirtland Air Force Base (KAFB) in Albuquerque by the U.S. Departments of the Air Force, Interior and Energy to Lovelace Respiratory Research Institute (LRRI) is available for public review for thirty days beginning March 19, 2010.

The Congressionally approved Omnibus Public Land Management Act of 2009 directs the three federal departments to work cooperatively to transfer approximately 135 acres of land within KAFB to DOE and then to LRRI, a nonprofit organization chartered under laws of the State of New Mexico. The bill, supported by New Mexico's Congressional delegation, also directs DOE to transfer administrative jurisdiction of another, smaller parcel of land to the Secretary of the Air Force.

LRRI is a private biomedical research organization dedicated to improving public health through research on the prevention, treatment and cure of respiratory disease. The environmental assessment was prepared under guidelines of the National Environmental Policy Act.

Copies of the EA are available for public review at the Government Information Department, Zimmerman Library, University of New Mexico, at the Central New Mexico Montoya campus library, and at the KAFB library. The pre-decisional draft EA may be viewed electronically on the NNSA Service Center's web page at: <http://www.doeal.gov/>. The draft document may also be sent to you upon request.

Comments and questions can be directed to the NNSA Service Center Office of Public Affairs at P.O. Box 5400, Albuquerque, New Mexico 87185; via electronic mail at: [nepa@doeal.gov](mailto:nepa@doeal.gov), by facsimile at (505) 845-5438 or by phone at 505-845-6202.

Established by Congress in 2000, NNSA is a semi-autonomous agency within the U.S. Department of Energy responsible for enhancing national security through the military application of nuclear science in the nation's national security enterprise. NNSA maintains and enhances the safety, security, reliability, and performance of the U.S. nuclear weapons stockpile without nuclear testing; reduces the global danger from weapons of mass destruction; provides the U.S. Navy with safe and effective nuclear propulsion; and responds to nuclear and radiological emergencies in the U.S. and abroad. Visit [www.nnsa.energy.gov](http://www.nnsa.energy.gov) for more information.



Department of Energy  
National Nuclear Security Administration  
Service Center  
P. O. Box 5400  
Albuquerque, NM 87185



March 18, 2010

Dear Stakeholder:

The purpose of this letter is to inform you that a pre-decisional draft Environmental Assessment (EA) has been prepared for the proposed conveyance to Lovelace Respiratory Research Institute (LRRRI) of approximately 135 acres of public lands with improvements on Kirtland Air Force Base and the transfer of seven acres of Department of Energy (DOE) administered lands to the Kirtland Air Force Base (KAFB). This conveyance was part of Omnibus Public Land Management Act of 2009, Public Law 111-11 signed by the President in March of 2009. The DOE, National Nuclear Security Administration (NNSA) with the U.S. Air Force and the Bureau of Land Management as cooperating agencies have prepared the EA to analyze the potential environmental consequences of this action.

NNSA values stakeholder involvement in the National Environmental Policy Act (NEPA) review process, so we are making this pre-decisional draft EA available to the public. The review period is scheduled to begin March 19, 2010, and will end after a 30 day period at the close of business on April 17, 2010. Copies of this EA are available for public review at the Government Information Department, Zimmerman Library, University of New Mexico, at the Central New Mexico Montoya campus library, and at the KAFB library. The pre-decisional draft EA may be viewed electronically on the NNSA Service Center's web page at: <http://www.doeal.gov/>. The draft document may also be sent to you upon request.

Comments and questions can be directed to the Public Affairs Department at P.O. Box 5400, Albuquerque, New Mexico 87185; via electronic mail at: [nepa@doeal.gov](mailto:nepa@doeal.gov). I may be reached by telephone at (505) 845-6202; or by facsimile at (505) 245-5438.

Sincerely,

/s/

Tracy Loughead, Manager  
NNSA Service Center  
Office of Public Affairs





Department of Energy  
National Nuclear Security Administration  
Service Center  
P. O. Box 5400  
Albuquerque, NM 87185



March 17, 2010

Mr. Robert Benevidez, Governor  
Pueblo of Isleta  
P.O. Box 1270  
Isleta Pueblo, New Mexico 87022

Dear Governor Benevidez:

The purpose of this letter is to inform you that a pre-decisional draft Environmental Assessment (EA) has been prepared for the proposed conveyance to Lovelace Respiratory Research Institute (LRRI) of approximately 135 acres of public lands with improvements on Kirtland Air Force Base and the transfer of seven acres of Department of Energy (DOE) administered lands to the Kirtland Air Force Base (KAFB). This conveyance was part of Omnibus Public Land Management Act of 2009, Public Law 111-11 signed by the President in March of 2009. The DOE, National Nuclear Security Administration (NNSA) with the U.S. Air Force and the Bureau of Land Management as cooperating agencies have prepared the EA to analyze the potential environmental consequences of this action.

DOE NEPA regulations (10 CFR 1021) require the NNSA to provide host tribes the opportunity to review and comment on an EA before NNSA's approval of the EA. The review period is scheduled to begin March 19, 2010, and will end after a 30 day period at the close of business on April 17, 2010. Accordingly, I am providing you with copies of this pre-decisional draft EA (enclosed) The EA may also be viewed electronically on the NNSA Service Center's web page at: <http://www.doeal.gov/>.

If you have any comments on the EA please send them by close of business April 17, 2010, to the Public Affairs Department at P.O. Box 5400, Albuquerque, New Mexico 87185; via electronic mail at: [nepa@doeal.gov](mailto:nepa@doeal.gov). I may be reached by telephone at (505) 845-6202.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Boardman".

Karen L. Boardman  
Director



DOE/EA-1677FONSI

***Finding of No Significant Impact  
for the Final Environmental Assessment  
Addressing the Conveyance and Transfer of  
the Two Land Tracts Pursuant to Public Law  
111-11, Section 13005***

**National Nuclear Security Administration  
Service Center**

May 2010





**Finding of No Significant Impact  
for Proposed Conveyance and Transfer of  
Two Land Tracts Pursuant to  
Public Law 111-11, section 13005,  
Albuquerque, New Mexico**

**(DOE/EA-1677)**

**U. S. Department of Energy  
National Nuclear Security Administration  
Service Center  
Albuquerque, New Mexico**

**May 2010**

**FINDING OF NO SIGNIFICANT IMPACT**  
**Proposed Conveyance and Transfer of Two Land Tracts**  
**Pursuant to Public Law 111-11, Section 13005,**  
**Albuquerque, New Mexico**

FINAL ENVIRONMENTAL ASSESSMENT: The *Environmental Assessment (EA) for the Proposed Conveyance and Transfer of Two Land Tracts Pursuant to Public Law 111-11, Section 13005, Albuquerque, New Mexico* (DOE/EA-1677) (attached) provides sufficient evidence and analysis to determine that a Finding of No Significant Impact (FONSI) is appropriate for the proposed conveyance and transfer actions. The attached EA has been prepared cooperatively amongst the Departments of Energy, Interior, and Air Force. All three agencies have categorical exclusions in their implementing regulations for which this proposed action qualifies. Jointly the three agencies determined to prepare an EA rather than individually apply categorical exclusions (CEQ1501.3 (b)). A detailed description of the proposed action and its environmental consequences is presented in the EA. The EA provides background and analyses in the following Chapters: 1. Purpose and Need; 2. Description of Alternatives; and 3. Environmental Impacts and Consequences of the Proposed Action and the No Action Alternatives. The EA analyzes the effects on waste management; air quality; cultural resources; visual resources; transportation; traffic, infrastructure; geologic setting; water resources; human health and worker safety; noise; socioeconomics; land use; environmental justice; biologic resources; floodplains and wetlands; prime farmland; and accidents/intentional destructive acts; in addition to cumulative impacts. The environmental permit system and oversight by state, federal, and local regulatory agencies would serve to lessen any potential for adverse environmental effects to the land tracts under different ownership. Analyses performed in the subject EA allowed the U.S. Departments of Energy and U.S. Air Force to conclude that potential adverse environmental effects of the conveyance and transfer alternative (The Proposed Action) and No Action Alternative, under normal conditions, would be minimal.

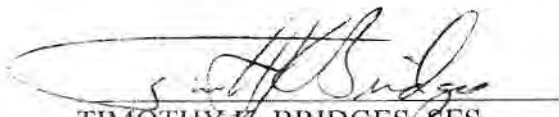
PREDECISIONAL DRAFT REVIEW & COMMENT: On March 19, 2010, the U.S. Department of Energy's National Nuclear Security Administration invited review and comment on the predecisional Draft EA from the State of New Mexico, and one nearby American Indian tribe, the Isleta Pueblo. The National Nuclear Security Administration also made the predecisional Draft EA available to the general public at the same time it was provided to the State and Tribe for review and comment. The general availability of the predecisional Draft EA to the public was accomplished by placing it in Public Reading Rooms in the University of New Mexico's Zimmerman Library, Central New Mexico College's Montoya campus library, and the Kirtland Air Force Base library in Albuquerque, New Mexico. Additionally, more than 28 local and out of state stakeholder groups and individuals that have identified themselves as interested parties with respect to DOE activities were notified by letter of the availability of the predecisional Draft EA on March 18, 2010. A notice of the availability of the predecisional Draft EA for review was sent to several local media outlets. Copies of the predecisional Draft EA and Draft FONSI were posted electronically on the Service Center Web page: <http://www.doeal.gov/>. Copies of the predecisional draft EA were available upon request to all

interested parties for their review. The review and comment period was 30 days long and ended April 17, 2010. No comments were received during this period.

**AGENCY CONSULTATIONS:** The Kirtland Air Force Base Biological Resources Manager determined the conveyance and transfer activities would not affect individual threatened or endangered species at the applicable land tracts or their critical habitat. No consultation is required through the U.S. Fish and Wildlife Service under the provisions of Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) unless new species were to be listed over the period of time required to implement the Proposed Action.

Similarly, the Kirtland Air Force Base Cultural Resources Manager determined that the Proposed Action would not affect recorded historic or prehistoric resources. No consultation with the New Mexico State Historic Preservation Officer pursuant to Section 106 requirements of the National Historic Preservation Act is required.

**FINDING:** Based on the evaluation presented in the EA and the lack of concerns of interested stakeholders, the U.S. Department of the Air Force and the U.S. Department of Energy's National Nuclear Security Administration find there would be no significant impact from proceeding with their Proposed Action to convey and transfer two land tracts pursuant to the provisions of Public Law 111-11, Section 13005. The basis of this finding is that there are no direct and/or indirect environmental effects that would result from strictly administrative actions like real property ownership and control changes, and based on the analysis of relevant issues of environmental concern in the attached EA. The U.S. Department of the Air Force and the U.S. Department of Energy's National Nuclear Security Administration approve this FONSI pursuant to the National Environmental Policy Act (NEPA) of 1969 [42 U.S.C. 4321 et seq.]; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA [40 CFR 1500]; the U.S. Department of Energy NEPA Implementing Procedures [10 CFR 1021], and the U.S. Department of the Air Force implementing procedures [32 CFR Part 989]. No Environmental Impact Statement is required for this proposal.



TIMOTHY K. BRIDGES, SES  
Command Civil Engineer  
Communications, Installations, and Mission Support  
Air Force Materiel Command

Date 29 Apr 10



Karen L. Boardman  
Director  
U.S. Department of Energy  
National Nuclear Security Administration  
Service Center

Date 5.6.10