



Forest
Service

Lincoln National Forest

1101 New York Avenue
Alamogordo, NM 88310-6992
(505) 434-7200

File Code: 1570-1

Date: April 23, 2008

Route To:

Subject: ARO, Appeal #08-03-00-0007-A215, Buckman Water Diversion, Santa Fe NF, Concerned Citizens for Nuclear Safety etal appeal

To: Faye Krueger, Deputy Regional Forester, Appeal Deciding Officer

This is my recommendation on the disposition of the appeal filed in protest of Record of Decision and Environmental Impact Statement concerning the Buckman Water Diversion Project, Santa Fe National Forest.

Forest Supervisor Daniel J. Jiron signed the decision on October 5, 2007. The Forest Supervisor is herein termed as the Responsible Official. Bruce Frederick, representing Concerned Citizens for Nuclear Safety, Amigos Bravos, and Joni Arends filed an appeal of this decision under the 36 CFR 215 appeal regulations.

Informal Disposition

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of this appeal. The record of the meeting reflects that informal resolution was not reached.

Review and Findings

My review was conducted in accordance with 36 CFR 215.19 to ensure that the analysis and decision are in compliance with applicable laws, regulations, polices, and orders. The appeal records, including the appellant's issues and requests for relief have been thoroughly reviewed.

The Final Environmental Impact Statement did an adequate and thorough job of analysis and disclosure of the environmental impacts. Specifically, the project record contains a listing of over 40 reports, memos and articles that were reviewed in evaluating the potential for contamination and provides a detailed explanation to support the conclusion that the risk of contamination was low. The Record of Decision and Final Environmental Impact Statement responded directly and completely to the appellant's comments, and specific scientific literature brought forward by the appellants in their comments was reviewed and incorporated into the analysis and the project record.

In direct response to the appellant's claims, I found that the project record clearly outlines that the provision for clean drinking water is the responsibility of the City of Santa Fe, Santa Fe County, and Las Campanas, (applicants) as outlined on page 17 of the Record of Decision, and thus outside the scope of the Responsible Official. This is further evidenced by examination of the letter titled "Exhibit 1" provided by the appellants as part of their appeal. This letter, from the



Buckman Direct Diversion Board (an association of the aforementioned project applicants) to the Los Alamos National Laboratory and the U.S. Department of Energy, clearly shows that these entities are taking primacy for provision of safe drinking water by requesting funding for six specific action items (pages 2,3 and 4 of appellant's Exhibit 1).

Having reviewed the Environmental Impact Statement (EIS), Record of Decision, and the project record file, as required by 36 CFR 215.19(b), I conclude the following:

- 1) The decision clearly describes the actions to be taken in sufficient detail that the reader can easily understand what will occur as a result of the decision.
- 2) The selected alternative should accomplish the purpose and need established. The purpose and need stated in the EIS reflect consistency with direction in the Forest Plan for the Santa Fe National Forest.
- 3) The decision is consistent with policy, direction, and supporting evidence. The record contains documentation regarding resource conditions and the Responsible Official's decision documents are based on the record and reflect a reasonable conclusion. The Responsible Official's decision also represents the scope of agency authority for the project, and the record reflects clearly what is in the agency's scope and what is outside the agency's scope.
- 4) The record reflects that the Responsible Official provided ample opportunity for public participation during the analysis and decision making process. The Responsible Official's efforts enabled interested publics the opportunity to comment and be involved in the site-specific proposal.

After considering the claims made by the appellant and reviewing the record, I found that the Responsible Official conducted a proper and public NEPA process that resulted in a decision that is consistent with the Santa Fe National Forest Plan. I found no violations of law, regulations, or Forest Service policy.

Recommendation

I recommend that the Responsible Official's decisions relating to this appeal be affirmed with respect to all of the appellant's contentions.

/s/ William Avey

WILLIAM AVEY

Acting Deputy Forest Supervisor,
Appeal Reviewing Officer

cc: Constance J Smith

Hard copy of this letter to be attached to ADO letter sent to appellants.