July 16, 2026

Jade Fortiner
National Nuclear Safety Administration
Office of Pit Production Modernization
1000 Independence Avenue SW
Washington, D.C. 20585

Submitted electronically to: PitPEIS@nnsa.doe.gov

RE: Comments of the New Mexico Environment Department and Department of Wildlife on the National Nuclear Security Administration's Draft Programmatic Environmental Impact Statement for Plutonium Pit Production

Dear Ms. Fortiner,

The New Mexico Environment Department (NMED) and New Mexico Department of Wildlife (DoW) appreciate the opportunity to submit comments on the National Nuclear Security Administration's (NNSA) Draft Programmatic Environmental Impact Statement (PEIS) for Plutonium Pit Production (DOE/EIS-0573). The Notice of the Availability of the Environmental Impact Statements was published in the Federal Register on April 17, 2026 (Vol. 91, No. 74).

The Draft PEIS outlines a substantial programmatic expansion that carries profound long-term implications for New Mexico's environment and public health. The state maintains serious reservations regarding the sufficiency of the current draft. The high-level programmatic assumptions utilized in the PEIS do not adequately capture the localized, cumulative stresses that an expanded manufacturing mission at Los Alamos National Laboratory (LANL) will place on the surrounding region, including natural resource impacts, hazardous waste generation, radiological emissions, and the long-term strain on finite regional water resources.

A project of this magnitude demands more rigorous, site-specific analytical frameworks rather than broad generalized conclusions. Further, for decades, the federal government has promised New Mexicans a prosperous future through federal investment while seeking the requisite social license to operate that resulted in short-term benefits at the expense of long-term costs. There is no better example than the rush to mine uranium from western New Mexico communities for the Manhattan Project that resulted in generational health issues and environmental damages while the legacy wastes at LANL continue to threaten the drinking water supply for an even greater number of New Mexicans.

Consequently, I request that the NNSA meaningfully engage with New Mexicans in person after incorporating more stringent localized impact analyses and concrete, enforceable mitigation strategies before finalizing this programmatic document. National security objectives cannot compromise the people, communities, or environment of New Mexico.

I ask for your support by incorporating our comments into the Final PEIS and addressing our comments completely.

Sincerely,

DocuSigned by:
James C. Kenney
55675B6F3B62408...
James C. Kenney
Cabinet Secretary

Cc: Courtney Kerster, Senior Advisor, Office of Governor Michelle Lujan Grisham

New Mexico Environment Department and Department of Wildlife Comments on National Nuclear Security Administration's Draft Programmatic Environmental Impact Statement for Plutonium Pit Production

Background: The National Nuclear Security Administration (NNSA) is currently working to revitalize the nation's aging nuclear weapons complex and meet statutory national defense requirements to maintain the long-term reliability and safety of the U.S. nuclear deterrent. As part of this overarching modernization effort, the NNSA's proposed action involves expanding capabilities to produce plutonium pits at required quantities of no fewer than 80 pits per year, split primarily between Los Alamos National Laboratory (LANL) in Los Alamos, New Mexico, and the Savannah River Site (SRS) in Aiken, South Carolina. Driven by federal mandates to systematically replace aging stockpiles, this multi-site strategy establishes a dual manufacturing pipeline across the country. The Draft Programmatic Environmental Impact Statement (PEIS) (DOE/EIS-0573) assesses the long-term programmatic impacts of this production increase, including operational modifications, infrastructural upgrades, hazardous waste management, and the cross-country transportation of hazardous and radiological materials required to sustain concurrent manufacturing across both federal facilities.

Comment 1. Given the Draft PEIS discusses new waste streams generated from NNSA activities at LANL, the State of New Mexico requests that NNSA address how these new waste streams will impact existing legal obligations related to legacy waste management.

In August of 2024, NMED and DOE executed a settlement agreement addressing the clean-up legacy radioactive wastes at LANL, to hold the federal government accountable for clean-up of the toxic waste it left behind in the wake of nuclear weapons testing in New Mexico. The settlement prioritizes clean-up of legacy waste at LANL, which includes waste from nuclear weapons design and testing, as well as high level explosives research and development.

Under a June 2023 settlement agreement, DOE committed to prioritizing disposal of legacy waste in a new underground disposal unit at the Waste Isolation Pilot Plant (WIPP), authorized by NMED during permit renewal. The WIPP permit was renewed for a period of ten years in November of 2023.

Given the new waste streams considered under the Draft PEIS, NMED requests that NNSA coordinate with other components of the DOE to ensure that the Department fully meets its compliance obligations. Noting that DOE has thus far failed to meet its legal obligations under the August 2024 settlement at LANL and the 2023 settlement at WIPP raises significant concerns that new NNSA pit production waste will eclipse DOE legacy waste cleanup obligations.

The Draft PEIS should affirmatively address how NNSA will utilize WIPP in a manner consistent with DOE obligations with NMED.

Comment 2. NMED objects to NNSA's reliance on WIPP for pit production waste without the DOE and NNSA implementing technical and financial feasibility studies for a second geologic repository in another state for such wastes.

Pursuant to the WIPP permit, the DOE is required to submit an annual report summarizing its progress toward siting another repository for TRU waste in a state other than New Mexico. The annual report shall summarize the steps the DOE has taken toward siting such a repository in another state and the report shall include documentation supporting the summary. Such documentation may include: with

what disposal regulations another repository shall comply; consent-based or other siting process, timeline and milestones for identifying possible sites for another repository; National Environmental Policy Act (NEPA) actions, congressional authorizations and budget appropriation requests; communications with the U.S. Environmental Protection Agency (EPA) and other federal agencies or Congress about activities to establish another repository; land acquisition(s); state and public engagement activities; feasibility studies; design, construction, and operation plans; and plans, timelines, and milestones for independent technical expert reviews of the activities related to establishing another repository for TRU waste.

In the December 2025 report, the DOE concluded: “There is strong precedent to support the foundation for developing a siting framework for a second TRU waste repository, both from recent developments in DOE's evolving approach to collaborative-based siting and from a wealth of international best practices.”

The DOE has stated that a future repository would be expected to require prior Congressional authorization and funding which the NNSA can justify through the Draft PEIS. As a result, the DOE and NNSA should issue a solicitation for a second geologic repository through a Federal Register notice and prepare a report to Congress seeking authorization to fund the necessary technical and economic feasibility studies.

Comment 3. NNSA must release LANL seismic data in accordance with NEPA and extend the public comment period following the release of these documents.

NMED requests NNSA to publicly release a critical, withheld document regarding federal plutonium pit production operations. Specifically, NMED requests the immediate release of DOE’s “Probabilistic Seismic Hazard Analysis” (PSHA) for LANL. The near decade overdue PSHA is critical to establish a specific seismic analysis safety baseline. It is unacceptable for NNSA to ask New Mexicans to comment on an expansion of plutonium pit production at LANL while actively withholding data that quantifies the facility's vulnerability to catastrophic seismic events.

NEPA requires federal agencies to provide the public with robust, accurate data to ensure meaningful participation. By suppressing essential seismic data, NNSA is denying New Mexicans the legal right to a transparent review process. Proceeding with the Draft PEIS without these documents violates NEPA and NMED requests that the NNSA immediately release these documents and extend the public comment period for 30 days following the release of these documents.

Comment 4. The PEIS fails to evaluate complex-wide, additive transportation impacts on New Mexico's highway infrastructure or provide financial mitigation for localized traffic risks.

Under the Multi-Site framework, the transportation of secure nuclear payloads and radioactive waste streams converges heavily on New Mexico highways. Materials must be continuously shuttled between Pantex, LANL, SRS, and WIPP, routing significant volumes of transuranic waste directly through New Mexico's transport corridors. At peak concurrent production, the Draft PEIS acknowledges that collective annual radiation doses to transportation crews will reach 62.8 person-rem, and doses to the general public along those routes will hit 22.8 person-rem, translating to additive latent cancer fatality (LCF) risks across the transport network.

The nonradiological traffic accident risks are severely understated. NMED disputes the localized accuracy of NNSA’s traffic safety models. Heavy-duty truck traffic and serious motor vehicle crashes

have increased substantially along New Mexico's transport routes. The Draft PEIS projects an additional 0.086 traffic fatalities per year from these secure shipments complex-wide yet fails to reconcile this with the intense industrialization and severe road degradation currently occurring on designated New Mexico roads and highways used to transport waste to WIPP. NNSA has failed to account and budget for the physical impact on New Mexico roads and highways from decades of continuous pit production shipping. NNSA should work with Congress and DOE leadership to reinstate and scale federal infrastructure funding to the State of New Mexico, as authorized under Section 15 of the WIPP Land Withdrawal Act. Specifically, NNSA must work with Congress and DOE leadership to provide at least $37 million in annual road and highway maintenance funding and ensure that the funding amount is adjusted annually to account for inflation increases, to enable New Mexico roads and highways to handle decades of continuous pit production shipping.

Comment 5. The Draft PEIS provides inadequate safeguards for New Mexico's public water supply systems located within the immediate zone of influence of radioactive material transport corridors.

The continuous, multi-site transportation model relies on moving plutonium metal, beryllium, highly enriched uranium (HEU), and low-level radioactive waste along Interstates 25 and 40, U.S. Highway 285, and various state and local roads. In New Mexico, there are 156 regulated public surface or groundwater systems (PWS) located within a critical one-mile radius of these designated transportation corridors. While the PEIS catalogs high-consequence transport accidents in its broader risk tables—such as a vehicle impact destroying TRU waste containers with an ensuing fire, yielding a population accident risk of 0.0000022 LCF per year—it fails to model the specific, catastrophic socio-economic and environmental impacts of a radiological release into an active municipal watershed or public aquifer.

The Final PEIS must include an incident-specific risk assessment evaluating potential transport release scenarios directly impacting these 156 public water systems. Robust water-source protection protocols, advanced emergency response containment technology, and a shared reporting matrix must be established with NMED and the New Mexico Department of Transportation before any production scaling occurs.

Comment 6. The Draft PEIS analysis relies on unsubstantiated, non-quantitative assertions and fails to address the historical, cumulative nuclear burdens borne by New Mexico’s minority and low-income populations.

NMED strongly objects to the PEIS's recurring, boilerplate assertions that cumulative environmental and human health impacts on local populations will be ‘not notable’ or ‘not expected’ over the 50-year operational window. New Mexico possesses a uniquely vulnerable demographic profile, with a population that is 50.1% Hispanic or Latino, 11.2% American Indian, and has 18.4% of its citizens living in poverty—figures that vastly exceed the United States general population baseline. The Draft PEIS fails to provide a rigorous, site-specific quantitative risk assessment for New Mexico communities. Further, it fails to utilize objective tools to analyze how the long-term staging, transport, and manufacturing of plutonium components disproportionately impact these frontline communities. New Mexico's vulnerable populations have already suffered a multi-generational cumulative history of adverse health and environmental effects from uranium mining, milling, laboratory legacy contamination, and national waste repository storage.

NNSA must correct these deficiencies by preparing a localized, cumulative risk assessment that evaluates all potential release and transport accident scenarios against the unique historical burdens of

New Mexico's citizens.

Comment 7. Downgradient public water systems must be protected from expanded plutonium pit production wastewater.

The Pajarito Plateau aquifer exhibits extreme hydrogeologic complexity, presenting monumental challenges in evaluating, tracking, and preventing the migration of hazardous contaminants into regional groundwater resources.

The Final PEIS must include a comprehensive, legally binding risk-mitigation framework to insulate the critical public water systems positioned directly downgradient of the LANL project site. This includes the Los Alamos Municipal Water System (NM3500115), the City of Santa Fe Water System (NM3505126), and the Buckman Regional Water Treatment Plant (NM3502826)—the latter of which serves as a vital regional hub selling treated water to multiple dependent communities. The San Ildefonso Pueblo sits directly downgradient of this site; because tribal water systems are regulated directly by the EPA, LANL must coordinate an uncompromised, multi-agency sentinel monitoring network to protect these sovereign waters from upstream industrial degradation.

According to data within the Draft PEIS, plutonium purification operations inherently generate highly hazardous liquid low-level radioactive waste, which is routed to the Radioactive Liquid Waste Treatment Facility (RLWTF) for evaporation or NPDES-permitted discharge at Outfall 051. LANL's baseline wastewater volume already stands at a staggering 311,689 gallons per day (GPD). The Draft PEIS further acknowledges that groundwater Discharge Permit DP-1132 authorizes discharges to groundwater from the RLWTF to three discharge locations, including two methods of evaporation and the NPDES Outfall 051, and that the expiration date on the existing permit occurs in 2027. Discharge Permit DP-1132 sets forth a maximum daily discharge volume, conditions effluent limits for the three discharge locations, and requires ground water monitoring to evaluate the impacts of the discharge on the ground water. Current production (up to 30 plutonium pits per year [ppy]) has already driven an inflation of 65,225 GPD over baseline. The proposed expansion to 80 ppy will produce an additional 95,700 GPD over baseline—representing an immediate surge of 30,475 GPD over current operating levels. This massive increase of highly volatile waste streams is an unacceptable threat to underlying aquifers unless absolute containment can be verified.

The Final PEIS must include a rigorous groundwater impact analysis for the proposed expansion. The Draft PEIS (Table 2.4-2) indicates that RLWTF operational volumes will climb significantly at LANL, projecting an annual increase of 660,000 gallons for the 30 ppy baseline and 1,320,000 gallons for the 80 ppy surge capacity. The analysis of impacts to ground water must include specifications to the volumes of discharges expected for each of the permitted evaporation methods and discharge to NPDES Outfall 051 for an adequate evaluation of the potential impacts associated with the increased use of existing technology to be conducted.

The Draft PEIS fails to address whether a permit renewal and modification application to the existing Discharge Permit 1132 will be necessary to accommodate increased disposal of the treated effluent water and the assessment of the environmental impacts that may be required for such action. Additionally, NMED requires that an assessment of the environmental impacts associated with RLWTF closure plan activities be included. The closure plan identifies the decommissioning and cleanup necessary to close the existing RLWTF and the controls that will be implemented to comply with the conditions set forth in Discharge Permit 1132, and the execution of the activities includes the generation

of radiologically contaminated material or debris that is not appropriately addressed in the Draft PEIS. The Draft PEIS acknowledges a history of severe contamination releases from RLWTF Outfall 051, including persistent plumes of nitrate, perchlorate, chromium, and dioxane.

In light of these historic failures, the Final PEIS must include a detailed, transparent engineering and operational roadmap. This submittal must explicitly detail how the existing, degraded 50-year-old facility will safely process the heavily elevated wastewater influent and guarantee the absolute prevention of further environmental releases during the interim period before the new treatment facility is fully commissioned and functional.

Comment 8. Critical mandate to mitigate surface water degradation, stormwater runoff, and industrial effluent from expanded pit production activities.

While NMED acknowledges the inclusion of surface water resource tracking, the sheer scale of the proposed expansion demands rigorous compliance with both the federal Clean Water Act (Waters of the United States) and the New Mexico Water Quality Act (Surface Waters of the State). To prevent catastrophic downstream contamination and severe hydrological disruption, NNSA must address the following mandates in the Final PEIS:

The Final PEIS must incorporate an exhaustive analysis of all surface waters within the project area that face degradation through LANL's complex operational pathways. Surface waters are highly vulnerable to industrial effluent discharges, accelerated stormwater runoff across industrialized surfaces, and the severe mobilization of contaminated sediments during storm events. The Final PEIS must explicitly evaluate and mitigate both direct and indirect impacts stemming from extensive construction, accelerated erosion, and toxic sediment transport. Furthermore, NNSA must model and prevent any possible hydrological modifications that could permanently disrupt local hydrologic regimes or ecologically impair surrounding aquatic resources. Any potential discharge must strictly adhere to the New Mexico Water Quality Act, the New Mexico Pollutant Discharge Elimination System Act, and state water quality regulations under 20.6.2 NMAC, 20.6.4 NMAC, and the proposed 20.6.5 NMAC.

The Draft PEIS explicitly identifies a massive 99-acre footprint of land disturbance directly tied to pit production activities—including 70 acres dedicated to new support facilities, infrastructure, and facility upgrades, alongside 29 acres designated for temporary construction laydown areas. Because these activities exponentially exceed the critical one-acre threshold for significant environmental exposure, the operator must immediately obtain and actively maintain formal coverage under the EPA's NPDES 2022 Construction General Permit (CGP). The Final PEIS must comply with all CGP mandates, including the immediate development, aggressive implementation, and transparent enforcement of a comprehensive Stormwater Pollution Prevention Plan (SWPPP) before a single acre is disturbed.

NNSA must legally ensure that all unfolding construction and long-term operational activities remain aligned with a complex matrix of overlapping stormwater permit requirements. Operations must simultaneously satisfy the facility's NPDES Storm Water Individual Permit (NM0030759), the Multi-Sector General Permit (MSGP - NMR05GB21), and the NPDES 2022 CGP. As project activities scale up, the operator cannot rely on stagnant protocols; they must continuously review, dynamically update, and strictly enforce all applicable stormwater permits, physical stormwater control measures, active monitoring requirements, and compliance tracking documents to match real-time site vulnerabilities.

To eliminate preventable toxic plumes, NMED mandates that all fuel, oil, hydraulic fluids, lubricants, and

associated petrochemical products utilized throughout the construction and operational phases be isolated within highly secure secondary containment systems engineered with sufficient capacity to fully capture unexpected leaks or catastrophic structural spills. Under no circumstances shall these hazardous storage areas be located within or adjacent to flood-prone areas, where storm events could rapidly sweep contaminants into public waterways. LANL must immediately implement advanced, aggressive spill prevention, control, and rapid-response measures to guarantee that any accidental release is completely contained at the source and barred from impacting surface waters.

Comment 9. Need for oversight expansion, emergency monitoring and infrastructure enhancement, and water rights accountability.

NMED provides independent, cross-media environmental sampling—encompassing air, sediment, biota, groundwater, surface water, stormwater, outfalls, and direct penetrating radiation—to protect New Mexicans from legacy and active laboratory risks. The drastic scaling of industrial activities requires an immediate expansion of the state's independent environmental monitoring infrastructure to capture heightened contamination risks. The Final PEIS must include the deployment of expanded sampling plans and localized monitoring stations to prevent erosion and toxic runoff from newly disturbed construction zones, where earth-moving activities will disturb previously unidentified areas of concern. Furthermore, NNSA must fund and facilitate the immediate expansion of the AirNet Program with new air-sampling stations strategically placed throughout the Pajarito Corridor, specifically in the immediate vicinity of Plutonium Facility 4 (PF-4), active construction sectors, and unaddressed, high-risk waste storage tracts including Material Disposal Area C (MDA-C). To protect adjacent populations and secure transit corridors, NMED also mandates an aggressive expansion of Direct Penetrating Radiation monitoring networks along populated transportation routes to track radioactive cargo movement and protect public health.

The massive influx of new waste streams, construction zones, and community safety needs creates an immediate necessity to expand technical staff capacity and specialized expertise at NMED. NNSA must directly support these critical staffing additions and the costs of expanded field sampling. Most critically, LANL management must grant NMED oversight personnel unrestricted, reasonable access to secured laboratory areas; independent state validation of environmental safety cannot be obstructed by arbitrary security barriers.

NMED is deeply concerned with LANL's current emergency evacuation planning and community notification infrastructure. The laboratory site sits atop a geographically isolated mesa, relying on essentially two viable exit routes. The western route through the Jemez Mountains is routinely impassable during forest fires or emergency events near TA-16, leaving a single road to evacuate the entire regional workforce and civilian population. The northern two-track route remains highly unreliable and conditional based on erratic road maintenance. Recent data shows an alarming surge in regional traffic accidents; a single road closure recently trapped exiting traffic for hours. LANL must reassess and improve its emergency evacuation plans to accommodate the increased activity associated with an increase in pit production.

The Final PEIS must provide transparency regarding the massive volumes of water required to sustain expanded plutonium pit production, as the Draft PEIS fails to provide a viable hydrologic supply plan. NNSA must explicitly address NMED concerns before any project expansion is authorized. For example, from the Draft PEIS, it is unclear: which precise aquifer or surface source will provide the additional water volume required for expanded production; whether LANL will request that the County of Los

Alamos invoke its San Juan-Chama Project diversion water rights or whether there is an alternative sourcing plan currently being developed; and if increased water volumes are diverted from the Rio Grande, whether specific engineering and legal mechanisms will be deployed to prevent severe depletion and quality impacts on downstream water users, most notably the stakeholders of the New Pojoaque Valley Aamodt Settlement water diversion on Pueblo de San Ildefonso property, and the City and County of Santa Fe's Buckman Direct Diversion. NMED asks that these critical omissions be addressed in the Final PEIS.

Comment 10. Protect wildlife from expanded operations, waste contamination, and infrastructure risks.

The NM Department of Wildlife (DoW) strongly recommends that the Mitigation Action Plan for Los Alamos National Laboratory Operations (LANL MAP) (Ditmanson 2025) be updated to reflect the expanded operations as detailed in the 2026 Site-Wide Environmental Impact Statement (SWEIS) (DOE 2026b) and pit production activities included in the NNSA's preferred alternative. As it is currently written, the LANL MAP lacks sufficient detail to provide for the protection of wildlife and wildlife habitats in the case of continued or expanded plutonium pit production as presented under the various alternatives of the PEIS.

As stated in DOE 2026a, under the Single-Site Alternative with production occurring at the SRS, LANL would maintain its existing pit production capabilities and facilities, resulting in activities equivalent to producing 10 pits per year on site. However, the Department would like to note that LANL currently has a large amount of nuclear material and other hazardous waste stored on site. Radioactive elements and other contaminants have been detected in ground and surface water in the vicinity and in insect prey and songbird eggs collected at LANL, with lower reproductive success in western bluebirds being associated with prey contaminant levels (Colestock 2007). DoW strongly recommends existing waste be disposed of properly, and further plans be created to ensure the proper disposal of all new waste, prior to the continuation of existing or implementation of new processes that may produce more nuclear waste in the area, including any increased pit production.

New land development and increased staff at LANL, which is included under all alternatives presented in the PEIS, pose a potential threat to wildlife populations in the area due to the loss of suitable habitat, disturbance of wildlife nesting and/or breeding areas, and direct mortality of individuals associated with construction activities. In order to mitigate some of the wildlife-related risks associated with construction activities, DoW submits the following requirements for inclusion in both the PEIS and LANL MAP.

Any open trenches excavated for underground water or oil and gas pipelines, powerlines, or fiber optic communication lines associated with new buildings can unintentionally entrap and cause the unnecessary mortality of amphibians, reptiles, and small mammals and can cause injury to large mammals. Trapped animals can die from exposure, starvation, crushing from pipe-laying, entombment from trenching backfilling, drowning, and predation. This unnecessary wildlife mortality can be avoided by implementing conservation measures, including concurrent trenching, pipe-laying, and backfilling operations to minimize the amount of trench left open overnight or longer; construction of escape ramps; and employing biological monitors to remove trapped animals. Periods of highest activity for amphibians and reptiles vulnerable to entrapment include summer months and wet weather, and they can be active both day and night. Small mammals subject to entrapment are active year-round and generally most active at night.

Implementing the general trenching conservation measures outlined in the Department's *Trenching Project Guidelines* (NMDOW 2022*)*, and adding them to the LANL MAP, will help minimize unnecessary mortality of wildlife. Best management practices should include, at least, the following mitigation measures. Whenever possible, locate trenching activities within previously disturbed areas, such as existing road or pipeline rights-of-way. To the extent possible, avoid trenching in undisturbed habitat and trench during the cooler months (October – March). Utilize concurrent trenching, pipe- or cable-laying, and backfilling. Keep trenching, pipe- or cable-laying, and backfilling crews as close together as possible to minimize the amount of open trench at any given time. When trenching activities are temporarily halted (e.g., overnight, weekends, holidays, weather shutdowns), protect wildlife from accessing any open trench between digging and backfilling operations by using one or more of the methods described below. Avoid leaving trenches open overnight. When trenches cannot be backfilled immediately, escape ramps should be constructed at least every 90 meters and preferably 30 meters. Escape ramps can be constructed parallel or perpendicular to the existing trench. The escape ramp slope should be less than 45 degrees (1:1). If pipe or cable has been installed but backfilling has not occurred, escape ramps may need to be constructed on both sides of the trench, since, unless the pipe is elevated enough to allow animals to move underneath it, the pipe or cable may block access of amphibians, reptiles, and small mammals to the ramps if only constructed on one side.

Trenches that have been left open overnight should be inspected the following day by a qualified, permitted biological monitor and trapped animals removed as soon as possible, especially where state- or federally listed threatened or endangered amphibians, reptiles, or small mammals occur. Untrained personnel should not attempt to remove trapped wildlife because of the potential to injure animals and the possibility of injury from venomous snakes. Required tools for removal will include snake tongs for removing snakes and a dip net for capturing and removing amphibians and small mammals. Many animals trapped in a trench will burrow under loose soil. To the extent possible, the biological monitor should disturb loose soil in the trench to uncover and remove trapped animals. Animals should be relocated at least 50 meters away from the open trench in undisturbed habitat. Capture and relocation of all state-protected animals, and even of unprotected animals using a dip net, may require a scientific collection permit; contact the Department's Wildlife Permits Manager at DGF.Permits@dgf.nm.gov for more information.

When the pipe has been laid in the trench, end caps should be placed on the open end(s) of the pipe to prevent animals from entering. Pipes staged outside the trench should be capped until placed in the trench or checked for wildlife before being placed into the trench.

Most wildlife can be protected by constructing a silt fence completely around the open trench. A silt fence should be supported from sagging by t-posts, rebar, or stakes and buried at the base to preclude animals from moving below the fence. If construction of a silt fence is a required best management practice for erosion control, then, to preclude the need for a biological monitor, escape ramps, and concurrent backfilling, the guidelines for silt fence installation and maintenance in the *Trenching Project Guidelines* (NMDOW 2022) should be followed.

If tree or vegetation removal is necessary for construction completion, all migratory birds are protected against direct take under the federal Migratory Bird Treaty Act (16 U.S.C. Sections 703-712). Hawks, falcons, vultures, owls, songbirds, and other insect-eating birds are protected under New Mexico State Statutes (17-2-13 and 17-2-14 NMSA) unless permitted by the applicable regulatory agency. To minimize the likelihood of adverse impacts to migratory birds, nests, eggs, or nestlings, the Department recommends that ground-disturbance and vegetation-removal activities be conducted outside of the

primary migratory bird breeding season of April 15-September 1. Breeding season may begin earlier for raptors or when working in low-elevation habitats such as deserts. If ground-disturbing and clearing activities must be conducted during the breeding season, then the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory) and avoid disturbing active nests until young have fledged. For active nests, establish adequate buffer zones to minimize disturbance to nesting birds. Buffer distances should be at least 100 feet from songbird and raven nests; 0.25 miles from most raptor nests; and 0.5 miles for ferruginous hawk (*Buteo regalis*), golden eagle (*Aquila chrysaetos canadensis*), peregrine falcon (*Falco peregrinus*), and prairie falcon (*Falco mexicanus*) nests. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified, permitted biologists or wildlife rehabilitators. Department biologists are available to consult on nest site mitigation and can facilitate contact with qualified personnel. Removal of active nests of state-protected species may require a scientific collection permit; contact the Department's Wildlife Permits Manager at DGF.Permits@dgf.nm.gov for more information.

The list of New Mexico SGCN (see link, page 18, table 5) and the federal list of Birds of Conservation Concern should be reviewed to fully evaluate the potential effects on migratory birds from your proposed project. Federal agencies are also required under Executive Order 13186 to implement standards and practices that lessen the amount of unintentional take attributable to agency actions. These conservation measures are strongly recommended to ensure the persistence of migratory bird species whose populations are small and/or declining within New Mexico.

Additional staff at LANL, and the associated population increase in surrounding areas, is likely to result in increased risk of wildlife-vehicle collisions. A segment of New Mexico State Road 502 (NM-502) near Los Alamos was identified as a wildlife-vehicle collision hotspot in the 2022 New Mexico Wildlife Corridors Action Plan (Cramer et al. 2022). There are also collision hotpots between Los Alamos and the Waste Isolation Pilot Plant near Carlsbad, NM, including along US Highway 84 (US 84) north of Santa Fe and US Interstate 25 (I-25) east of Santa Fe. These collisions impact both human and animal individuals and populations and may lead to increased danger associated with the transportation of plutonium pits and/or hazardous waste materials as discussed in the PEIS. While collision-related risks are referenced in the PEIS, the Department recommends greater analysis of these risks and further quantification and mitigation of the potential for these risks under all proposed alternatives.

In its current form, the Draft PEIS does not address the potential for contamination of the surrounding environment related to proposed continued or increased pit production at LANL. Wildlife exposure to radioactive or hazardous materials/waste is similarly absent within the discussion of biological resources under the different alternatives contained in Chapter 2 (Pages 2-33 and 2-34). However, the discussion of human health impacts does mention collective dose to the population under different alternatives on pages 2-37 through 2-39. Just as humans can be negatively impacted by exposure to radiation, wildlife exposed to radiation may experience degraded health, even when exposed to low doses (Paunesku et al. 2021, Shuryak and Brenner 2021). DoW requests consideration of the potential for wildlife to be exposed to radioactive and/or other potentially hazardous materials. DoW requests that the risk associated with this wildlife exposure be quantified under each alternative as has been done in the section regarding impacts on human health (pages 2-37 to 2-39).

Additionally, DoW requires the DOE and NNSA include information regarding wildfire risk and mitigation measures in the PEIS and further suggests these topics be addressed as they relate to expanded operations and plutonium pit production in the LANL MAP. The PEIS does not address the risk of wildfire caused by actions to be taken under the different alternatives. Similarly absent is an analysis of the risk

wildfire may pose to facilities and to local wildlife and wildlife habitats that would be impacted should wildfire release hazardous substances from burned facilities. Wildfire caused by the activities associated with the Proposed Action, as well as the potential danger resulting from fire-caused damage to plutonium-producing facilities and/or related infrastructure, has the potential to severely harm wildlife in the area. Wildfire in natural areas around LANL or directly affecting LANL facilities may jeopardize sensitive populations of wildlife in the area, including special status species. These risks and associated mitigation measures should be addressed in the PEIS under all alternatives to protect New Mexico's wildlife and wildlife habitats.

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