

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE LOS ALAMOS STUDY GROUP,

Plaintiff,

v.

Case No. 1:10-CV-0760-JH-ACT

UNITED STATES DEPARTMENT OF
ENERGY; THE HONORABLE STEPHEN
CHU, in his capacity as SECRETARY,
DEPARTMENT OF ENERGY;
NATIONAL NUCLEAR SECURITY
ADMINISTRATION; THE HONORABLE
THOMAS PAUL D'AGOSTINO, in his
Capacity as ADMINSTRATOR,
NATIONAL NUCLEAR SECURITY
ADMINISTRATION,

Defendants.

AFFIDAVIT OF Jody Benson

State of New Mexico)
) ss.
County of Los Alamos)

Jody Benson, under penalty of perjury, hereby declares as follows this 2 day of
November 2010:

1. I am a citizen of the State of New Mexico and reside in the county of Los Alamos.
I work with the Earth and Environmental Sciences Division at Los Alamos National Laboratory;
our Division has teams located in TA-3 as well as TA-51 and TA-48 on the Pajarito Corridor. I
am writing these views as a private citizen; however I am active in the community of Los

Alamos, and serve on the Los Alamos Public Schools Board of Education, the Juvenile Justice Advisory Board, and the Los Alamos Public Schools Foundation. I am a member of the Executive Committee of the Pajarito Group of the Sierra Club, a supporter of the Pajarito Environmental Education Center, and active in the League of Women Voters.

2. The Los Alamos Study Group ("LASG") has asked that the Department of Energy and National Nuclear Security Administration comply with the National Environmental Policy Act ("NEPA") by analyzing the impacts of construction and operation of the Chemistry and Metallurgy Research Replacement-Nuclear Facility ("CMRR-NF") and connected projects along the Pajarito Corridor, and of reasonable alternatives to these projects, in a new EIS for the project. I fully support LASG's effort to require new, complete NEPA analysis.

3. LASG takes the position that further expenditures and efforts in the design and construction of these projects should be suspended while this NEPA analysis is done. I agree with this position, because I have observed that there has already been significant land-clearing south of Pajarito Rd on TA-55/50, and I believe that the continuation of these projects while this EIS is prepared will make it increasingly difficult for DOE and NNSA to objectively assess environmental impacts and select the best approaches to these projects and their alternatives in an objective manner. There is no point to NEPA analysis or to NEPA if federal decisions are made before the environmental analysis of alternatives is adequately completed.

4. I would personally be affected adversely if these projects go forward in their present form. I reside in Los Alamos, work at LANL, and am frequently in the vicinity of the Pajarito Road projects. I drive and bicycle on Pajarito Road, State Route 4, and State Route 502, roads which must be used for heavy haulage, deliveries, and commuting to and from the Pajarito

Corridor construction sites, as well as State Route 501, the main “Hill” road. I perceive the following harms to the economy and community values of Northern New Mexico, specifically Los Alamos, if the project continues as now planned:

A. Traffic Impacts on St. Rd. 4: The current NEPA document does not include a regional assessment of traffic impacts. The thousands of haulage trucks would likely necessitate upgrading State Rd 4 from “the Y” (juncture of NM 502 and NM 4) to Pajarito Rd, including widening the road and upgrading the traffic signals. Unless these requisite upgrades are paid for by the project, they would commit our very limited State transportation money to a very small, and currently inadequate five-mile stretch of road and four intersections.

B. Traffic Impacts of the Parking Lot on the Truck Route and Sandia Canyon: Included in traffic impacts: The proposed parking lot in Sandia Canyon (the Truck Route) from which buses will transport the workers to the Pajarito Corridor must be readdressed. Thousands of workers commute to LANL every day. Including another thousand cars, then creating a parking lot below TA-55 would not only destroy a large ecosystem, but require significant upgrades to the Truck Route. The traffic to the proposed parking area would impede normal LANL-commuter traffic; a signal would be required.

C. Need for a regional traffic assessment that includes an analysis of the benefits of a shared commuter parking area (e.g., at one of the casinos), and establishing a commuter-bus system from those parking lots that already exist. This would reduce excessive damage to the fragile Pajarito Plateau ecosystem as well as to commuters who are likely to experience delays, broken windshields, and other hazards and harms. Project funding should include leasing parking.

D. Housing: There has been no assessment on impacts to the surrounding communities that will be required to supply what will probably be short-term housing.

Questions unaddressed include: how many non-resident workers will be hired? How much new housing, of what kind, will be required (i.e., low-income rentals, single-person housing, moderate family-housing rentals, moderate homes for ownership, high-end homes)? It is critical that communities understand the salary levels of craft/construction workers in order to plan for housing.

E. Developing Open Space and Green Space for Housing: The question of providing housing, especially short-term, is critical in that Los Alamos has very limited developable land available; the local government is currently mapping which public lands are available for housing. In the development of the Los Alamos Comprehensive Plan, the community was adamant in its desire to protect the majority of public land as green space. Developing all lands currently designated as public for housing, especially if the land is developed for short-term rentals, is contrary to the Comprehensive Plan.

F. Workers' Children in Area Schools: The impact of the proposed 1000 new workers on the schools has not been addressed. Questions that must be assessed are: How many students, and of what ages, will be moving into which area? This is, of course, important for the schools to plan whether and when to request portables. The cost of preparing for, moving, installing, and providing utilities for portables is a significant impact on school districts that are already under duress from funding cuts that have increased over since 2008. In addition, portables are in short supply in NM; these buildings may need to be acquired from other agencies or other states, a situation that could have a long lead-time. In addition, how many foreign

nationals would be hired, (a necessary question to be able to plan for a possible increase in English Language Learners)?

G. Local Projects' Needs for Concrete vs. CMRR: The impact that the hundreds of thousands of cubic yards of concrete required for the CMRR will have on any of the other construction projects in northern NM has not been addressed. Los Alamos residents passed a \$40-million bond to build new school facilities during the next five years. The money is only for these five years; the projects that must be completed during this time include: Los Alamos High School (a new three-story replacement for A, B, C, and D wings), extensive reconstruction and new construction for Los Alamos Middle School (and a possible sixth-grade academy), and an entire new classroom wing (and possible pre-school) for Aspen Elementary School. The schools construction requires concrete. The increased demand for more than 300,000 cubic yards of concrete needed by the CMRR project could not only drive up cement and aggregate costs thus making the Los Alamos School Projects reduce the extent of their construction, but could even make concrete unavailable altogether for some critical periods, thus not only impeding the schools construction, but possibly preventing it all together. It is essential that the issue of the availability of concrete be mitigated.

5. The ways that I will be personally and negatively affected if the CMRR-NF continues ahead without a new environmental impact statement, including scoping include the following;

A. I will not be able cycle on Pajarito Road at all during its closure. Cycling on Pajarito Road, NM 502, NM 4, and possibly other area roads will become dangerous and unenjoyable. Heavy haulage trucks and other construction traffic will physically endanger

cyclists with flying debris and dust, exhaust fumes, and potential collisions, and this traffic will detract from the environment and roads we enjoy;

B. Construction will generate excessive dust and noise that will affect me at my place of work, likely at my home, and very likely while traveling about;

C. Construction lights will impact the night sky above my home, place of work, and in wildlife areas and recreational areas I frequent. They will also likely disrupt the life-systems of nocturnal wildlife;

D. I work with the youth of the community, with the schools and with juvenile justice issues, and know that new, young drivers will inevitably exhibit very poor judgment in dealing with the large construction vehicles on area roadways, and thus cause an excess of accidents;

E. The wetlands in Pajarito Canyon, as well as surrounding areas that are likely to be impacted by construction activities—traffic, noise, airborne dust pollution, fumes, light pollution—provide habitat to diverse wildlife including chorus frogs, spadefoot toads, many species of lizards and snakes, badger, fox, coyotes, bobcats, many well-loved species of birds including roadrunners, hawks, and flycatchers, and many other species that will either become victims of the traffic, or will lose their habitat to the disruption of the traffic and construction. I frequently visit and enjoy wildlife areas proximate to the Pajarito Corridor construction projects and my experience and possibly even ability to do so will be impaired.

6. These losses to my personal quality of life (as well as to that of the community and to the wildlife) will cause serious injury to me, and threaten to continue for a decade during construction. and in the case of the loss of Los Alamos community public lands and the impacts

to the environment and its wildlife, for as long as I am likely to live. For these reasons, I submit that a very thorough and complete new environmental analysis of the CMRR-NF project and other projects ongoing in the Pajarito Corridor, including all reasonable alternatives, is essential before any such projects may go forward so that the responsible agencies may consider the alternatives in a fully objective manner.

Further affiant saith not:

The foregoing is signed and declared under penalty of perjury to be true and correct.

Dated: 02 November 2010

Jody Benson
Jody Benson

SUBSCRIBED AND SWORN TO before me this 2 day of November 2010, by Jody Benson.

[Signature]
Notary Public

My Commission Expires:

