REGIONAL COALITION MEETING AGENDA
Taos Plaza Old County Courthouse
121 N Plaza, Mural Room 2nd floor
Taos, NM 87571
October 14, 2016 | 9:00a—11:00a

A. Call to Order – Chair Barney Trujillo | 9:00a-

B. Confirmation of Quorum – Chair Barney Trujillo

C. Approval of Agenda – Chair Barney Trujillo

D. Approval of Meeting Minutes - Chair Barney Trujillo | –9:15a (Tab A)

E. Discussion/Action Items (1hr 25 min) | 9:15–10:35a
   a. Honoring former Vice-Chair, Councilor Andrew Gonzales (5 mins)
   b. Briefing from NM Congressional Delegation (5 mins)
   c. Executive Director Update (7 mins, Tab C)
   d. Environmental Stewardship Discussion (30 mins, Tab D)
      i. Presentation on Consent Order Agreement, Sect. Butch Tongate, NMED and Katie Roberts, NMED
   e. Economic Development Discussion (30 mins, Tab E)
      i. Presentation and Updates on GRT Issue, video conference with speaker Richard Anklam, Director of NM Tax Research Institute
   f. Action: Vote on Nov 11, Veteran’s Day, meeting date (1 mins) (Tab F)
   g. Action: Vote on 2017 Board Meeting Schedule (1 min)
   h. Action: Board Representation at Intergovernmental Meeting in New Orleans, LA, Nov 16-18 (1 min)
      i. Budget Update, Brian Bosshardt (5 min, Tab G)

F. Public Comment (20 mins) 10:40-11:00a

G. Adjournment – 11:00a
About the Regional Coalition of LANL Communities:
The Regional Coalition is comprised of nine cities, towns, counties and pueblos surrounding the Department of Energy's Los Alamos National Laboratory (LANL). Founded in 2011, the Regional Coalition works in partnership to ensure national decisions incorporate local needs and concerns. The organization's focus is regional economic development and site employment, environmental remediation, and adequate funding for LANL.

The 2016 Board of Directors includes Chair, Commissioner Barney Trujillo, Rio Arriba County; Vice-Chair, Mayor Javier Gonzales, City of Santa Fe; Secretary/Treasurer, Councilor Kristin Henderson, Los Alamos County; Mayor Alice Lucero, City of Española; Commissioner Henry Roybal, Santa Fe County; Councilor Darien Fernández, Town of Taos; Commissioner Mark Gallegos, Taos County; Representative Ron Lovato, Ohkay Owingeh; and Lt. Governor Ward Yeppa, Pueblo of Jemez.

For more information please visit the Regional Coalition website at http://regionalcoalition.org

Contact: Regional Coalition of LANL Communities, 1101 Hickox St, Santa Fe, NM 87505, Office: 505/490-6155
REGIONAL COALITION of LANL COMMUNITIES
City of Española – Pueblo of Jemez – Los Alamos County – Ohkay Owingeh
Rio Arriba County – Santa Fe County – City of Santa Fe – Taos County – Town of Taos

REGIONAL COALITION MEETING MINUTES
September 9, 2016 | 9:00a—11:00a
Ohkay Owingeh Conference Center
68 NM-291, Ohkay Owingeh, NM 87566

A. Call to Order – Chair Barney Trujillo | Meeting Commenced 9:05a-
B. Confirmation of Quorum – Chair Barney Trujillo – Approved
   a. Attendees: Commissioner Barney Trujillo, Mayor Javier Gonzales, Councilor Kristin Henderson, Commissioner Henry Roybal, Councilor Darien Fernandez, Mayor Alice Lucero,

C. Approval of Agenda – Chair Barney Trujillo | 9:15a-
   a. Approved: Mayor Javier Gonzales, City of Santa Fe; Second: Commissioner Henry Roybal, County of Santa Fe.

D. Approval of Meeting Minutes - Chair Barney Trujillo | 9:18a-
   a. Approved: Mayor Javier Gonzales, City of Santa Fe; Second: Commissioner Henry Roybal, County of Santa Fe.

E. Discussion/Action Items | 9:20a-
   a. Briefing from NM Congressional Delegation
      i. Speaker: Katie Richardson, Sen. Heinrich’s office
   b. Briefing by Kathy Keith on activities at LANL Community Programs Office
      i. In last 18 months, hired 1,135 new employees. Data shows 67% of new hires came from NM
      ii. Series of events to promote jobs and hiring process
          I. Sept. 28th – REDI Workforce Initiative and Application Workshop
          II. Sept. 29th – All day event in Santa Fe focused on work opportunities for veterans
          III. Oct. 18th – Community Leaders Update
      iii. Need to explore ways to effectively engage high school students interested in STEM degrees. Suggestion to expand the conversation beyond college presidents to include superintendents around region.
      iv. LANL Representatives are available for events to speak or give workshops regarding job opportunities and LANL application process.
   c. Executive Director Update
      a. Presented RCLC letter of support addressed to LANS Board of Directors for continual funding of Community Commitment Plan.
         i. Q: Mayor Gonzales - Is this an unusual consideration by LANS Board or is it a regular process for considering whether or not there will be a community fee? Is it a contract requirement? A: Kathy Keith - It is part of the regular annual process where LANS Board votes. It is not a contract requirement. It was an obligation at one point, however, obligation expired 3 years ago.
      b. Exploring GRT Impact within the region
         i. Prepared White Paper for Lt. Gov Sanchez’s office
ii. Presenting to NM Finance Committee Sept 28th regarding loss of tax credits if non-profit modeled M&O contractor is awarded.

iii. Meeting with UNM Bureau of Business

c. Regional Attraction Guide - Several Successful Meetings with NM Realtors Association
   i. Seeking to ensure funding showcases regional opportunities and housing
   ii. Acquired graphic designer
   iii. Housing education pilot has been postponed until further resources explored

d. Working with Kathy Keith on LANL Community Partnership Programming to develop review process of current Community Programs to ensure preparedness for future M&O contractor.

e. DOE EM Reorganization – Doug Hintze now reports to Stacy Cabineau. Organization may change again.

f. Andrea Romero and Board members will be attending meetings with DOE and NM Congressional Delegation and cleanup workshop in Washington, DC, Sept 12-15.

g. Met with Nuclear Watch NM to understand lawsuit on permit violations of previous consent order agreement. Santa Fe New Mexican article included in packet.

h. Received a letter from Assistant Secretary for Environmental Management regarding LLCC draft RFP stating EMCBC is reviewing our comments.

d. **Presentation: Doug Hintze; Lifecycle Baseline Cost Estimate | 9:36a-**
   a. Organizational structure changes are to ensure DOE EM is more field centric
   b. Lifecycle Baseline Cost Estimate is categorized as a strategic planning document
      i. This involves less detail and does not have a formulated budget
      ii. Budget formulation happens within operational planning and tactical planning processes
   c. EM budget cycle
      i. Chart included in presentation
      ii. At any one time, EM may be in 3 different budget years; Planning Year, Budget Year, Execution Year
      iii. 2018 budget will be submitted after new US President takes office in January 2017
         1. There is much work to be done to prepare for submittal
   d. Efficient transition to new EM contract in 2018
      i. Attempting to reduced indirect and overhead costs
         1. E.g. Efficiently spend time on site cleanup. The more time spent cleaning up on site, the less money goes to LANL and more to contractors
      ii. Projected efficiency rate of 15-20% due to process improvements and technology development
   e. 2016 LCC Cost and Schedule Estimate
      i. Completion range is between 2035-2040
      ii. Cost Estimate is $2.9 - $3.8 Billion
      iii. Range factors include potential setbacks (ie. wildfires, monsoon rains, etc)
   f. Annual planning offers most accurate estimates according to set milestones

  g. Q&A:
     i. Mayor Gonzales - Expressed frustration about delayed release of Lifecycle Baseline Cost Estimate and asked if/how the public process was considered in determining the consent order. Mr. Hintze - it was determined there was no need for a public hearing because it was not a permitting process but instead a settlement lawsuit.
     ii. Mayor Gonzales – is there an assumption that waste is safer underground? Mr. Hintze – Yes.
     iii. Councilor Kristin Henderson - how many years will it take to clean up chromium plume? Why not wait until contamination reaches aquifer to clean it up? Mr. Hintze - EM is in interim measures to determine contamination levels in Rio Grande. Expectation is to complete project in about 7 years. Aquifer is 1000 feet below ground, contamination is about 50 feet deep and is hard to
determine exactly where it is. Pump & Treat is very expensive and EM is looking at other types of treatments. How many total cleanup sites is EM responsible for? About 1,900 are covered by campaigns.

iv. Commissioner Henry Roybal - did results show that contamination around San Ildefonso well was negative? Hintze - Results came back negative, but has reached some other EM monitored wells and EM is making sure contamination does not spread.

e. Presentation: Val Alonzo; Regional Economic Development Initiative Conference/Workforce Summit | 10:17a
   a. Sept 28th event partnering with Northern New Mexico Workforce Board
   b. In general, REDI is working closely with regional small businesses to connect them with resources and employees

f. Budget Update, Andrea Romero
   a. Changes include payments for Executive Director Services, sponsorship for the REDI conference ($1500) Formal budget will be presented at next Board Meeting.

g. Items from the Board
   a. Mayor Gonzales: City of Santa Fe is regionalizing airport. More flights within New Mexico, Denver and Phoenix. There is a need for fundraising to match federal dollars. City of Santa Fe has received $500,000 grant from Federal Government, $200,000 from State and $1.2 Million to update runways. Analysis shows potential full capacity $200 Million impact on the region with about 2,500 new jobs. Asked for support through financial participation.
      i. Q&A: Commissioner Barney Trujillo - How do Santa Fe Airport fairs compare to Albuquerque Sunport? Mayor Gonzales – prices are fairly comparable and will become more affordable as we increase number of flights.
   b. Commissioner Henry Roybal: Recognized Commissioner Elect from District 2, Santa Fe County

F. Public Comment | 10:30a-
   a. Lorrie Bonds Lopez: LANL long-term strategy for environmental stewardship and sustainability
      i. Roundtable events focused on land use decisions and water supply, November 8th & 9th
      ii. Will be filmed and available online
      iii. May change date, due to election day
   b. Scott Kovac: Nuclear Watch NM supports LANL Cleanup and recognizes LANL's role within community.

G. Meeting Adjourned | 10:37a
   a. Motioned by: Commissioner Henry Roybal, County of Santa Fe; Second: Councilor Kristin Henderson, County of Los Alamos
Community & Economic Development

Exploration of GRT Impact on New Mexico if LANL goes “nonprofit” or low-threshold award fee
- Presented 9/28 to NM Finance Committee – was well received. Rep. Garcia Richard has agreed to sponsor our bill.
- Presented 10/13 Tax Revenue

Meeting with DOE Environmental Management Acquisition Leadership & Final EM-LA Prime Contract RFP for Los Alamos Legacy Cleanup Contract Released
- RFP sets a minimum goal of 65% set aside for small business
  - Service-disabled veteran-owned small businesses: 3%
  - HUB Zone small businesses: 3%
  - Small disadvantaged businesses: 5%
  - Women-owned small businesses: 5%
- Community Commitment included in contract as tied to performance fee. First ever Community Commitment opportunity listed in history of EM contracts.
  - “Contractor may use fee dollars to pay for its community commitment actions as it deems appropriate. All costs to be incurred by the Contractor for community commitment actions and activities are unallowable and non-reimbursable under the contract. The Contractor shall encourage its subcontractors, at all tiers, to participate in these activities”

Coffee with EM Solicitors – Awareness from DOE on final site tour prior to EM RFP due date. Received permission to set up coffee station to introduce ourselves to potential cleanup solicitors. Ten signups to help them with consultation on their community commitment plans.

Review of LANL Community Partnership Programming – Working with Kathy Keith to evaluate current Community Programs as funded by LANS to ensure we can prepare for a “2.0 version” for any future M&O contractor and know what we want to further promote, explore and participate in.

Lunch with NM Realtors’ Association Regional Presidents – Introducing guide to realtors and exploring national grant opportunity.

19 Pueblos of NM Summit - Discussion of collaboration for revitalized All Pueblo Council of Governors and how to explore teamed project themes in economic development, health, education, etc.

LANL Community Partnerships October Meeting with College/University Presidents – Oct 18 meeting following Community Leaders’ Update at Buffalo Thunder Resort & Casino.

Attended Regional Economic Development Initiative (REDI) Conference – all sessions are to be captured and distributed

Environmental Stewardship

National Cleanup Workshop
- WIPP still on schedule for Dec 2016, but new news stating second ceiling collapse recently.
- National updates on cleanup and discussion of uncertain funding situation
- Acknowledgement of community engagement shortcomings in during EM acquisition process
- Deputy Secretary Mark Whitney leaving EM
Los Alamos Legacy Cleanup Lifecycle Baseline Cost Estimate

- Presented with lifecycle baseline cost, but only in draft form. Hand-delivered copies to NM Congressional Delegation. Final will come out later this year.
- Met with Doug Hintze to discuss how we will be able to utilize this document in future. Presented suggested edits and improvements to document. Will meet at a future date to discuss FY17 and FY18 budget opportunities.

CH2M/Fluor Open House

- Opportunity to meet with potential solicitors for EM contract

** Media Update (see attached) **
## Regional Coalition of LANL Communities
### Meetings at a Glance – November, December, January

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>POTENTIAL BUSINESS ITEMS</th>
<th>POTENTIAL BRIEFING ITEMS</th>
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<tbody>
<tr>
<td><em>RESCHEDULE</em> Veteran’s Day Friday, November 11 9:00-11:00a Jemez Pueblo Council Chambers</td>
<td>• Release of RCLC tour dates at LANL cleanup sites</td>
<td>DOE-EM Finalized LANL Lifecycle Baseline Cost</td>
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<td>Friday, December 9 9:00-11:00a City of Santa Fe Council Chambers</td>
<td>• Release of Regional Attraction Guide • Approval of February/March Washington, DC Advocacy Trip • Release of advocacy plan for Legislative Session 2017</td>
<td>Feynman Center of Innovation Presentation by David Pisiri: Tech Transfer Overview – challenges, successes and opportunities going forward</td>
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<td>Friday, January 13 9:00-11:00a TBD</td>
<td>• Review of Manhattan Project National Historic Park planning • Schedule dates and process for Executive Director services annual report</td>
<td>LANL Community Partnerships Office Board Review of CCP programs DOE-EM Understanding FY18 Budget Request WIPP Update on recovery process and way forward</td>
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### Issues to watch:
- LANL Workforce Recruitment Planning
- Environmental Management Approval of LANL Cleanup Lifecycle Baseline Cost
- WIPP Recovery and Reopening dates
- Chromium Plume Campaign
- RDX Explosives Cleanup Campaign
- Other Environmental Campaign Priorities and Milestones Achieved
- Regional Attraction Guide Release
- Review of Community Commitment Programs for next M&O Contract
- LANL Major Subcontractor – SCMC and procurement issues, clean up revamping efforts
- Federal Manhattan Park Construction and Content Planning
- DOE funding for FY18
- RDC regional procurement hub opportunity
- Jobs and Workforce at LANL
Dear Ms Romero:

I am writing to you on behalf of University Professional and Technical Employees (UPTE), a union which represents approximately 12500 research staff, technicians, and health care workers at all ten campuses and five research hospitals of the University of California, and also includes a few hundred staff members at Lawrence Livermore National Laboratory (LLNL) and Los Alamos National Laboratory (LANL).

As you know, the Management and Operating (M&O) contracts to manage LANL and LLNL for DOE were rebid and awarded to private, for-profit LLCs in 2006 and 2007, respectively. The change from University of California management to management by private-sector for-profit LLCs not only has not solved the problems it was meant to address, but it has created a host of new problems. UPTE very early on raised warnings about all of the problems likely to stem from privatizing the laboratories.

Everything about which we warned has since come about, and has been exhaustively documented in several reports issued by congressionally mandated panels as well as by the Secretary of Energy Advisory Board and by the Department of Energy Inspector General. Finally, DOE has heeded its own advisory panels, and has decided to rebid the LANL M&O contract.

It is UPTE’s firm belief that the root cause of the deterioration of the laboratories’ productivity and the inefficiency of its operations arise principally from one aspect of the contract, and that is its for-profit nature, in which management bonuses are directly tied to meeting project milestones. This profit-driven management structure makes it harder and harder to maintain the core scientific competencies on which the science and national security missions of the laboratories depend. UPTE has strongly urged DOE to rebid the M&O contracts with a not-for-profit mandate. We have developed a framework document which outlines the provisions we would like to see in a not-for-profit M&O contract. Two new key features of this new framework are: a) a not-for-profit management structure in which there is no longer any performance-based incentive fee structure; and b) a recognition that the scientific and engineering staff of the laboratories are stakeholders in the success of the laboratories’ missions; hence the proposed new contract calls for the establishment of Employee Councils to work with management in fulfilling the laboratories’ missions.

We have been talking to potential coalition partners in seeking de-privatization of LANL, but we recognized early on that a major obstacle to getting local communities to support de-privatization is the potential loss to these communities of the NM Gross Receipts tax revenue that currently comes in from the for-profit LLC. Our position is simple: we strongly support DOE and LANL continuing to support the local communities even if LANL reverts to non-profit management. We are especially pleased to read in the press that you have taken that same position and are pressing the Legislature to amend the tax code to make this possible.

This is one of our 2016 legislative priorities also. Could we explore ways to work together on this effort?

Dr. Jeff Colvin
UPTE Executive Vice President

theuclabguy@hotmail.com
(home): 925-462-5880
(union office, Livermore): 925-449-4846
(cell): 925-640-1884
Northern New Mexico
Climate Research Symposium and Climate Adaptation Roundtables
Event Description

Managers and experts who make daily decisions about how to use land water resources cannot always take the time to find out what scientist have learned about these resources.

This two-day meeting brings together researchers with those responsible for protecting land and water supplies. The peer-reviewed experts have studied the very tracts of land and reaches of water that decision makers manage every day.

In the mornings, scientists will present peer-reviewed studies on land and water resources in Northern New Mexico. In the afternoons, land and water managers will discuss actions taken and decisions made to promote climate resilience.

As a land and water manager, we invite you to
• Join us for three days to learn about climate change in our region.
• Bring your land use and water management technical staff
• Participate in the Roundtable to discuss what you are doing in your jurisdiction to adapt to changes due to climate.

Why?
To bring together researchers on the climate change with high desert land use managers from Northern New Mexico to share research, practices, decision criteria and insights, mingling what scientist know from climate change research with how leaders make land and water use decisions in northern New Mexico.

Who? Land use managers; water supply decision makers; climate, water, forest and weather scientists
When? Tuesday, November 15 and Wednesday, November 16, 2016
What?

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<tr>
<th>Tuesday, Nov 15</th>
<th>Wednesday, Nov 16</th>
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<td><strong>Morning Symposium</strong></td>
<td>Forest and land use management research</td>
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<td><strong>Afternoon Roundtable</strong></td>
<td>Decision makers and subject matter experts roundtable</td>
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LANL News:

SANTA FE — In a major development for the efforts of the Regional Coalition of LANL Communities, including Santa Fe, which is advocating for the cleanup of legacy radioactive and chemical waste resulting from historic uses of Los Alamos National Labs, the Department of Energy’s Environmental Management Office has completed and released a Legacy Waste Cleanup Lifecycle Cost Estimate.

The 46-page document was obtained on behalf of and provided to the Coalition thanks to the efforts of Sen. Martin Heinrich, Sen. Tom Udall, and Rep. Ben Ray Lujan.

It lays out in detail, for the first time, the timeline, costs, and project details for what is needed to remediate the waste generated by Manhattan Project and Cold War activity at the Labs, setting an estimated total cost of $2.9 - $3.8 billion, with a full completion date of between FY 2035-2040.

There are 17 separate projects laid out in the document, covering everything from radioactive remediation to decommissioning and demolition in several areas of the labs, and for each project there is a scope, description, status, final end state, schedule and cost range.

Mayor Javier M. Gonzales, in Washington this week for meetings between the Coalition, the New Mexico Congressional Delegation, and the Department of Energy, said “This report represents the first and most comprehensive release of specific plans to complete the cleanup of legacy waste at LANL, and is a big step forward for the people in these communities who want to see a concrete commitment to making progress.”

He added, “As of today, we know more and can rest more assured than at any time in the history of this effort, and that’s a major step forward. I’m appreciative of the commitment to getting this done from the Department of Energy, and to Sen. Martin Heinrich, Sen. Tom Udall and Rep. Ben Ray Lujan for their work in obtaining this document for the public.”

Coalition Executive Director Andrea Romero said, "The Lifecycle Baseline documentation provides
our communities the necessary foundation to properly advocate on behalf of the best possible scenarios for cleaning up legacy nuclear waste at the Laboratory in the most time and cost-efficient manner. After years of requests for this document, we now have the tool that can get us to additional cleanup dollars to get the job done."
LANL Clean Up Estimate Still Lacks Details

Submitted by Bonnie J. Gordon on September 14, 2016 - 8:43am

Los Alamos County Councilor Kristin Henderson and Santa Fe Mayor Javier Gonzales at the Regional Coalition of LANL Communities meeting last week in Ohkay Owingeh. Photo by Roger Snodgrass/ladailypost.com

By ROGER SNODGRASS Los Alamos Daily Post

A delegation from the Regional Coalition of LANL Communities is visiting Washington, D.C. this week to attend a National Cleanup Conference.

In scheduled talks on Capitol Hill and with Department of Energy officials, they will not have the benefit of some missing information that has been blamed for inadequate funding of environmental cleanup efforts at Los Alamos National Laboratory.
The delegation, including Los Alamos County Councilor Kristin Henderson and Santa Fe Mayor Javier Gonzales will be discussing budget issues before Congress returns to the home front for the final leg of the national elections.

The still-missing information is called the Lifecycle Baseline Cost Estimate and it is supposed to be a detailed statement of what needs to be done in each of DOE’s contaminated sites, how much that will cost and how long it will take to do the work.

The last time a comprehensive baseline cost estimate was completed was in 2008, according to Doug Hintze, DOE’s Environmental Management field office manager for Los Alamos. But that schedule soon went out of date because of a series of setbacks that included two frightening wildfires, a thousand year flood and the unexpected discovery of a $200 million hexavalent chromium plume problem that has been seeping contamination into the regional aquifer for 60 years and is threatening the neighboring Pueblo of San Ildefonso.

Because of a perceived emergency, the basic cleanup program changed to expedite the removal of vulnerable nuclear wastes from LANL’s storage area to the permanent repository, the Waste Isolation Pilot Plant in Southern New Mexico. But then WIPP itself has been closed for more than two years due to a radiation leak that may delay resumption of full operations until 2022, Hintze said at a meeting last week at the Ohkay Resort and Hotel in Ohkay Owingeh Pueblo.

The coalition board heard an updated presentation about what that information was about and what it was like. Hintze said it was a complex problem, given the uncertainties of budget and a host of unknown factors, noting that the cost and time goals had to be expressed in terms of a range of numbers because there were so many risks involved between now and completion.

“It’s going to take until 2035,” he said. “That’s with a five year contingency, so it’s 2035 to 2040.” He said the cost range would run $2.9 billion to $3.8 billion.

Responding to the new information, Henderson said, “That was one of the most informative presentations we have had.”

Somewhat more puzzled, Gonzalez asked if the coalition had ever received the full scope documentation of the full cleanup campaigns and the schedule. The answer, Hintze said, was no. The lifecycle cost estimate had to wait until after the recent Consent Order with the state was completed in July, laying out the scope of work.

“Everything’s got to go back to headquarters,” Hintze said, adding that the previous discussions don’t have enough detail. Gonzalez said the process was frustrating and tiring with so little information.

“Even if it was a high level document that gave us an idea of what the baseline was and some of the
costs and impacts; it would be a lot better for us because we actually know why we’re asking for money,” he said. “We’re going up (Washington, D.C.) next week and we have no clue as to why it’s needed and what it’s going to do back here.”

The Department of Energy, the Energy Communities Alliance and the Energy Facility Contractors trade organization are sponsoring this week’s National Cleanup Workshop. The Northern New Mexico delegation, along with Henderson and Gonzales, includes Los Alamos County Deputy County Manager Brian Bosshardt and RCLC Executive Director Andrea Romero. The group will be holding peer discussions with counterparts around the country along with budget issues on Capitol Hill, before Congress returns to the home front for the final leg of the national elections. Henderson will be a panel member of a presentation on “Strengthening EM through Partnerships.”
Legislators Explore DOE Laboratories’ Uncertain Gross Receipts Tax Status

Submitted by Carol A. Clark on September 29, 2016 - 5:10pm

Andrea Romero, executive director of the Regional Coalition of LANL Communities and Jack Jekowski, board member of the Regional Economic Development Initiative, petition the Legislative Finance Committee Wednesday in the Roundhouse. Photo by Roger Snodgrass/ldailypost.com

By ROGER SNODGRASS  Los Alamos Daily Post  Members of the New Mexico Legislative Finance Committee agreed Wednesday to look into the tax implications of impending contract changes at New Mexico’s two major Department of Energy laboratories, depending on whether one or both contractors should become non-profits. The committee was briefed by Andrea Romero, executive director of the Regional Coalition of LANL Communities (RCLC) and Jack Jekowski, a
principal partner of Innovative Technology Partnerships and board member of the Regional Economic Development Initiative. They warned legislators that state and local governments could lose gross receipts tax (GRT) revenues on the order of $200 million a year, depending on the outcome of new contract procurements underway at Los Alamos. A Sandia National Laboratory acquisition process is currently bidding a new contract timed to kick in May 1, 2017, and a competition for the LANL management and operating contract is scheduled to be finalized by Oct. 1, 2018. The current contracts are both managed by for-profit, limited liability companies, which are required to pay GRT, but the new contract solicitations reopened the question of profit vs. non-profit management structures. In a hand-out prepared for the legislative committee, RCLC provided data on annual GRT paid by the two weapons labs from 2006 (the year the current LANL contract began) to 2015, as reported by the National Nuclear Security Administration in a letter last week responding to the finance committee’s request.

SNL’s annual total reached a high-point in 2015, at $76 million. LANL’s state gross receipt taxes peaked in 2011 at $101 million. RCLC noted that LAN’s combined state and local tax impact, as estimated by UNM’s Bureau of Business and Economic Research for that year, including indirect activities, totaled about $136 million in that year.

Many elements of state and local governments have come to rely on what seemed at first to be a windfall from the restructuring, but has gradually been taken for granted. During a brief discussion, Sen. Carlos Cisneros (D-Los Alamos, Rio Arriba, Santa Fe and Taos) asked if the tax exemption was included in the request for proposal as a criterion for awarding the bid.

Jekowski explained that the RFPs recognize receipts taxes as a legitimate payable, but that the controlling policy has to do with the state’s exemption of non-profits. He quoted the contract language in the current RFP for Sandia. “The offeror shall be a university or consortium of universities, or other non-profit, not-for-profit or non-profit organizations or an industrial firm as an autonomous organization.”

“They almost put a preference in there by putting the non-profit or university organization ahead of the industrial one,” Jekowski noted, adding that “individuals have suggested that they go back to the public interest model, but they are not specifically specifying a preference.”

Cisneros also asked if there were any precedents from other states that have had national facilities that have gone from for profit to non-profit, and if so, did that state implement an exception. Jekowski said it was difficult to answer directly because of the complexities and differences and complexities
between New Mexico’s unique GRT policy and facilities like the Hanford Site in Washington State and Oak Ridge in Tennessee, both of which have faced similar issues, but not the same situation of having to lose the revenue.

Would it not be an incentive for the Department of Energy to contract with a non-profit that would not have to pay the taxes, asked Sen. James White (D-Bernalillo, Sandoval, Santa Fe and Torrance). “It was a hurdle in 2006, when LANS took over,” Jekowski said.

At that time there was something like $60 million to $70 million in additional costs, but no new money to pay for it. In theory the money was supposed to be the greater efficiency of the for-profit organization. “DOE would really like to see that money go into program rather than taxes,” Jekowski agreed, but added that there was no formal criteria for that in the solicitation.

In concluding the agenda item, Cisneros said that the Legislative Council Service, responsible for legislative drafting and legal research, would look into it. The RCLC is an organization that includes eight cities, counties and pueblos neighboring Los Alamos. The governmental entities contribute to the group’s operating budget, which also is supported by funding from the Department of Energy.
LANL Coalition > Representatives get cost, time estimate in new document

By Tris DeRoma
Wednesday, September 21, 2016 at 11:53 am

Representatives from the Regional Coalition of LANL Communities scored a victory in Washington, D.C. last week when they came away with an official cost and time estimate of what it will take to clean up all the waste at Los Alamos National Laboratory. The group lobbied the Department of Energy to create a document called a “Lifecycle Cost Estimate.” The DOE estimates that it’s going to take about $4 billion and 20 years, if Los Alamos receives the annual funding recommended in the report. DOE officials made clear the document is meant only as a guideline

The document covers 955 sites from the Manhattan Project and the Cold War eras. About 5,000 cubic meters of legacy waste remain. About half of that is stored below ground.

Coalition representative and Los Alamos County Councillor Kristin Henderson said the report will make all the difference in keeping the cleanup organized, properly funded and on time.

“Every DOE site has a lifecycle baseline, and for a long time, Los Alamos didn’t,” Henderson said. “What that meant is, we didn’t have a published understanding of all the things that needed to be cleaned up, what kind of level they were going to be cleaned up to, how much it’s going to cost and how many years it’s going to take.”

Los Alamos has a Lifecycle Cost Estimate that could mean even more money every year.

The Lifecycle Cost Estimate came through a contract with the DOE’s Environmental Management Office. In prior years, the region’s congressional representatives would go to the Appropriations Committee and ask for a set amount of money, the committee would ask for their Lifecycle Cost Estimate, and Los Alamos didn’t have one, Henderson said.

Now that they have one, they will be able to show the committee why they need a particular amount of money, instead of just accepting what the Appropriations Committee gives them every year.

Coalition representatives thanked their congressional representatives in helping to secure the document from the DOE.

“As of today, we know more and can rest more assured than at any time in the history of this effort, and that’s a major step forward. I’m appreciative of the commitment to getting this done from the Department of Energy, and to Senator Martin Heinrich, Senator Tom Udall and Representative Ben Ray Lujan for their work in obtaining this document for the public,” said Santa Fe Mayor Javier M. Gonzales, another coalition member.

In recent years, funding for LANL cleanup has averaged about $195 million a year. Now that Henderson said they were also able to secure in the contract previous benefits they had with LANL, including commitments to the community through scholarships and investment. The Coalition also made sure that a “very high” number of local contractors were to be used in cleanup operations, said Henderson.

“We’ve always had that through the lab contract, but we weren’t sure if we were going to get those things in this contract with the environmental management office,” she said.

The Lifecycle Cost Estimate is the first of it’s kind for Los Alamos, and it is the last DOE site in the eight-site nuclear complex to receive one. Now that it has one, it’s going to enable the northern New Mexico’s congressional representatives to present to the congressional Appropriations Committee every year a clear, concise estimate of how much in annual funding Los Alamos is going to need to accomplish the cleanup for that year.

“The Lifecycle Baseline documentation provides our communities the necessary foundation to properly advocate on behalf of the best possible scenarios for cleaning up legacy nuclear waste at the Laboratory in the most time and cost-efficient manner,” Coalition Director Andrea Romero said.

The Coalition of is made up of representatives from eight communities. Those include Los Alamos County, Rio Arriba County, Santa Fe, Santa Fe County, Española, Taos, Taos County Jemez and Ohkay Owingeh Pueblos.
LANL coalition seeks to eliminate tax-exempt status
Legislative hearing > Regional coalition to present plan to legislative finance committee today
By Tris DeRoma
Wednesday, September 28, 2016 at 11:19 am

The Regional Coalition of LANL Communities asked the State Legislative Finance Committee today to consider eliminating tax-exempt status for possible, future nonprofit contractors of Sandia and Los Alamos national laboratories.
The coalition is seeking to ensure that the roughly $200 million in gross receipts tax the state annually receives from the laboratories continues, even if the laboratories acquire nonprofit management and operations contractors.
Of that $200 million, Los Alamos County receives about $30-$40 million.
Sandia and LANL are in the process of acquiring new contractors.
The coalition will appear before the committee today to hopefully provide a more complete picture of what the loss would be to the state.
“The finance committee has this on their radar. They’ve been thinking about the possibility of legislation to keep that from happening,” State Rep. Stephanie Garcia Richard (D-4) said. “The committee is looking for more expert testimony to see what the impacts would be.”
Garcia Richard, who is sponsoring the bill, is also looking for support and sponsorship from other legislators.
Coalition representatives said the coalition wants to remove the tax-exempt status of nonprofit contractors who may take over management and operations of the laboratories. It is not a new tax, they said.
“Because the function of the laboratory never changes, the tax status shouldn’t change as well,” RCLC Director Andrea Romeo said.
“We’re just trying to keep the status quo with the gross receipts tax we currently receive from both Sandia and LANL.”
Romero said the arrangement would benefit both the laboratories and the surrounding communities by keeping services and infrastructure support flowing without interruption.
“This is something we need to maintain, obviously for consistency and for continuation in infrastructure and other services that supports the laboratory as well,” Romero said.
A disruption is county services could also sabotage the laboratories’ efforts to attract workers.
“Part of our job as a community is that we have to maintain a standard of living that helps in that recruitment effort, in terms of our services our amenities and our school district,” Garcia Richard said.
The coalition will include a draft bill in its presentation to the Legislative Finance Committee that goes into more detail about why nonprofit operations and management contractors shouldn’t keep their nonprofit status.
Another argument the coalition will make is that the contractor is selling research and development as a product that is used inside and outside the state. Products and services that fall into that category have always been subject to gross receipts tax, according to state law.
Sandia is currently run by Sandia Corporation and Los Alamos National Laboratory is operated by Los Alamos National Security, LLC, both for-profit entities.
LANL’s contract expires in September 2018.
Regional Coalition of LANL Communities Reviews LANL Workforce Development at Friday Meeting

Submitted by Bonnie J. Gordon on September 8, 2016 - 5:12pm

RCLC News:

The Regional Coalition of LANL Communities (RCLC) is holding its monthly board meeting 9-11 a.m., Friday, Sept. 9, at the Ohkay Casino Resort Hotel & Conference Center, 68 New Mexico 291, Suite C/D. The Regional Coalition has invited Kathy Keith to speak on behalf of the LANL Community Programs Office.

Keith will report on LANL’s present hiring efforts to hire approximately 2,500 new employees in the next four years. The RCLC is eager to engage in future strategies for workforce development as LANL anticipates hiring about 2,500 new employees over the next four years. In July, LANL Director, Charlie McMillan reported 1,135 employees have been hired at the Laboratory since October 2014.

The Manager of Environmental Management from the Los Alamos Field Office, Doug Hintze, will be speaking on the Lifecycle Baseline Cost Estimate, which addresses the full scope and cost of legacy waste cleanup to be completed by LANL. The final presentation will be provided by Acting Director of the Regional Development Corporation (REDI), Val Alonzo, concerning the Regional Economic Development Initiative Conference / Workforce Summit and will provide an update on past and future REDI activities.

In June, RCLC responded to an acquisition process from LANL regarding legacy cleanup. The Regional Coalition received feedback from the Department of Energy and will be learning more about the future of the acquisition on our trip to Washington, DC on September 13. Several of the RCLC members will also be attending the Energy Communities Alliance (ECA) Peer Exchange meeting on September 13 and the National Cleanup Workshop on September 14th and 15th in Alexandria, VA.
REGIONAL COALITION OF LANL COMMUNITIES
OCTOBER 14, 2016
Revised Consent Order

- General Overview
- Comments Received
- Future Funding
General Overview

- Public Comment Period ended May 31, 2016
- Meetings with DOE-EM
- Document signed on June 24, 2016
- Issued comment response matrix and posted all comments received
Comments Received

- 37 sets of written comments received
  - Regional Coalition of LANL Communities (RCLC)
  - Northern New Mexico Citizens Advisory Board (NNMCAB)
    - Passed two resolutions supporting priorities & “Campaign Approach”
  - Los Alamos County
  - Pueblos: Pueblo de San Ildefonso and Santa Clara
  - State Legislators
  - EPA Region 6
  - Rio Arriba and Santa Fe County Commissions
  - NGO groups
  - Individual stakeholders
  - Private companies
Comments Received

- Comments received focused on the following areas:
  - Public Participation
    - Limiting public participation requirements
    - Access to documents
  - Campaign Approach
    - Changes in future priorities
  - Annual Planning Process / Budget
  - Editorial/Grammatical Changes
    - Definitions
    - Designated Agency Managers (DAMs)
    - Regulatory citations
    - Minor clarifications
Comments Received (Cont’d)

- **Public Participation**
  - **RCLC:** “In regards to deciding the best remedy for a given cleanup campaign our Board wants to ensure each of our communities and/or the general public are alerted on all proposed remedies to ensure they can provide input on their suggestion for the best possible final cleanup. For instance, as it pertains to options for selecting the final remedy for MDA-A at TA-21, we advise the area be fully remediated versus a cap-and-cover solution, which will allow for a greater return to the community on cleanup investment.”
  
  - **John Zemblidge:** “It is also my understanding that the New Consent Order would expressly limit public participation requirements which is contrary to the 2005 Consent Order. It is important that all milestones, targets, annual negotiations and modifications mandate the opportunity of public review and comment. It is essential that the State and Lab make all communications, documents and submittals specified in this Consent Order readily available to the people of New Mexico and the world.”

  - **Karen Weber:** “The new Consent Order would expressly limit public participation requirements which would be opposite from the 2005 Consent Order. I request that all milestones, targets, annual negotiations and modifications require the opportunity for public review and comment.”
Public Participation (Cont’d)

Barney Trujillo (Rio Arriba Co. Commissioner): “I appreciate the openness and transparency that NMED has used to explain and gain input for the new Consent Order. I believe there is nothing to hide in this process and it will only be made strong through this open public process.”

John Ahlquist: “Once again I urge the activist groups to use their energy and skill to agitate for cost-effective and prompt cleanup to a reasonable standard. At the 2010 public hearing on the renewal of the 1989 RCRA permit [which was over ten years behind schedule] I noted that these groups had significant influence on NMED. I thought this influence would be useful to push for a bias for action. I sent them {Concerned Citizens for Nuclear Safety [CCNS], Nuclear Watch New Mexico [NWNM], Southwest Research and Information Center [SRIC] and Citizen Action New Mexico [CANM]} an email asking if we could work together to push for action – no response. So, I sent them a registered letter – they were returned to me unopened. NWNM and SRIC accepted the letter but there was no response. I had at least hoped for some dialogue but that did not happen because they weren’t interested. I can only conclude that they feign concern for cleanup but their real interest is an inordinate influence. NMED should listen to their viewpoints but stand firm and not be unduly swayed by them.”
Campaign Approach

- **NNMCAB Resolution No. 2016-01**: “The NNMCAB recommends to DOE and LANL EM to use the “Campaign Approach” for all remaining clean-up work included in the current and/or future CO.”

- **RCLC**: “We are in support of current cleanup milestones listed in Appendix B and future campaigns proposed in Appendix C. Most critically, we want to ensure Chromium plume remediation, RDX cleanup, and TA-21 are among the highest priorities based on risk and community benefit.”

- **Stoller Newport**: “The Campaign Approach is a powerful feature of this Draft Consent Order which provides for CERCLA-like grouping and consideration of remedies and risks. Excellent.”

- **Several Individual Stakeholders**: “This draft represents a big step backwards in achieving the goal of genuine, comprehensive cleanup of the Laboratory. The Environment Department should keep the current 2005 Consent Order with necessary revisions to the cleanup schedule and withdraw this draft Consent Order.”

- **Nuke Watch**: “The proposed 2016 Consent Order would abandon the 2005 Consent Order provisions and replace them with a so-called “Campaign Approach” under Section VIII. Under Section VIII.A.3, it would be up to the DOE, not the regulator at the New Mexico Environment Department, to select the timing and scope of each “campaign.”

- **Barney Trujillo (Rio Arriba Co. Commissioner)**: “The new “risk-based” approach of the NMED draft Consent Order for Los Alamos National Laboratory (LANL) means the material that could have the greatest harm to the public gets addressed first. I support that rationale.”
Comments Received (Cont’d)

- **Annual Planning Process**
  - **Stoller Newport**: “Great process step to acknowledge the realities of the Federal budget process outside the control of DOE, yet provide for dialogue and transparent communication. Good to provide for flexibility if appropriations change, but it is also important not to abuse this provision. Recommend setting more specific threshold criteria for events that would warrant change outside the annual cycle.”

  - **Nuke Watch**: “Enforceable deadlines for cleanup tasks would apply no more than one year into the future. Deadlines would be based on “Campaigns” negotiated each year with DOE with no public participation and opportunity to comment on the schedule. To add insult to injury, the annual schedule would be determined by funding at DOE’s discretion, rather than the schedule driving the funding, which was the fundamental approach of the 2005 Consent Order.”
All written comments received were considered

Criteria for incorporation into the CO:
- Made the document stronger
  - Public outreach (within legal and resource limits)
  - Enforceability
  - Enhanced capability to expedite cleanup
  - Enhanced ability to request increased cleanup funding
- Provided clarification
- Agreed to by NMED and DOE

Comments not incorporated did not achieve above criteria
Key Changes

- Split the RDX IM and Remedy into separate campaigns
- Added provision into Sections VIII.B.5 & XXXIII regarding involvement from adjacent stakeholders & the Four Accord Pueblos
  - Changes to Campaigns (e.g., structure or order)
  - Modifications to Consent Order
- Added provision for use of SEPs in lieu of stipulated penalties
- Increased amount of stipulated penalties
  - $2,000/$4,000
- Added provision requiring annual public meeting on Appendix B revisions
- Removed AG from the Covenant Not to Sue section
- Contractor/Future Contractor not a party to the CO
- Other minor editorial changes
Future Funding

- **Annual Planning Process:**
  - Provides plan for how/when all cleanup work will be completed
    - Supports discussions on future funding levels

- **What can the RCLC do to help w/ funding requests:**
  - NMED & DOE to provide periodic updates to RCLC on completed milestones
    - Provide feedback
  - Coordination with Congressional Delegation
Questions?
Getting Up to Speed

• December 2015 - Announcement that LANS will no longer host M&O Contract following FY18
• May 2016 – Discussion with Bob Raines, NNSA Associate Admin. for Acquisition and Project Management telling us look closely at Sandia Contract
• July 2016 - Jack Jekowski presents on ‘doomsday scenario’ should LANL go non-profit
• August 2016 – Meeting with NNSA on acquisition process
• Sept/Oct 2016 – Presentations to Legislative Finance Committee & Revenue Stabilization and Tax Policy Committee

Our Pursuits

• Inform State Legislators of GRT loss to state and local communities
  o Sandia National Lab in acquisition process. Announcement as early as Dec 2016.
  o LANL draft RFP to be released in April 2017.

• Revise law to continue taxing all M&O contractors
  o Revision of 2011 NM Statute § 7-9-13.1
  o Prepare bill for regular session: Jan 17 – Mar 18, 2017

• Today: informing process and understanding the nuance of NM GRT
**REGIONAL COALITION of LANL COMMUNITIES**
City of Española – Pueblo of Jemez – Los Alamos County – Ohkay Owingeh
Rio Arriba County – Santa Fe County – City of Santa Fe – Taos County – Town of Taos

**2016**

RESCHEDULE: Friday, November 11, 2016
9am to 11am
Jemez Pueblo Council Chambers

Friday, December 9, 2016
9am to 11am
City of Santa Fe Council Chambers

**2017**

Friday, January 13, 2017
9am to 11am
Española City Council Chambers

Friday, February 10, 2017
9am to 11am
Los Alamos County Council Chambers

Friday, March 10, 2017
Update/Review of Strategic Plan, Closed Session
9am to 11am
Santa Fe Convention Center, Tesuque Room

Friday, April 14, 2017
Executive Director Review
9am to 11am
Española City Council Chambers

Friday, May 12, 2017
9am to 11am
Town of Taos Council Chambers

Friday, June 9, 2017
9am to 11am
Rio Arriba County Chambers

Friday, July 14, 2017
9am to 11am
Los Alamos County Municipal Building

Friday, August 11, 2017
9am to 11am
Santa Fe County Chambers

Friday, September 8, 2017
9am to 11am
Ohkay Owingeh Conference Center

Friday, October 13, 2017
9am to 11am
Taos County Council Chambers

Friday, November 10, 2017
9am to 11am
Jemez Pueblo Council Chambers

Friday, December 8, 2017
City of Santa Fe Council Chambers
### RCLC OPERATING BUDGET SUMMARY

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### Coalition Member Contributions

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**Total Member Revenues**

|                         | $115,500.00 | $97,000.00 | $112,000.00 | $88,500.00 | $112,000.00 | $112,000.00 |

**TOTAL REVENUES**

|                         | $215,500.00 | $197,000.00 | $212,000.00 | $88,500.00 | $212,000.00 | $212,000.00 |

### Expenditures

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**Total Expenditures**

|                         | $215,500.00 | $181,941.00 | $212,000.00 | $43,545.65 | $212,000.00 | $212,000.00 |

**Ending Fund Balance**

|                         | $255,515.12 | $270,574.12 | $270,574.12 | $315,528.47 | $315,528.47 | $315,528.47 |