

Critique of the RCLC Amended Joint Powers Agreement

The Santa Fe City Council will vote on March 31 to adopt or not the Amended Joint Powers Agreement (JPA) among seven local governments and two Pueblos to continue the Regional Coalition of LANL Communities (RCLC). Separately, at a date yet to be determined, the City Council may consider whether or not to continue participation in the Coalition. **The City of Santa Fe should reject the Amended Joint Powers Agreement because the Regional Coalition of LANL Communities has wholly failed to live up to the stated goals of the original JPA.**

- The RCLC was first formed in 2011. Local governments bought into it on the premise that the Coalition would successfully lobby for mission diversification and accelerated cleanup. **After spending two million taxpayer dollars on itself the Coalition has been a spectacular failure in both.**
- The Amended JPA states: *“the Parties share a common interest in assuring that LANL’s missions remain sustainable and diversified...”* The Department of Energy (DOE) and Los Alamos County have provided 80% of RCLC’s funding. The County specifically cites the “interdependent needs of LANL and Los Alamos County.” **DOE and Los Alamos County explicitly seek expanded production of plutonium “pit” bomb cores, in which the City of Santa Fe does not share a common interest.** Expanded pit production is LANL’s overwhelming growth area (270% increase from \$308 million in FY 2020 to \$847 million in FY 2021). **Concerning “common interests,” DOE completely ignores City resolutions** calling for resolution of nuclear safety problems before pit production expansion, comprehensive cleanup and a new site-wide environmental impact statement (particularly important for wildfire protection).
- The JPA states: *“...the Parties hereby agree as follows: ... promotion of new missions for LANL that the citizens of the Coalition Members support, advocacy of long-term stable funding of LANL missions; promotion of new and diverse scientific endeavors at LANL...”* **The opposite of mission diversification has occurred.** In 2020 LANL’s nuclear weapons budget was \$1.95 billion. In 2021 \$895 million was added for \$2.9 billion. The City has no mandate or business in “advocacy of long-term stable funding” for expanded nuclear weapons programs. Nor is the Lab promoting “new and diverse scientific endeavors” as its budget category “Science Programs” was cut from \$75 million in FY 2020 to \$62.3 million in FY 2021.
- The JPA promotes *“environmental protection and stewardship, including: clean-up activities and site maintenance to ensure consistency with community values... [and] planning activities to address future use goals...”* **Here too the Regional Coalition has not only been a spectacular failure but actually stands in the way of comprehensive cleanup.** The RCLC explicitly supports a 2016 Consent Order governing cleanup at the Lab. The New Mexico Environment Department is so unhappy with that Order that it has recently sued DOE to terminate it. Further, the RCLC supported a DOE *2016 Lifecycle Cost Estimate* which lowballed cleanup at \$3.8 billion while delaying completion until 2040. Worst of all DOE claimed that only 5,000 cubic meters of radioactive and toxic wastes remained to be treated, intentionally ignoring the 200,000 cubic meters in Area G alone that the Lab plans to leave permanently buried in unlined pit and trenches. That is not in keeping with “community values.” Without genuine cleanup LANL’s contamination will continue to threaten the City’s Buckman Diversion Project and the regional groundwater aquifer.
- An audit by the State Auditor found \$51,519.45 in improper spending while Los Alamos County was RCLC’s fiscal agent. This amended JPA is in part prompted by Los Alamos County wanting to leave that role. **The City of Santa Fe should not be the RCLC’s fiscal agent and should not agree to the Amended JPA until the fiscal agent is known and what steps it will take to ensure that no further taxpayers’ money is improperly spent.** Further, the Amended JPA should be rejected because *“[the] term of this Agreement shall be perpetual...”* without any provision for review, which is not acceptable given past improper spending. The City should also reject not being entitled to refund of its dues should it withdraw from the Coalition. See Amended JPA at <https://nukewatch.org/draft-regional-coalition-joint-powers-agreement/>