

**State of Nevada**  
**Agency for Nuclear Projects**  
**Preliminary Comments on**  
**DOE Draft Environmental Assessment for**  
**The Proposed Withdrawal of Public Lands**  
**Within and Surrounding The Caliente Rail Corridor, Nevada**

- Need for an EIS not just an EA - This is not just any land withdrawal; it is associated with a high-level nuclear waste shipping corridor that will have significant adverse effects far beyond the simple land withdrawal (i.e., property value impacts, stigma, etc.). Moreover, an EIS is needed to specifically address adverse impacts on mineral and energy resource development, ranching, and cultural resources.
- Failure to identify and evaluate alternative corridors – DOE has previously indicated that it might reroute the corridor to address land use conflicts identified by affected stakeholders during 2004 comments to DOE and BLM. DOE has recently stated that it will not identify potential route alternatives to the proposed corridor until spring of 2006, at which time additional public lands withdrawal would likely be needed. This approach creates considerable needless hardship for parties affected by the withdrawal and allows DOE to unnecessarily tie up public lands for a period of time that is not supported by facts or data documented in the draft EA.
- “Casual use” issue - The EA states that DOE will not perform “any drilling or ditching operations” [p.2] on public lands along the corridor. DOE cannot prepare a legally-sufficient EIS for the proposed rail line without conducting investigations that go beyond the BLM definition of “casual use.” In particular, surface-disturbing investigations are necessary for validating the Corridor Draft EIS regarding: (1) engineering feasibility and cost of the alignment design; (2) the estimated construction impacts, especially regarding cuts and fills, bridges and culverts, and overpasses and underpasses; and (3) potential conflicts with water resources, biological resources, and cultural resources.
- Insufficient justification for selecting Alternative Two - 10 year withdrawal. Nothing in the EA substantiates 10 years being more advantageous, better, or less impacting than 3 years, 5 years, 20 years, or some other time frame.
- The EA does not identify current and potential wind generation areas and facilities within or near that proposed withdrawal area - BLM has hundreds of applications for wind resource sites; DOE has not identified these in relation to the rail corridor.
- Water resources - EA does not identify surface water locations within or near the proposed withdrawal area. This is extremely important to ranchers and other land users.
- Cultural resources - Given the large number of prehistoric and historic sites potentially eligible for inclusion in the National Register, the assessment is not legally sufficient. Moreover, this section makes no mention of the “City” project by world-renowned land sculptor Michael Heizer. The proposed DOE land withdrawal would completely surround the “City” site, one of the largest and most significant outdoor sculpture installations in the world. [It is mentioned instead as a “land use” issue on p.22] It should be identified and evaluated as a cultural resource of international significance that would be greatly

and negatively impacted by the rail line, and even by the act of withdrawing land and evaluating the corridor.

- Air quality - Inadequate data to support the finding. DOE used data from over 100 miles away (at Yucca Mountain). The EA does not contain data to support the statement that air quality meets federal and state requirements.
- Socioeconomics - EA population data are aggregate for Nye, Lincoln and Esmeralda counties, not for people actually living within or near the corridor.
- Socioeconomics – Failure to consider mineral price impacts on establishment of new mining claims and future mining activities. The assertion of “low interest in mining development” [p.29] within the corridor ignores the impacts of current high market prices for gold, silver, and other mineral resources. Continuation of current and higher prices over the next 10-20 years on new mining claims and future mining activities must be specifically evaluated, for areas within the corridor, and for areas near the corridor (at least within 20 miles).
- Socioeconomics – Failure to consider impacts of land withdrawal on specific ranching operations. The proposed withdrawal of public lands will impact many different grazing allotments. In Reveille Valley, for example, withdrawal of the 30-40 square miles of lands within the corridor, will directly impact a total grazing allotment of almost 1,000 square miles near the corridor. DOE and BLM must identify the specific grazing allotments traversed by the corridor and assess the impacts of land withdrawal on each affected ranching operation.
- Socioeconomics - No evaluation of the perceived risk and stigma impacts of the proposed rail corridor or the land withdrawal. Even the act of withdrawing the land can have economic and other impacts due to the perception of risk (i.e., property value diminution, stigma, etc.). The Komis case in NM is a precedent.
- Cumulative impacts - EA does not address cumulative impacts of restricting alternative economic development. This should include the cumulative impacts of restricting existing economic activities, such as mining, ranching and recreation, plus restrictions on potential new activities, such as restricting wind generation development (i.e., restricting potential new energy sources). Additionally, the EA fails to address impacts on military aircraft operations (i.e., military air operations corridors that crisscross the sky above the corridor).

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