



QA: N/A

Office of Civilian Radioactive Waste Management

***ENVIRONMENTAL ASSESSMENT FOR THE
PROPOSED WITHDRAWAL OF PUBLIC LANDS
WITHIN AND SURROUNDING THE
CALIENTE RAIL CORRIDOR, NEVADA***

DOE/EA 1545

December 2005

*U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Las Vegas, Nevada*

*U.S. Department of the Interior
Bureau of Land Management
Ely, Nevada*

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COVER SHEET

Lead Agency: U.S. Department of Energy (DOE)

Cooperating Agency: U.S. Department of the Interior, Bureau of Land Management (BLM)

Title: *Environmental Assessment (EA) for the Proposed Withdrawal of Public Lands Within and Surrounding the Caliente Rail Corridor, Nevada (DOE/EA 1545)*

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Abstract:

The proposed action addressed in this EA is the withdrawal of approximately 308,600 acres of public land administered by the BLM from surface entry and new mining claims, subject to valid existing rights, within and surrounding the Caliente rail corridor, as described in the *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE 2002). The proposed land withdrawal is sought to enhance the safe, efficient, and uninterrupted evaluation of land for potential rail alignments within the Caliente rail corridor. This EA evaluates the potential impacts of the proposed land withdrawal and the land evaluation activities. The BLM is a cooperating agency on this EA.

Public Comments:

In preparing this EA, the DOE considered comments received during a 30-day public comment period by letter, e-mail, fax, and oral and written comments received during three public meetings on the draft EA.

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CHANGE HISTORY

<u>Revision Number</u>	<u>Interim Change No.</u>	<u>Effective Date</u>	<u>Description of Change</u>
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ACRONYMS AND ABBREVIATIONS

BLM	Bureau of Land Management
CFR	Code of Federal Regulations
DOE	U.S. Department of Energy
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
FR	<i>Federal Register</i>
HMA	Herd Management Area
NEPA	National Environmental Policy Act of 1969
NRHP	National Register of Historic Places
NWPA	Nuclear Waste Policy Act
PLO	Public Land Order
PM	Particulate Matter
RMP	Resource Management Plan
ROW	Right-of-Way
U.S.C.	United States Code

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1. INTRODUCTION

1.1 HISTORY AND BACKGROUND

On December 19, 2003, the U.S. Department of Energy (DOE) applied to the Bureau of Land Management (BLM), requesting that the Secretary of the Interior withdraw public lands in Lincoln, Nye, and Esmeralda Counties, Nevada, from surface entry¹ and the location of new mining claims, subject to valid existing rights. The proposed withdrawal would be made to support DOE activities associated with evaluation of the land for the potential development of a 300-mile branch rail line² to transport spent nuclear fuel and high-level radioactive waste from commercial and DOE sites nationwide to the Yucca Mountain repository as part of the DOE's obligations under the Nuclear Waste Policy Act of 1982 (NWPA), as amended.

On December 29, 2003, the BLM published a *Notice of Proposed Withdrawal* in the *Federal Register* (68 FR 74965) (Appendix C), which segregated the lands from surface entry and the location of new mining claims, subject to valid existing rights, authorized by the General Mining Law of 1872, for a period of 2 years, ending December 29, 2005. The BLM held public meetings on the application in June 2004. The 2-year land segregation provides the DOE time to assemble a case file, of which this environmental assessment (EA) will be a part, and for the BLM to conduct studies, all of which are needed to support a recommendation to the Secretary of the Interior regarding issuance of a Public Land Order (PLO) for the requested withdrawal pursuant to 43 CFR Part 2300.

After a Record of Decision has been made on an appropriate rail alignment, the DOE may apply for a Right-of-Way (ROW) for the construction, operation, and maintenance of a branch rail line. If the BLM grants the DOE a ROW for the rail line before the expiration of the PLO, then surface entry and mining claim prohibitions would be removed from lands not part of the ROW. If the ROW for a branch rail line is not granted to DOE before the expiration of the PLO, then the restrictions would be lifted on the withdrawal expiration date.

This EA incorporates, by reference, information from the *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (FEIS) (DOE 2002) (hereinafter referred to as the Yucca Mountain FEIS). The Yucca Mountain FEIS analyzed the Caliente Corridor, which served as the basis for the land area requested by the DOE in the 2003 land withdrawal application, in Volume I—Section 3.2.2.1, the Environmental Baseline for Potential Nevada Rail Corridors; Volume II—J.1.2.2, Transportation Routes; and Volume II—J.3.1.2, Highway and Rail Routes in Nevada for Transporting Rail Casks. This EA also relies, as noted, on updated information for determining impacts.

¹Surface entry means appropriation of any non-federal interest or claim (other than mining claims), land sales, BLM land exchanges, state selections, Desert Land Entries, Indian Allotments, Carey Act selections or any other like public land disposal action. These actions, generated by BLM, may lead to title of the land leaving the United States. Surface entry does not include ROWs, granted pursuant to Title V of the Federal Land Policy and Management Act, and other easements, leases, licenses, and/or use permits.

²The DOE filed an *Application for Administrative Land Withdrawal for Potential Rail Corridor* (NVN 77880) with the Bureau of Land Management, pursuant to Section 204 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1714).

1.2 PURPOSE AND NEED FOR AGENCY ACTION

The purpose for agency action is to preclude surface entry and the location of new mining claims, subject to valid existing rights, within and surrounding the Caliente rail corridor as described in the Yucca Mountain FEIS (DOE 2002). This protective measure is needed to enhance the safe, efficient, and uninterrupted evaluation of land areas for potential rail alignments within the Caliente rail corridor. The evaluation will assist the DOE in determining, through the Rail Alignment environmental impact statement (EIS) process, whether to construct a branch rail line, and to provide support to the BLM in deciding whether or not to reserve a ROW for the rail line under the Federal Land Policy and Management Act (FLPMA). The BLM participated as a cooperating agency in preparing this EA because it is the responsible land manager and BLM staff could contribute resource specific expertise.

1.3 DESCRIPTION OF THE PROPOSED ACTION

The proposed action is to withdraw for a limited period of time approximately 308,600 acres of public land in Lincoln, Nye, and Esmeralda Counties, Nevada, administered by the Secretary of the Interior through BLM from surface entry and the location of new mining claims, subject to valid existing rights (Figure 1).

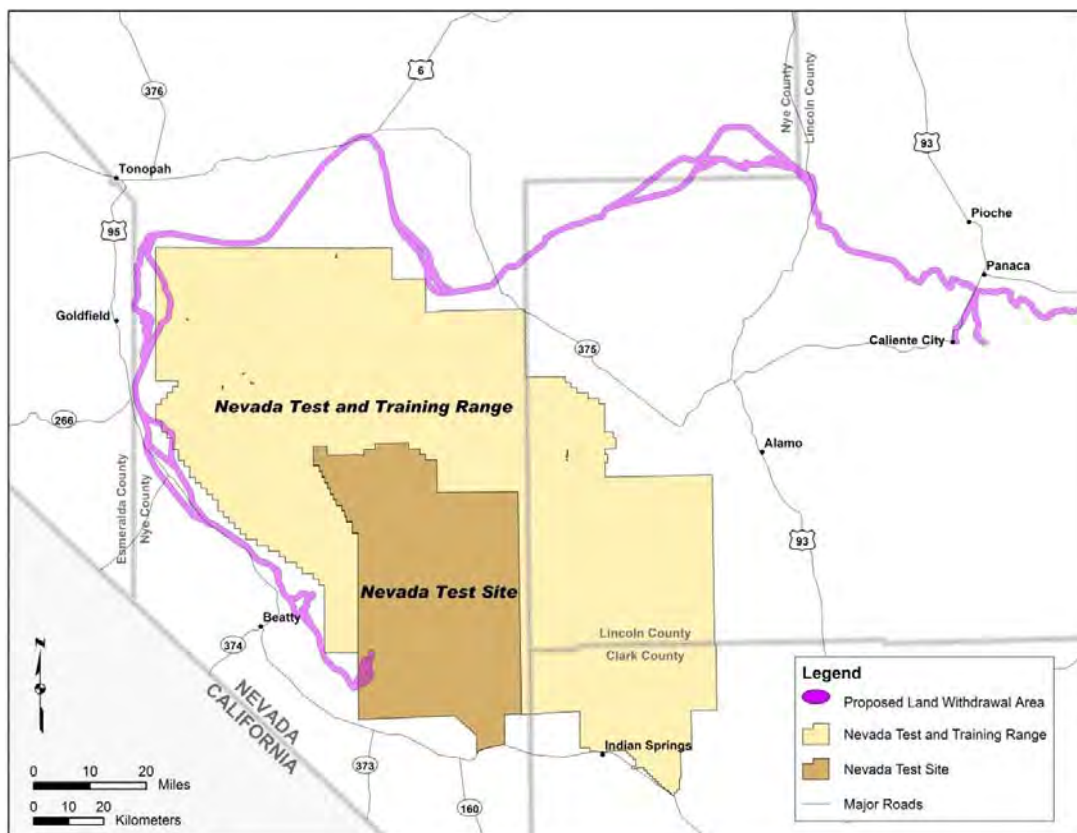


Figure 1. Proposed Land Withdrawal Area

The proposed withdrawal area extends approximately ½ mile from both sides of the centerline of the Caliente rail corridor, as described in the Yucca Mountain FEIS (DOE 2002) and

68 FR 74965. The proposed withdrawal begins near Caliente in Lincoln County, Nevada, extends westward through Nye County north of the Nevada Test and Training Range, enters into Esmeralda County near the town of Goldfield, and continues south-eastward to the Yucca Mountain repository. The proposed land withdrawal would prohibit new surface entries and the location of new mining claims to restrict activities that could interfere with the DOE's evaluation of the area. Under the proposed withdrawal, the BLM would retain management responsibilities for its lands and manage these lands consistently and in accordance with applicable BLM land use plans, laws, regulations, and applicable Department of the Interior policy. This EA addresses the impacts from the proposed withdrawal of public lands and from DOE evaluation activities. All DOE evaluation activities would be limited to "casual use" as sanctioned by BLM regulation. These activities could include photo documenting the corridor; conducting archaeological, historical, noise and vibration, and biological surveys; and placing survey markers for topographic mapping. Casual use describes land uses that do not require authorization by the Department of the Interior and are short term non-commercial activities which do not cause appreciable damage or disturbance to the public lands, their resources or improvements, and which is not prohibited by closure of the lands to such activities (43 CFR 2920.0-5(k)). Drilling and ditching operations are not considered casual use activities.

1.4 RELATIONSHIP TO EXISTING STATUTES AND REGULATIONS

The DOE prepared this EA to satisfy BLM requirements for processing land withdrawal applications (43 CFR Part 2300), and it is consistent with the requirements of the National Environmental Policy Act of 1969 (NEPA), as amended; Council of Environmental Quality NEPA regulations (40 CFR Parts 1500-1508); and DOE NEPA regulations (10 CFR Part 1021). The statutes and regulations relevant to this EA are described below.

The General Mining Law of 1872 (30 U.S.C. 21 et seq.), as amended, is the principal law governing development of nonfuel and nonfertilizer minerals within the federal public domain. This law allows the location, use, and patenting of mining claims on public domain lands, unless the land is closed to mineral entry.

The National Environmental Policy Act of 1969, as amended, requires that impacts from any federal proposed action be analyzed and considered when making decisions. The Council on Environmental Quality regulations for implementing NEPA and the DOE's implementing regulations address EA preparation.

The Federal Land Policy and Management Act of 1976, as amended, Section 204 (43 U.S.C. 1714), authorizes the Secretary of the Interior, acting in his or her discretion, to withdraw public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights. The BLM's implementing regulations are set forth in 43 CFR Part 2300. Additionally, under FLPMA, land withdrawals aggregating 5,000 acres or more require the Secretary of the Interior to notify both houses of Congress. If Congress disapproves of such a withdrawal within 90 days, it is terminated.

The National Historic Preservation Act, (16 U.S.C. 470) as amended, and its regulations at 36 CFR Part 800, direct federal agencies to consider the effects of proposed actions on properties eligible for or included in the National Register of Historic Places.

The Nuclear Waste Policy Act, (42 U.S.C. 10101 et seq.) as amended, enacted by Congress in 1982, acknowledged the federal government's responsibility to provide permanent disposal of the nation's spent nuclear fuel and high-level radioactive waste. In 1987, Congress significantly amended the NWPA, identifying Yucca Mountain as the only site to be studied for a geologic repository.

1.5 RELATIONSHIP TO LAND USE AND RESOURCE MANAGEMENT PLANS

Four approved BLM land use plans are relevant to the proposed action: the *Proposed Las Vegas Resource Management Plan and Final Environmental Impact Statement* (1998), the *Tonopah Resource Management Plan and Record of Decision* (1997), the *Schell Management Framework Plan* (1983) and the *Caliente Management Framework Plan* (1981). The proposed action conforms with the existing approved land use plans and no amendments to these plans would be required. In addition, on July 29, 2005, the BLM began a 120-day public comment period for the *Resource Management Plan for the Ely District and Associated Environmental Impact Statement* (Ely RMP/EIS). When complete, the Ely RMP/EIS will replace the Schell and Caliente Management Framework Plans, and the *Egan Resource Management Plan* approved in 1987. The proposed action also is in conformance with the Draft Ely RMP/EIS.

2. ALTERNATIVES

2.1 ALTERNATIVE 1—LAND WITHDRAWAL FOR 20 YEARS

Alternative 1 proposes to withdraw the public lands, as described in the BLM's 2003 Notice of Proposed Withdrawal in the *Federal Register* (68 FR 74965), for a period of 20 years. The proposed land withdrawal would preclude surface entry and the location of new mining claims, subject to valid existing rights. During this period, the DOE would conduct evaluation activities limited to "casual use." If the DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW.

2.2 ALTERNATIVE 2—LAND WITHDRAWAL FOR 10 YEARS (PREFERRED ALTERNATIVE)

Alternative 2 proposes to withdraw the public lands described in Alternative 1, for a period of 10 years. This alternative would preclude surface entry and the location of new mining claims, subject to valid existing rights, and allow the DOE to conduct casual use evaluation activities. The DOE has identified Alternative 2, land withdrawal for 10 years, as its Preferred Alternative. Although a 20-year withdrawal was the initial period of withdrawal sought by the DOE in the withdrawal application submitted to the BLM in 2003, the DOE has determined, since the application's submittal, that a 10-year land withdrawal is an adequate period for conducting necessary activities. If the DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW.

2.3 ALTERNATIVE 3—NO-ACTION

Under Alternative 3, the No-Action Alternative, the identified lands would not be withdrawn. Once the 2-year segregation expires on December 29, 2005, the prohibition of surface entry and the location of new mining claims would be removed. As in Alternatives 1 and 2, the DOE would conduct evaluation activities limited to “casual use.” Under Alternative 3, public lands would continue to be managed pursuant to applicable BLM RMPs, laws, regulations, and policy.

2.4 ALTERNATIVES ELIMINATED FROM FURTHER CONSIDERATION

2.4.1 Land Withdrawal for Less Than 10 Years

As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it could take, under reasonable circumstances, for the DOE to receive a ROW. The projected time was determined to be 10 years given funding uncertainties and other potential delays that the project could encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such short timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW.

2.4.2 Legislative Withdrawal

The DOE considered supporting legislation for congressional withdrawal of the identified lands. However, because the time frame for congressional action would not meet Program needs this alternative was removed from consideration.

3. AFFECTED ENVIRONMENT

This section provides a baseline of the current human environment against which potential consequences of the proposed action and alternatives are identified and evaluated.

3.1 GEOLOGY AND MINERAL RESOURCES

The proposed land withdrawal area is within the Great Basin section of the Basin and Range physiographic province. Typical of this geographic area, the terrain consists of northerly- and northwesterly-trending mountain ranges, surrounded by sediment-filled basins, each approximately 10 to 15 miles wide (Tschanz and Pampeyan 1970; Workman et al. 2002). The present-day geologic structure of the proposed withdrawal area is the cumulative product of multiple episodes of deformation caused by compression and extension of the Earth's crust. In general, the bedrock geology of the proposed withdrawal area can be divided into a western area characterized by mainly volcanic rocks, and calderas (large depressions caused by volcanic events) and an easterly area composed largely of Paleozoic sedimentary rocks (e.g., rocks such as limestone, formed during the Paleozoic era).

3.1.1 Known Mineral Deposits and Mineral Production

The principal metallic minerals produced within or near the proposed land withdrawal area include gold, silver, lead, molybdenum, tungsten, and mercury. Non-metallic mineral commodities produced near the proposed withdrawal area include barite, fluorspar, zeolites, diatomite, and pozzolan. Copper, zinc, antimony, arsenic, gemstones (chiefly turquoise), brines, talcose minerals, and dimension stone have been produced in minor quantities. Also, some commodities occur for which there is no reported production, such as uranium, vanadium, selenium, manganese, nickel, glass (perlite and pumice), and silica (Tingley 1998).

There are 27 recognized mining districts and 4 mining areas in the vicinity of the proposed land withdrawal area. Eleven of these mining districts are crossed by a portion of the proposed land withdrawal area. Mining districts and locatable mineral occurrences within or in the vicinity of the proposed land withdrawal area are presented in Figure 2 and summarized in Table 1.

Since the 1960s, mining has been conducted in parts of, and near, the proposed withdrawal area. Exploration has generally focused on areas of known mineralization such as the Silverbow, Goldfield, and Clifford Mining Districts; although recent exploration efforts have occurred in relatively unexplored terrain, such as in the southern part of the Reveille Valley and the South Monitor Hills.

The intensity of exploration for and development of mineral commodities is based mainly on the price and demand for these commodities. Through time, mining districts, as well as areas immediately surrounding these districts, have been the sites of resurgences in mineral exploration and mining, especially as technological advancements have enabled low-grade ores to be mined economically.

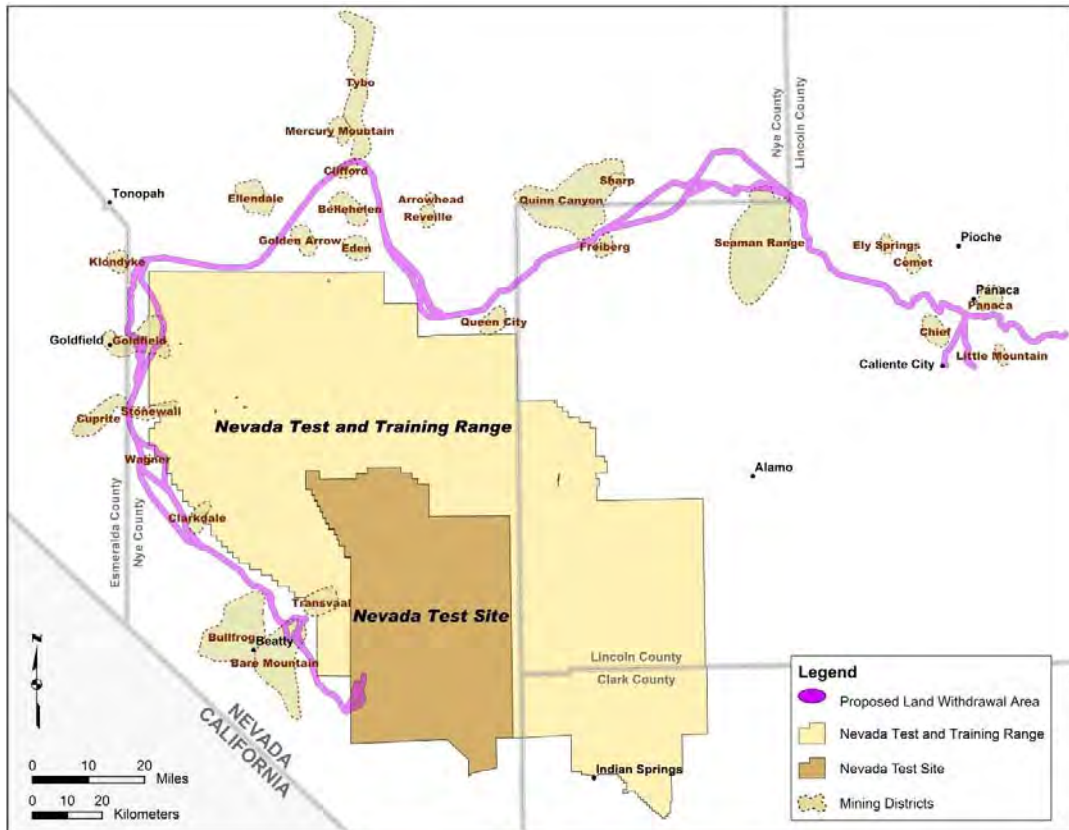


Figure 2. Mining Districts Located Within and Near the Proposed Land Withdrawal Area

Table 1. Known Mineral Occurrences Near the Proposed Withdrawal Area

Mining District/Area	Mineral Occurrence ^a	Approximate Distance from Proposed Withdrawal Area (kilometers) ^b
Caliente Area	Silica, Perlite, Zeolite	1
Little Mountain Mining District	Copper	3
Panaca Mining Area	Thallium, Uranium	2
Pozzolan Placer Mining Area	Pozzolan	3
Chief Mining District	Gold, Silver, Lead, Copper	Abuts
Comet Mining District	Silver, Lead, Zinc, Gold, Copper, Tungsten	5
Ely Springs Mining District	Silver, Zinc, Lead, Gold	6
Seaman Range Mining District	Gold, Mercury, Uranium, Copper, Zinc	Portion Transected
Sharp Mining District	Silver, Lead	6
Quinn Canyon Mining District	Fluorspar, Beryllium, Tungsten	Portion Transected
Freiberg Mining District	Silver, Lead, Zinc Copper, Tungsten	Portion Transected
Queen City Mining District	Silver, Mercury, Lead, Manganese	Abuts
Reveille Valley Area	None	Portion Transected
Eden Mining District	Gold, Silver	3

Mining District/Area	Mineral Occurrence ^a	Approximate Distance from Proposed Withdrawal Area (kilometers) ^b
Reveille Mining District and Arrowhead Mining District	Gold, Silver, Lead, Zinc, Copper, Selenium, Tungsten	8
Mercury Mountain Mining District	Mercury	3
Tybo Mining District	Silver, Lead, Zinc, Gold, Selenium, Copper, Barite	Portion Transected
Clifford Mining District	Gold, Silver, Arsenic	Portion Transected
Bellehelen Mining District	Silver, Lead, Gold, Copper, Thallium, Vanadium	2
Golden Arrow/Silver Bow Mining Districts	Gold, Silver	Abuts
Ellendale Mining District	Gold, Silver, Copper, Barite, Thallium	4 and 9
Klondyke Mining District	Silver, Lead, Gold, Copper, Turquoise, Iron	2
Goldfield Mining District	Gold, Silver, Copper, Lead, Arsenic; gemstones	Portion Transected
Cuprite Mining District	Copper, Silver, Lead, Gold, Mercury, Silica, Sulfur, Potash	Abuts
Stonewall Mining District	Gold, Silver	Portion Transected
Wagner Mining District	Copper, Gold	Portion Transected
Clarkdale Mining District	Gold, Silver	Portion Transected
Transvaal Mining District	Gold, Mercury	2
Bullfrog Mining District	Gold, Silver, Copper, Lead, Silica, Bentenite	Abuts
Bare Mountain Mining District	Gold, Mercury, Tungsten, Silver, Uranium, Silica, Fluorspar, Cinnabar, Kaolin, Perlite,	Portion Transected

Source: Tingley 1998

NOTES: Distances of mining districts to the withdrawal area are approximations, as the boundaries of the mining districts themselves are vaguely defined.

^a Production not implied.

^b To convert kilometers to miles, multiply by 0.621.

Recent mineral exploration and/or production has been reported at the following mining districts that transect or abut the proposed withdrawal area: Bare Mountain, Wagner, Cuprite, Goldfield, Golden Arrow/Silver Bow, Clifford, Tybo, and the Reveille Valley Area (NBMG 2003). The proposed withdrawal area represents less than 2 percent of the federal land available for mineral exploration and development within each of the three countries (Lincoln, Nye, and Esmeralda).

The Bare Mountain and Goldfield mining districts have recently reported gold production. Specifically, Daisy and Sterling Mines located in the Bare Mountain district and the Goldfield Project in the Goldfield mining district have seen recent gold production (NBMG 2003). Although located within a mining district transected by the proposed land withdrawal area, the mines in the Bare Mountain district are several miles away from the boundary of the proposed withdrawal area itself.

Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000. The total revenue for the three counties of \$350,131,000, or less than 11% of the State of Nevada’s total (Nevada Department of Taxation 2005).

3.1.2 Existing Mining Claims

All mining claims within the square-mile sections crossed by the boundary of the proposed land withdrawal area were tabulated from the BLM’s Legacy Report (LR) 2000 system. A report run in May 2005 identified 906 unpatented lode claims, 8 unpatented placer mining claims, and 1 millsite claim within and near the withdrawal area. Some of the 915 claims lay outside of the actual proposed withdrawal boundary reflected by the legal description, but were included to ensure that comprehensive data would be used for impact evaluation. There are approximately 915 claims within and near the proposed withdrawal area, which is less than 1 percent of the total mining claims held in the State of Nevada in 2003. According to the Nevada Bureau of Mines and Geology, approximately 100,000 mining claims were held in 2003 (NBMG 2003).

Figure 3 shows the number mining claims present within or near the boundaries of the withdrawal area from 1976 through 2003.

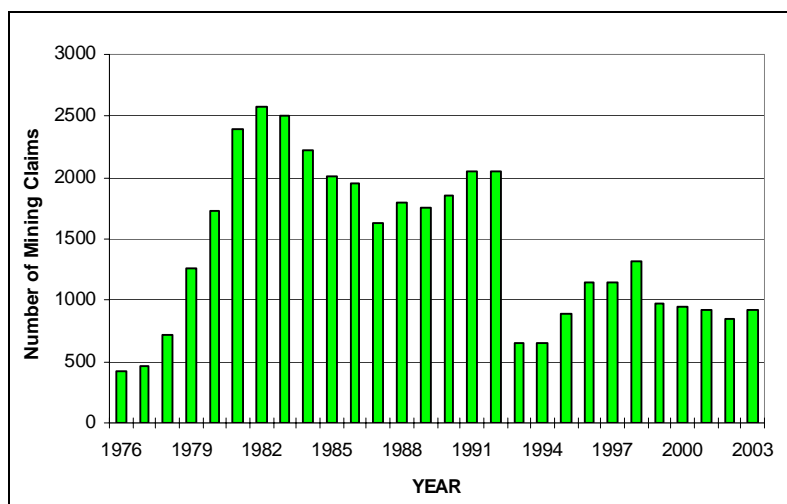


Figure 3. Mining Claims Within the Proposed Land Withdrawal Area

Currently a company or individual must file a surface management Notice of Intent to operate with the BLM before beginning exploration activities, if surface disturbance will be less than 5 acres (after reclamation). If exploration activities will disturb more than 5 acres, a Plan of Operation must be approved by the BLM before opening or expanding a mine. In 2005, 6 Notices of Intent were filed and 2 Plans of Operations were authorized with the BLM within the proposed withdrawal area. Figure 4 presents the number of Notices and Plans filed with the BLM since 1981. The Notices and Plans are superimposed with the price of gold to demonstrate the relationship between mining activities and fluctuations in mineral prices. Gold prices are used because it is the most economically valuable commodity known to be within the proposed withdrawal area.

Although the location of new mining claims has been prohibited by the withdrawal segregation since December 2003, Notices and Plans have been filed on existing claims during this time.

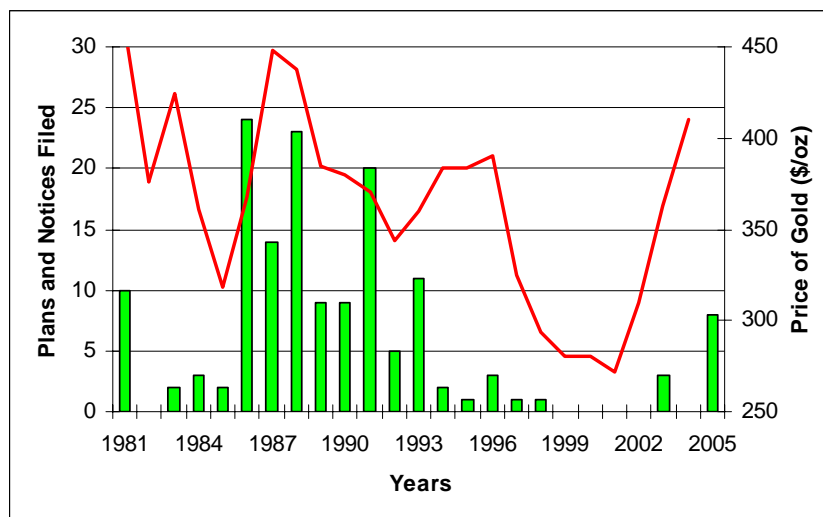


Figure 4. Plans and Notices Filed with the BLM and the Price of Gold

3.1.3 Energy Resources

No producing oil and gas wells lie within the proposed withdrawal area. The nearest producing areas are the 10 small oil fields in Railroad Valley, in northeastern Nye County. Production in Railroad Valley began in 1954, with the most recent discovery in 1998 (NBMG 2003). Total production from these fields through 2003 was almost 43 million barrels, which amounts to about 88 percent of the total production in Nevada (NBMG 2003). Only a very small amount of by-product natural gas has been produced from Nevada's oil wells through 2003 (EIA 2005). There are four oil and gas lease areas near the proposed withdrawal: the Golden Gate Range; Garden Valley of northern Lincoln County and eastern Nye County; Stone Cabin Valley of central Nye County; and in the Oasis Valley. There are 16 square mile sections within and near the proposed withdrawal area under lease.

Geothermal resources are present as hot springs and thermal waters in the vicinity of the proposed withdrawal area near Caliente Warm Springs, Bennett Spring, Pedro Spring, Sarcobatas Flat, Scotty's Junction, Panaca, and Beatty (Shevenell and Garside 2003). As of June 6, 2005, no geothermal leases have been reported within the boundaries of the withdrawal area, according to the BLM LR 2000 Database. Other than oil, gas, and geothermal resources, the withdrawal area has no historic production of leasable minerals.

3.2 WATER RESOURCES

The proposed land withdrawal area crosses a number of hydrographic areas, and is characterized by low precipitation and high annual evaporation rates typical of desert climates. There are few major rivers or water bodies in the state, and none in the proposed withdrawal area. With the exception of the eastern withdrawal area, which is part of the Colorado River drainage system, surface drainage within the withdrawal area is to low areas in enclosed basins rather than to the

sea (NDWR 1999). The drainage in the western portion of the withdrawal area, in the Amargosa River system, terminates within the enclosed Death Valley Basin in California.

There are a number of surface water resources within and near the proposed land withdrawal area, including riparian/stream areas from the Eccles Siding to Meadow Valley Wash; springs and a riparian/river area from Meadow Valley to Sand Spring Valley; springs from Sand Spring Valley to Mud Lake; and springs and a riparian/stream area from Mud Lake to Yucca Mountain (DOE 2002).

3.3 AIR QUALITY

The proposed withdrawal area is located in rural parts of Nevada that the U.S. Environmental Protection Agency has categorized as either unclassifiable or in attainment for criteria pollutants (i.e., nitrogen dioxide, ozone, lead, carbon monoxide, particulate matter [PM10 and PM 2.5], and sulfur dioxide) (DOE 2002). Nevada has no state air-quality monitoring stations located within or in close proximity to the proposed land withdrawal area (NBAQP 2003). Air quality data for all criteria pollutants, except particulate matter, have been collected and recorded from four air-monitoring stations at Yucca Mountain, from 1991 to 1995. Particulate matter data have been collected and recorded from four air-monitoring stations at Yucca Mountain from 1989 to 1997; from three stations from 1998 to 2001; and from two stations from 2002 to 2005. Although these data have been collected from locations more than 100 miles from the easternmost part of the proposed land withdrawal area, they likely represent the current air quality within the entire land withdrawal area, because no large emission sources or metropolitan areas exist in this region that could otherwise affect air quality. The data collected at the Yucca Mountain site have shown the air quality to meet federal and state regulatory requirements.

3.4 BIOLOGICAL RESOURCES

Information on biological resources was obtained using various methods. Project biologists conducted literature searches and conferred with land management agencies and authorities, including the BLM, U.S. Fish and Wildlife Services, Nevada Natural Heritage Program, Nevada Department of Wildlife, and Nevada Division of Forestry, to identify existing information on the occurrence and distribution of plant communities; horse, burro, other wildlife, sensitive animal and plant species; sensitive communities; and weeds. Information applicable to the proposed land withdrawal area is incorporated herein.

3.4.1 Vegetation

Plant communities within and near the proposed land withdrawal were assessed by reviewing two digital land cover data sets with plant community distribution data: the 1996 Gap Analysis Program for Nevada (USU 1996) and the 2004 Southwest Regional Gap Analysis Program (NatureServe 2004). Both data sets are accessible through geographic information systems that provide computer-based mapping and analysis utilities. A combination of these two land cover classification maps was used in conjunction with field surveys to characterize the land cover within the proposed land withdrawal area. The proposed withdrawal area has a wide range of vegetation characteristic of the Great Basin-Mojave Desert and mountain communities. There are 22 different terrestrial ecological systems, including four managed systems (i.e., agricultural,

barren lands, developed areas, and noxious or invasive species dominated areas) (NatureServe 2004). The following systems encompass most of the proposed withdrawal area: intermountain basin mixed salt desert scrub; intermountain basin big sagebrush shrubland; Sonora-Mojave creosotebush-white bursage desert scrub; Mojave mid-elevation mixed desert scrub; intermountain basin semi-desert shrub steppe; Great Basin xeric mixed sagebrush shrubland; Sonora-Mojave mixed salt desert scrub; and Great Basin pinyon-juniper woodland.

3.4.2 Endangered, Threatened, State-Sensitive, and BLM-Sensitive Plant Species

No federally threatened or endangered plant species have been identified or are known to occur in the proposed land withdrawal area (Williams 2005). However, surveys conducted by Project biologists in the winter and spring of 2005 confirmed that the following nine BLM-sensitive plant species have been found within the proposed withdrawal area: the Eastwood milkweed (*Asclepias eastwoodiana*), Needle Mountains milkvetch (*Astragalus eurylobus*), Black woollypod (*Astragalus funereus*), Tonopah milkvetch (*Astragalus pseudiodanthus*), White River catseye (*Cryptantha welshii*), Tiehm blazingstar (*Mentzelia tiehmii*), Nevada dune beardtongue (*Penstemon arenarius*), Nye County Fishhook (*Sclerocactus nyensis*), and Schlessers pincushion (*Sclerocactus schlesseri*).

3.4.3 Wildlife

Wildlife within and near the proposed withdrawal area include game species such as bighorn sheep, mule deer, Gambel's quail, waterfowl, and pronghorn antelope. The proposed withdrawal area includes a number of designated wild horse and burro herd management areas (HMA) (BLM 1979; BLM 1997). Section 3.9, Land Use and Ownership includes additional information on HMAs located within the proposed land withdrawal area. Other wildlife include grey and kit fox, coyote, bobcat, badger, mountain lions, cottontail rabbit, black-tail jackrabbit, ring-tailed cat, numerous small rodent and ground squirrel species, migrating songbirds, shorebirds, raptors, and various reptiles and amphibians.

3.4.4 Endangered, Threatened, State-Sensitive, and BLM-Sensitive Wildlife Species

Biological surveys and correspondence with land management agencies and authorities have noted one threatened animal species, one endangered animal species, one candidate endangered species, and numerous BLM-sensitive animal species that may occur in or near the vicinity of the proposed withdrawal area.

The Mojave Desert tortoise (Mojave population of *Gopherus agassizii*) is the only species identified near of the proposed withdrawal area as threatened under the Endangered Species Act and by the State of Nevada. The Mojave Desert tortoise has been found along the southern end of the proposed land withdrawal area from approximately Beatty Wash to Yucca Mountain (DOE 2002). This area is not critical habitat for desert tortoises (50 CFR 17.95), and the number of tortoises in this area is low relative to other areas within the range of this species in Nevada. Detailed information on the Mojave Desert tortoise can be found in the Yucca Mountain FEIS (DOE 2002).

The Southwestern Willow Flycatcher, which is classified as endangered under the Endangered Species Act and by the State of Nevada, has been observed in dense stands of riparian vegetation

in Meadow Valley Wash in Lincoln County, and in Oasis Valley in southwest Nye County. There is potential habitat for the flycatcher along the Meadow Valley Wash area, which parallels the proposed withdrawal area, but no existing habitat has been confirmed inside the boundaries of the proposed withdrawal area (Brocoum 2000).

According to the U.S. Fish and Wildlife Service, at least one nesting pair of yellow-billed cuckoos, a federal candidate species, was observed along the Meadow Valley Wash area, which parallels the proposed withdrawal area. Observation of the nesting pair within the boundaries of the proposed withdrawal area has not been confirmed.

Various BLM-sensitive wildlife species have been observed within the proposed withdrawal area, including the Southwestern (Arizona) toad (*Bufo microscaphus*); two fish species (i.e., Meadow Valley Wash speckled dace [*Rhinichthys osculus ssp.*] and Meadow Valley Wash desert sucker [*Catostomus clarki ssp.*]); and three bat species (i.e., the western small-footed myotis [*Myotis ciliolabrum*], fringed myotis [*Myotis thysanodes*], and western pipistrelle [*Pipistrellus hesperus*]). The fringed myotis has been designated as protected by the State of Nevada (NAC 503.030).

3.5 WILDERNESS

Two designated wilderness areas and two wilderness study areas are located near the proposed land withdrawal area, but none fall within its boundaries. The wilderness areas include the Weepah Springs Wilderness Area and the Worthington Mountains Wilderness Area. The wilderness study areas include the South Reville Wilderness Study Area and the Kawich Wilderness Study Area.

3.6 CULTURAL RESOURCES

Cultural resources within and near the proposed withdrawal area were identified from surveys conducted for the Yucca Mountain FEIS (DOE 2002), a Class I literature search, site records review, and interviews with knowledgeable persons and organizations about historic and prehistoric resources of concern. Also, the maps and site records data documented in the Yucca Mountain FEIS and its supporting *Environmental Baseline File for Archaeological Resources* (CRWMS M&O 1999) provided an initial inventory of cultural resources.

The site records review identified 102 previously recorded prehistoric and historic-period archaeological sites and 75 isolated artifacts within the boundaries of the proposed withdrawal area. These sites and artifacts document the habitation of the region by Native American people for the past 12,000 to 13,000 years. The sites include rock-shelter camps, open-air camps, lithic scatters, rock-art sites, rock features, and special camps or extractive localities for gathering and processing specific resources (such e.g., as animals, plants, or tool stone). Of these sites, 15 were considered eligible or likely eligible for inclusion in the National Register of Historic Places (NRHP), 117 were determined to be not eligible (including all of the isolated artifacts), and the remaining sites have not yet been evaluated.

The site records review also identified 21 previously recorded historic-period archaeological sites and 11 isolated historic artifacts within the proposed land withdrawal area, documenting Euroamerican occupation of the region. Site types recorded in the proposed land withdrawal

area include ranch sites, trash dumps or scatters, a cemetery, railroad sites, campsites, mines or prospects, habitation sites, the town of Goldfield, a historic road, and isolated historic artifacts. Of these, the town of Goldfield and the Caliente Railroad Station are listed on the NRHP, 7 other historic sites have been determined eligible for inclusion on the NRHP, 19 have been determined ineligible for listing, and 4 are presently unevaluated.

Several contemporary Native American tribes and organizations have traditional ties to the lands traversed by the proposed withdrawal. Western Shoshone tribal subgroups have traditional ties to several major settlement areas including the Ogwe'pi district in Oasis Valley, near Beatty; the Piadoya district in the Kawich Range, Stone Cabin Valley, and Reveille Valley; the Lida-Goldfield area; and other historic settlement areas in Railroad Valley, Ralston Valley, and Hot Creek Valley. The Timbisha (Panamint) Shoshone have traditional ties to the Amargosa Valley and Sarcobatas Flat. Southern Paiute groups also have ties to the Amargosa Valley and vicinity of Yucca Mountain, and to the eastern part of the land withdrawal, in Pahrnagat Valley/Pahroc Range and the Panaca/Meadow Valley Wash areas. Neighboring groups, such as the Owens Valley Paiute, may have visited parts of the proposed land withdrawal area frequently.

In consultation with the DOE and other federal agencies, these tribes and organizations have provided considerable information on their concerns about traditional and cultural values, including ancestral homelands and sites of religious and cultural significance (AIWS 2005). Among the areas along the BLM land withdrawal area considered to hold religious and cultural significance are the following:

- Black Cone, Crater Flat – A place of religious significance
- Oasis Valley, near Beatty – Major winter village settlement area, center of the Ogwe'pi district
- Beatty Wash petroglyphs – Rock art panels
- Willow Spring, east of Goldfield – Western Shoshone winter village of Matsum
- Rabbit Spring, Goldfield area – Major rockshelter camp
- Hawes Canyon, Stone Cabin Valley – Western Shoshone winter village of Hugwapagwa
- Warm Springs vicinity – Western Shoshone winter village
- Reveille Valley – Western Shoshone winter camp near Reveille Mill and Willow Witch Well petroglyphs
- Black Rock Spring, North Pahroc Range – Campsite
- Caliente area including Meadow Valley Wash and Clover Creek – Southern Paiute use of hot springs, rock shelters, rock-art sites, plants, and trails.

3.7 FLOODPLAINS AND WETLANDS

The proposed land withdrawal area crosses six floodplain areas in Lincoln and Nye Counties. Most of the proposed withdrawal area is characteristic of arid climates, and flood hazards can occur. Alluvial fan flash flooding is more common than typical riverbank overflow flooding because there are no perennial streams or rivers outside of the Caliente/Meadow Valley Wash area.

The proposed withdrawal area encompasses many small and a few large washes, springs and seeps, and wetlands. Although wetlands in Nevada cover a very small percentage of the total

land area, they correspond to comparatively high species diversity and provide vital habitat for wildlife.

3.8 SOCIOECONOMIC CONDITIONS

The socioeconomic data collected for this section is incorporated by reference from the Yucca Mountain FEIS (DOE 2002) (updated as appropriate) and various federal, state, and community sources such as the 2000 U.S. Census, the State of Nevada Demographer's Office, State of Nevada Department of Cultural Affairs, and Nevada Small Business Development Center.

3.8.1 Population

The proposed land withdrawal area falls within three Nevada counties (i.e., Lincoln, Nye, and Esmeralda), but does not encompass any incorporated towns or cities. According to the State of Nevada Demographer's Office 2004 population estimates, Lincoln County has an approximate population of 3,822. Lincoln County is considered 100 percent rural and has a density of 0.4 people per square mile (U.S. Census Bureau 2005). The city of Caliente, the only incorporated city in Lincoln County, has a population of 1,014 (NSDO 2004).

Nye County, with a 2004 estimated population of 38,181, is the most populous county potentially affected by the proposed land withdrawal. Nye County has a population density of 1.8 people per square mile (U.S. Census Bureau 2005), with a majority of the population (55 percent) considered rural, according to population estimates from the State of Nevada Demographer's Office. The largest community in Nye County is unincorporated Pahrump, which is located outside the proposed land withdrawal area. Pahrump has an estimated population of 30,465, accounting for 80 percent of the county's population. Nye County is also includes the communities of Tonopah, Beatty, and Amargosa Valley, all of which are located near the proposed land withdrawal area. Tonopah is the most populated of these communities, with a population of 2,341 (NSDO 2004).

With an estimated 2004 population of 1,176, Esmeralda County is the least populated of the proposed land withdrawal area counties (NSDO 2004). Esmeralda is also the least densely populated, with a density of 0.3 people per square mile and is considered 100 percent rural. The community of Goldfield is located near the proposed land withdrawal area, and its 453 residents account for more than one-third of the county's population (NSDO 2004).

Southern Nevada has been and continues to be among the fastest-growing areas in the country (DOE 2002). The populations of Lincoln and Nye Counties increased from 1990 to 2000—Nye County by 81 and Lincoln County by 9 percent. However, the population of Esmeralda County decreased by 21 percent between 1990 and 2000. Table 2 presents a summary of population data.

Table 2. County and Community Populations 1990 – 2004

County, City/Community	1990 ^a Population	2000 Population	2004 Population	1990-2000 Change (%)	2000-2004 Change (%)
Lincoln	3,810	4,165	3,822	9	-8
Caliente	1,120	1,123	1,014	1	-10
Nye	18,190	32,978	38,181	81	16
Tonopah	3,671	2,833	2,341	-23	-17
Amargosa	724	1,167	1,211	61	4
Beatty	1,662	1,152	981	-31	-15
Pahrump	7,430	24,235	30,465	226	26
Esmeralda	1,350	1,061	1,176	-21	11
Goldfield	672	424	453	-37	7

Source: NSDO 2004. ^a 1990 estimates were taken from U.S. Census.

Most of the proposed land withdrawal area counties are expected to grow through 2035. As indicated by data presented in the Yucca Mountain FEIS (DOE 2002), projections show that by 2035, the population of Nye County is expected to increase by more than 77 percent from 2000 levels. Lincoln County's population is also projected to increase by 33 percent during the same period. In contrast, the State of Nevada Demographer's Office projects that Esmeralda County's population will decrease by 193 residents from 2003 to 2024 (NSDO 2004).

3.8.2 Employment and Income

Among the three Nevada counties that contain portions of the proposed land withdrawal area, Esmeralda County has the fewest jobs, followed by Lincoln and Nye Counties. Table 3 shows at-place employment, or the number of jobs, by major industry for each of the three counties in 2002 and 2004.

Table 3. At-Place Employment by Industry Group from 2002 and 2004

Industry Group	2002			2004		
	Esmeralda County	Lincoln County	Nye County	Esmeralda County	Lincoln County	Nye County
Natural Resources and Mining	70	40	870	*	20	980
Construction	20	10	630	*	10	880
Manufacturing	0	10	180	0	*	220
Trade, Transportation, and Utilities	10	190	1,230	20	230	1,580
Information	0	30	120	*	20	100
Financial Activities	0	50	240	0	50	280
Professional and Business Services	20	390	2,450	*	*	2,460
Educational and Health Services	0	10	440	0	20	480
Leisure and Hospitality	10	70	1,880	*	80	1,950
Other Services	0	30	200	*	10	200

Industry Group	2002			2004		
	Esmeralda County	Lincoln County	Nye County	Esmeralda County	Lincoln County	Nye County
Government	130	630	2,070	130	630	1,920
Total	250	1,450	10,300	240	1,300	11,050

Source: Nevada Department of Employment, Training and Rehabilitation

NOTES: * Figures are not published because they do not meet confidentiality requirements for disclosure. Detail may not add due to rounding.

The number of jobs declined between 2002 and 2004 in Esmeralda and Lincoln Counties but increased in Nye County. In Esmeralda County, jobs have declined steadily to the point where certain employment sectors in 2004 had too few jobs to report without compromising employer confidentiality. In Lincoln County, jobs have decreased steadily following a period of growth during the 1980s (DOE 2002). The relative importance of the natural resources and mining industry was small in 2002 and decreased even more during the 2002–2004 period. In 2002, natural resources and mining accounted for 3 percent of the total jobs in Lincoln County; whereas in 2004, they accounted for 2 percent.

Nye County had the greatest number of jobs among the three counties within the proposed land withdrawal area and was the only county to show job growth during the period. In 2002, Nye County had 86 percent of the jobs among the three counties, and this share increased to 88 percent in 2004. Professional and business services, leisure and hospitality, and government industries account for most jobs in Nye County. In 2004, these industries accounted for 22 percent, 18 percent, and 17 percent of the county's total jobs, respectively; and collectively, they accounted for 57 percent of the total jobs. The natural resources and mining industry, by contrast, accounted for 9 percent of the jobs in Nye County in 2004. Construction, trade, transportation, utilities, and manufacturing were the fastest growing industries in Nye County during the period with job increases of 40 percent, 28 percent, and 22 percent, respectively, in the 2-year period.

The labor market experienced trends similar to those of at-place employment in Esmeralda, Lincoln, and Nye Counties between 2002 and 2004. Overall, the labor market decreased in Esmeralda and Lincoln Counties, but increased in Nye County. In Esmeralda County, however, the number of unemployed residents decreased at a slower rate than the overall labor force, which resulted in a decrease in the unemployment rate during the period. A similar trend occurred in Nye County. In 2002, the unemployment rate was more than 7 percent in those two jurisdictions, above the state and national unemployment rates of 5.6 percent and 5.8 percent, respectively. In 2004, unemployment decreased in Esmeralda and Nye Counties, becoming more consistent with statewide and national levels. By contrast, Lincoln County experienced the greatest decline in its overall labor force, but the decrease in unemployment was slower. Therefore, while the labor force was shrinking in Lincoln County, more persons became unemployed, resulting in an unemployment rate increase from 5 percent in 2002 to 5.5 percent in 2004. Tables 4 and 5 provide these labor market data.

Table 4. Labor Force Trends 2002 – 2004

Geographic Area	2002				2004			
	Labor Force	Employment	Unemployment	Unemployment Rate (%)	Labor Force	Employment	Unemployment	Unemployment Rate (%)
Esmeralda County	473	440	34	7.1	440	416	24	5.6
Lincoln County	1,759	1,672	88	5.0	1,543	1,459	85	5.5
Nye County	14,751	13,677	1,074	7.3	15,438	14,546	892	5.8
Nevada	1,124,600	1,061,900	62,000	5.6	1,177,500	1,126,300	51,000	4.3
United States				5.8				5.5

Source: Nevada Department of Employment, Training and Rehabilitation

Table 5. Percent Change in Labor Force, Employment and Unemployment: 2002 – 2004

Geographic Area	2002-2004 Percent Change		
	Labor Force (%)	Employment (%)	Unemployment (%)
Esmeralda County	-7.0	-5.5	-29.4
Lincoln County	-12.3	-12.7	-3.4
Nye County	4.7	6.4	-16.9
Nevada	4.7	6.1	-17.8

Source: Calculated based on data contained in Table 4

Table 6 provides total personal income data for the three counties and comparative data for Nevada. Table 7 provides per capita personal income data for the three counties and comparative figures for Nevada and the United States.

Table 6. Total Personal Income (in thousands \$)

Area name	2000	2001	2002	2003	2000-2003 % Change
Esmeralda Co.	\$23,703	\$24,612	\$24,976	\$25,079	5.8
Lincoln Co.	\$77,548	\$78,228	\$84,251	\$88,303	13.9
Nye Co.	\$796,770	\$824,353	\$853,327	\$922,748	15.8
Nevada	\$61,427,864	\$64,367,499	\$66,903,994	\$71,549,422	16.5

Source: BEA 2005

Note: Total Personal Income equals the total value of income received by, or on behalf of, all residents in a particular area.

Table 7. Per Capita Personal Income

Area name	2000	2001	2002	2003	2000-2003 % Change
Esmeralda Co.	\$24,411	\$25,799	\$27,875	\$29,435	20.6
Lincoln Co.	\$18,561	\$18,737	\$19,889	\$20,641	11.2
Nye Co.	\$24,201	\$24,409	\$24,653	\$25,752	6.4
Nevada	\$30,437	\$30,721	\$30,855	\$31,910	4.8
United States	\$29,845	\$30,575	\$30,804	\$31,472	5.5

Source: BEA 2005

Total personal income increased in Lincoln and Nye counties commensurate with total personal income statewide. In Esmeralda County, however, total personal income increased substantially less (Table 6). When normalized with population, however, Esmeralda County far outpaced the other areas in per capita income growth during the period—more than 20 percent between 2000 and 2003 (Table 7). Per capita income in all three counties within the proposed land withdrawal increased more than did average per capita income in either the State of Nevada or the United States overall. This change reflects real increases in total personal income and less population growth in these areas.

3.9 LAND USE AND OWNERSHIP

The proposed withdrawal of land applies only to public lands administered by the BLM. Private, U.S. Air Force, and Native American lands are not considered under this action. Nonetheless, lands located within the boundary of the proposed land withdrawal area comprise of 91.3 percent public land managed by the Ely, Battle Mountain, and Las Vegas BLM Nevada Field Offices; 3.7 percent of land administered by the U.S. Department of Defense, within the Nevada Test and Training Range; 1.8 percent of land administered by the DOE within the Nevada Test Site; 2.7 percent of privately owned land interspersed within the boundaries of the proposed withdrawal area; and 0.5 percent of Native American lands (Figure 5). The BLM manages its lands pursuant to applicable land use plans, laws, regulations, and policy. Activities that occur in the proposed land withdrawal area include, but are not limited to, mining, grazing, and recreation. The BLM also grants ROWs, easements, licenses, leases, and special use permits.

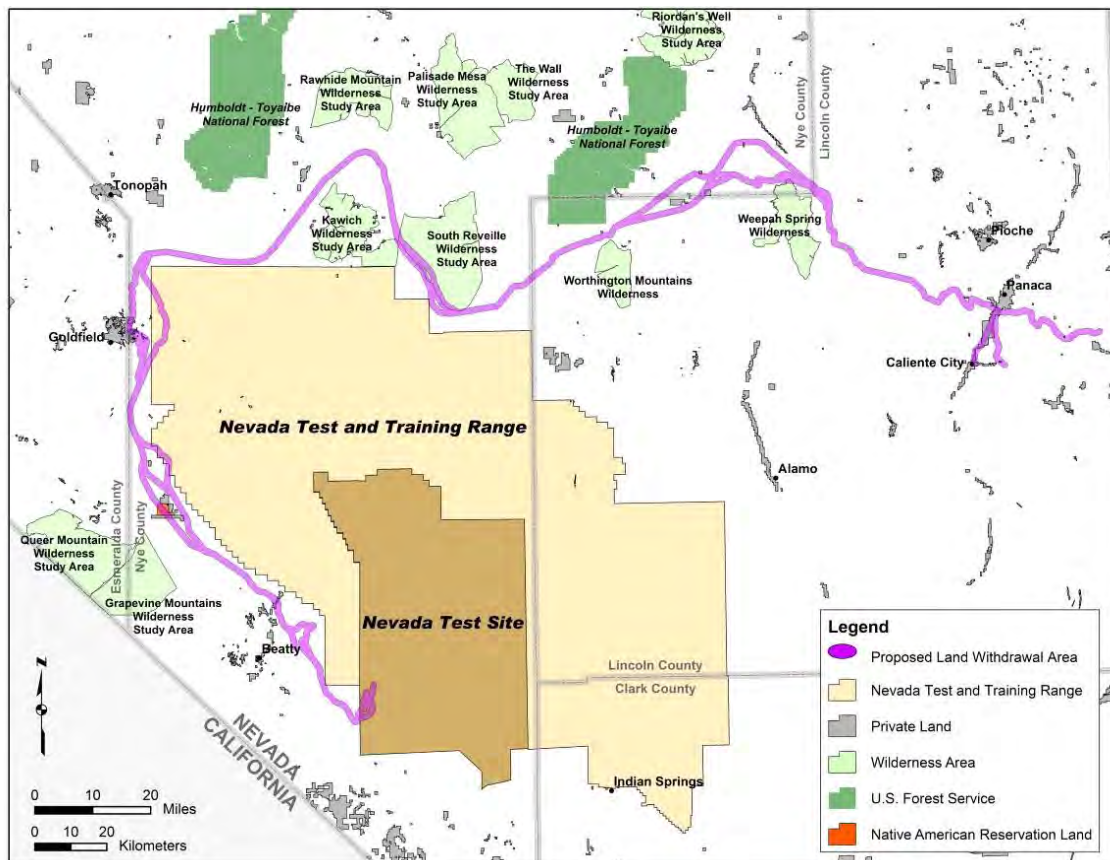


Figure 5. Land Ownership of the Proposed Land Withdrawal Area

The eastern portion of the proposed withdrawal area (defined for the purposes of this EA as the area from Caliente City to Golden Gate Range), located in Lincoln and Nye Counties, is primarily used for grazing, wild horse herd management, and ranching. This portion of the proposed land withdrawal area includes 25 BLM grazing allotments, with 20 permittees and seven BLM wild horse HMAs. This part of the proposed withdrawal area is near ROWs for nine telecommunication lines, seven pipelines, and three electrical transmission lines, and crosses four pipeline ROWs.

The eastern portion of the land withdrawal area is near three mining areas and six mining districts. Of these mining areas and districts, the proposed land withdrawal area includes a portion of the Seaman Range Mining District and abuts the Chief Mining District; these areas are identified in Table 1. The proposed land withdrawal area includes a small in-holding of private land where a local, world-renowned artist has developed a massive modern art sculpture entitled *City*.

The central portion of the proposed land withdrawal area (Quinn Canyon area to the Goldfield area), located in Nye and Esmeralda Counties, is primarily used for grazing, wild horse herd management, and mining activities. This area includes six BLM grazing allotments with six permittees and four BLM wild horse HMAs. The central portion is in the vicinity of 14 mining districts and one mining area; these areas are identified in Table 1. The proposed withdrawal area includes a portion of the Quinn Canyon, Frieberg, Tybo, Clifford, and Goldfield Mining

districts, and a portion of the Reveille Valley Mining area. The area abuts the Queen City and Golden Arrow Mining districts. In addition, land uses near the proposed land withdrawal area, but not within its boundaries, include recreation in the Reveille Range and South Reveille Wilderness Study Area; a number of private ranches, small towns, and abandoned and current mining operations are also within the vicinity of the proposed withdrawal area. The central portion of the proposed land withdrawal area is adjacent to the northern boundary of the Nevada Test and Training Range through Ralston Valley. The proposed land withdrawal area is in the vicinity of ROWs for nine pipelines and six electrical transmission lines and crosses two utility corridors.

The western portion of the proposed land withdrawal area (defined as the area from Stonewall Mountain to Yucca Mountain), located in Nye and Esmeralda Counties, is primarily used for mining, grazing, and wild horse herd management. This section of the proposed land withdrawal area includes two BLM grazing allotments with one lease, and two BLM wild horse HMAs. The western portion of the proposed land withdrawal area is in the vicinity of seven mining districts, previously identified in Table 1. Of these areas, the proposed land withdrawal area includes a portion of the Stonewall, Wagner, Clarkdale, and Bare Mountain Mining Districts, and abuts a portion of the Cuprite and Bullfrog Mining Districts.

Much of the western proposed land withdrawal area would cross BLM-designated utility corridors. The western proposed land withdrawal area is near ROWs for five electrical transmission lines and one telecommunications line, and crosses the transmission line ROWs at four locations.

Because the proposed land withdrawal area is based upon the Caliente Corridor as described in the Yucca Mountain FEIS (DOE 2002), the proposed land withdrawal area, depicted in Figure 5, transects a portion of Timbisha Shoshone tribal trust lands near Scotty's Junction tribal area. These tribal lands, however, are not subject to withdrawal under the proposed action. Currently, this land area is uninhabited, although the tribe plans to use this tract for single-family residences and small-scale economic development (DOI 2000).

4. ENVIRONMENTAL CONSEQUENCES

This section describes the potential environmental consequences of the proposed action and alternatives. The proposed withdrawal of lands from surface entry and the location of new mining claims, subject to valid existing rights, is administrative in nature and would not directly or indirectly impact natural and cultural resources. In addition, any DOE activities on the withdrawn land would be limited to casual use activities, which would not cause appreciable damage or disturbance to natural or cultural resources. Potential impacts of a 10- or 20-year withdrawal are discussed below.

4.1 MINERAL RESOURCES

4.1.1 Alternative 1

Under Alternative 1 (proposed land withdrawal for 20 years), the development of mineral deposits on the existing 915 mining claims within the boundaries of the proposed land withdrawal would be allowed under existing BLM mining regulations. Access to existing

mining claims (patented and unpatented) would not be restricted. Discretionary oil and gas leasing and saleable mineral activities authorized under the Mineral Leasing Act of 1920 would not be affected by this action. Patented mining claims would not be affected because they are considered private property and are not subject to withdrawal. Therefore, no impacts would occur to claim holders with existing mining claims or to existing and future mineral lease holders.

This alternative would prevent the staking of new mining claims within the proposed withdrawal area for a 20-year period. Although it is recognized that mineral exploration and development is strongly tied to the price of mineral commodities, foreseeable impacts to mining from the proposed withdrawal are considered negligible for the following reasons:

- The mineral commodities identified within the proposed withdrawal area are no more unique or valuable than the mineral commodities found outside the boundaries of the proposed withdrawal area.
- The number of mining claims within the corridor is approximately one percent of the total number of claims within the State of Nevada.
- Exploration and development of mineral deposits on existing claims would continue and would be unaffected by the withdrawal.
- Given the historically low number of notices and plans filed on existing mining claims within the withdrawal area, the impact of the withdrawal on mining would be negligible and temporary, possibly preventing the filing of only several notices and plans per year.
- The total revenues received per year from mining in the three affected counties is \$350,131,000, or less than 11% of the State of Nevada's total. During the withdrawal period the continued production of these revenues would not be affected. Also, during the withdrawal period, new production sources can be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation.

4.1.2 Alternative 2 (Preferred Alternative)

The impacts from Alternative 2 would be the same as those described under Alternative 1, except that the time period of potential impact would be reduced from 20 years to 10 years.

4.1.3 Alternative 3 (No-Action Alternative)

Under Alternative 3, the temporary land segregation would end December 29, 2005, and the prohibition on surface entry and the location of new mining claims would be terminated. The No-Action alternative, however, would allow the lands to be opened, upon termination of the 2-year segregation, to new mining activities, and therefore potentially opening the lands up to future environmental impacts. Any, impacts from future mining activities, under the No-Action alternative, would be managed and regulated by BLM, to the extent sanctioned by law.

4.2 WATER RESOURCES AND AIR QUALITY

Water resources would not be affected because the withdrawal of lands for 10 or 20 years would not use water resources, nor would casual use activities appreciably disturb or damage the land and impact surface and groundwater resources. Air quality would not be affected because these activities would not substantially increase emissions sources.

Under the No-Action alternative, the public lands would not be withdrawn and public lands would continue to be managed pursuant to BLM RMPs.

4.3 BIOLOGICAL RESOURCES

Biological resources would not be affected by the withdrawal of public lands for 10 or 20 years, nor would DOE casual use activities appreciably disturb or damage the land and impact biological resources.

Under the No-Action, the public lands would not be withdrawn and public lands would continue to be managed pursuant to BLM RMPs.

4.4 WILDERNESS

Wilderness would not be affected because no wilderness areas or wilderness study areas would be withdrawn under the proposed 10 or 20-year withdrawal. Wilderness areas would not be impacted by casual use activities because no such activities would take place within the boundaries of wilderness areas or wilderness study areas.

Under the No-Action alternative, wilderness areas or wilderness study areas would not be affected because the status quo of these areas would remain the same.

4.5 CULTURAL RESOURCES

Cultural resources would not be affected by the withdrawal of public lands for 10 or 20 years, nor would DOE casual use activities appreciably disturb or damage the land and impact cultural resources.

Under the No-Action alternative, the public lands would not be withdrawn and public lands would continue to be managed pursuant to BLM RMPs.

4.6 FLOODPLAINS AND WETLANDS

Floodplain and wetland resources would not be affected by the withdrawal of public lands for 10 or 20 years, nor would DOE casual use activities appreciably disturb or damage the land and impact these resources.

Under the No-Action alternative, the public lands would not be withdrawn and public lands would continue to be managed pursuant to BLM RMPs.

4.7 SOCIOECONOMIC

4.7.1 Alternative 1

Under Alternative 1 (proposed land withdrawal for 20 years), the economic activities associated with the development and production of mineral commodities on the existing 915 mining claims within the boundaries of the proposed land withdrawal would not be impacted. In 2004, the three affected counties (Esmeralda, Lincoln, and Nye) receive \$350,131,000 in total revenues from mining, which is less than 11% of the State of Nevada's total. During the withdrawal period the production of these revenues would continue because the proposed withdrawal recognizes valid existing rights. Also, during the withdrawal period, new production sources could be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation. In addition, economic activities associated with discretionary oil and gas leasing and saleable mineral activities authorized under the Mineral Leasing Act of 1920 would not be affected by this action. Therefore, no economic impacts would occur to claim holders with existing mining claims or to existing and future mineral lease holders.

The DOE recognizes the importance of the mining industry in rural Nevada and recognizes that restricting the location of new mining claims for a 20-year period could have potential impacts to local economies and employment in the surrounding communities. Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of these non-realized claims that could have potential economic consequences.

The economic consequence from precluding a claimant to stake a new mining and the potential of that claim to lead to the development of mineral commodities through the filing of a notice or plan with the BLM is expected to be minimal. Over the past 20 years, there have been many fluctuations in the price of gold. However, very few plans and notices have been filed in relation to the total number of claims present within the proposed withdrawal area. For example, from 2000 to 2005 (assuming that most of the claims present in 2003 still exist) there have been approximately 1000 mining claims present within the proposed withdrawal area; however, there have only been 10 notices or plans filed with the BLM during this period. Additionally, there have been only 5 years when more than 10 notices or plans were filed with the BLM during the last 20 years. The number of notices and plans represent a very low level of actual mining activity. Further, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining will soon commence; only some filings result in an actual mining operation.

Since the withdrawal does not affect a claimant's ability to file plans and notices for existing claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of the DOE's application. Likewise, it is reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, may have resulted in a small number of filed notices and plans, and of those, fewer still would be developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with an increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of only several notices and plans per year.

No disproportionately high and adverse effects on minority populations, low-income populations, and Indian tribes are expected.

4.7.2 Alternative 2 (Preferred Alternative)

The potential socioeconomic impacts associated with Alternative 2 would be the same as those associated with Alternative 1, except that the time period for potential impact would be reduced by one-half, for a total of 10 years. Any potential economic impacts under the 10-year withdrawal period would be of lesser extent and degree than the 20-year withdrawal. No disproportionately high and adverse effects on minority populations, low-income populations, and Indian tribes are expected.

4.7.3 Alternative 3 (No-Action Alternative)

Under Alternative 3, surface entry and the location of new mining claims could occur after December 29, 2005. Development of potential available mineral commodities, although not known with any certainty, would no longer be limited. This alternative could result in short-term increase in employment as the area would be open to future mineral exploration and production. New claims could increase local sales from annual assessment work; however, based on the information provided above, it is anticipated that the No-Action alternative would also have negligible socioeconomic impacts.

4.8 LAND USE AND OWNERSHIP

4.8.1 Alternative 1

Alternative 1 would have a negligible impact on land use and ownership within the proposed land withdrawal area. Current land uses (e.g., grazing, herd management, and existing mining activities) would continue without interference from the land withdrawal process or the casual use activities conducted by the DOE. Although the proposed action would prevent location of new mining claims and public land sales for the duration of the proposed land withdrawal, it does not restrict the BLM from granting new ROWs, and other easements, leases, licenses, and/or special use permits. Consequently, the land withdrawal would not impact current ROWs or pending ROW applications, including those for utility corridors, water pipelines, and wind generation development.

Recent legislation such as the Lincoln County Conservation, Recreation, and Development Act and other development plans by both counties and tribes in the area are evidence of growing interest in developing rural Nevada. At this time, no known conflicts exist between the proposed land withdrawal and other public land sales or development plans.

4.8.2 Alternative 2 (Preferred Alternative)

The potential land use and ownership impacts associated with Alternative 2 would be the same as those associated with Alternative 1, except that the time period for potential impact would be reduced by one-half, for a total of 10 years. Any potential impacts to land use would be of a lesser degree and extent than the 20-year withdrawal.

4.8.3 Alternative 3 (No-Action Alternative)

Under the No-Action alternative, surface entry and the location of new mining claims could occur after December 29, 2005. Under the no-action alternative, land ownership and use changes could occur. These changes would be reasonably expected from mining activities; however, as previously stated, the potential for future mining activity in the withdrawal area is estimated to be low. This alternative would likely have no impacts on land use and ownership within the proposed land withdrawal area.

4.9 CUMULATIVE IMPACTS

The proposal to withdraw lands from surface entry and the location of new mining claims, under any alternative, and to conduct activities defined as casual use would not cause appreciable damage or disturbance to the land and thus, would not result in cumulative impacts with other past, present, and proposed activities or plans. Cumulative impacts to the economy would be negligible because the amount of land withdrawn is small in comparison to the surrounding area available for mineral development.

5. CONSULTATION AND COORDINATION

5.1 PUBLIC PARTICIPATION

Upon the DOE's submission of the proposed land withdrawal application, the BLM announced receipt of the application in a *Notice of Proposed Withdrawal* (68 FR 74965) and initiated a public comment period. Comments that BLM received regarding the segregation and proposed land withdrawal were considered during the preparation of the EA.

In a letter dated July 7, 2005, the DOE notified the Governor of Nevada of its intent to prepare an EA for the proposed withdrawal of public lands. On August 29, 2005, the DOE announced the availability of the *Draft EA for the Proposed Withdrawal of Public Lands Within and Surrounding the Caliente Rail Corridor, Nevada* (Draft EA), initiated a public comment period, and announced public meetings in the *Federal Register* (70 FR 51029). On the same day, a copy of the Draft EA was provided to the Governor of Nevada and to Affected Units of Local Government. Postcards announcing the public comment period and public meetings were mailed to 3,200 interested parties identified on DOE and BLM mailing lists.

The comment period extended from August 29, 2005, through September 28, 2005. As part of the public comment period, the DOE held three public meetings on September 12, 13, and 15, in Amargosa Valley, Goldfield, and Caliente, Nevada, respectively. The meetings were open to the public.

In addition to the three public meetings, on September 14, 2005 in Las Vegas, Nevada, the DOE met with tribal representatives from 17 Native American organizations through the Yucca Mountain Native American Interaction Program on the EA.

5.2 PUBLIC COMMENTS

The DOE received a total of 441 comments during the 30-day public comment period for the Draft EA. Comments were received from a variety of commentors, including the State of Nevada; Lincoln, Nye, and Esmeralda counties; tribal representatives; mining and grazing associations; community members; and other interested parties. The DOE reviewed and responded to all comments received (see Appendix B), and in response to the comments, made enhancements and corrections to the EA, as appropriate.

The majority of the comments received were related to mineral and energy resources, the NEPA process, and socioeconomic issues. In addition, the DOE received many comments that were not directly related to the scope of the Draft EA but, rather, pertained to the development of a potential rail line to a geologic repository at Yucca Mountain. These comments, which address issues such as rail alignments, routes, construction, operation, and maintenance, will be forwarded to the appropriate DOE manager and considered during the preparation of the Rail Alignment EIS. Table 8 lists the comment categories and the number of comments received in each category. DOE's specific responses to the issues raised in the public comments are provided in Appendix B.

Table 8. List of Commentor Categories and Number of Comments Received

Categories	Comments Received
1. Air Quality	7
2. Alternatives	21
3. Biological Resources	6
4. Cultural Resources	20
5. Editorial	7
6. Floodplains and Wetlands	4
7. Grazing	5
8. Impacts (General)	6
9. Impacts (Cumulative)	5
10. Land Use and Ownership	35
11. Mineral and Energy Resources	44
12. Native American Tribal Concerns	10
13. NEPA Process	49
14. Proposed Action	37
15. Recreation	3
16. Socioeconomic/Environmental Justice	47
17. Support for Proposed Action	12
18. Water Resources	12
19. Wilderness Areas	3
20. Related to Rail Alignment EIS	80
21. Out of Scope	28
Total	441

5.3 AGENCIES CONSULTED

The following agencies were consulted during the preparation of this EA:

- BLM, Nevada State Office
- BLM, Ely Field Office
- U.S. Department of Interior, Office of the Solicitor

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APPENDIX A
GLOSSARY OF TERMS

APPENDIX A

GLOSSARY OF TERMS

Affected Units of Local Government—The local unit of government with jurisdiction over the site of a repository or a monitored retrievable storage facility. This term may, at the discretion of the Secretary of Energy, include units of local government that are contiguous with such unit. For the proposed Yucca Mountain repository, the affected units of local government are Nye County, which has jurisdiction over the repository site and counties contiguous to Nye County (that is, Clark, Lincoln, White Pine, Eureka, Lander, Churchill, Mineral, and Esmeralda Counties in Nevada and Inyo County in California).

Casual Use—Any short-term noncommercial activity that does not cause appreciable disturbance or damage to the public lands, their resources or improvements, and is not prohibited by closure of the lands to such activities (BLM Manual, 2801.48A2d). Casual use does not include any drilling or ditching operations.

Leasable Minerals—Minerals whose extraction from federal land requires a lease and the payment of royalties. Leasable minerals include coal, oil, gas, oil shale, tar sands, potash, phosphate, sodium, and geothermal steam.

Locatable Minerals—Metallic and certain nonmetallic minerals that occur in such quantity and quality that they can be produced at a profit when mined. Common valuable metallic minerals are gold, silver, copper, lead, zinc, molybdenum, and uranium. Locatable nonmetallic minerals or rocks include quartz, limestone, dolomite, and talc.

Lode Claim—A mining claim located for "veins or lodes of quartz or other rock in place" (30 U.S.C. 23). Lode claims may extend for 1,500 feet along the strike of the vein or lode and to a maximum of 300 feet on either side of the vein or lode.

Mining Claim—A parcel of public land that a miner holds for mining purposes having acquired the right of possession by complying with the Mining Law of 1872, as amended and local laws and rules. There are four categories of mining claims: lode, placer, millsite, and tunnel site.

Mining Claim Location—The staking and recordation of a lode or placer claim, mill sites, or tunnel site on public land. A location is one that is properly located, recorded, and maintained under Section 314 of FLPMA, and the mining laws of the state where the claim or site is located.

Mining District—An area usually designated by name with described or understood boundaries where minerals are found and mined under rules prescribed by the miners, consistent with the General Mining Law of 1872.

Paleozoic Era—A geologic era extending from the end of the Precambrian era to the beginning of the Mesozoic era, dating from about 600 to 230 million years ago.

Patented Claim—One in which the federal government has passed its title to the claimant, making it private land. A patented claim gives the claimant title to the locatable minerals and the title to the surface based upon discovery of a valuable mineral deposit.

Placer Claim—All forms of deposits except veins of quartz or other rock in place, typically found in stream or river gravel deposits.

Unclassifiable Area— Designated by the U.S. EPA, any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for that pollutant. Unclassifiable areas are treated as attainment areas under the Clean Air Act.

Unpatented Claim—A parcel of federal land that, pursuant to the General Mining Law of 1872 and applicable regulations, has been identified by a member of the public as potentially containing a valuable mineral deposit. The staking of an unpatented mining claim provides the claimant with the right to occupy the land within the boundaries of the claim while searching for valuable minerals.

Surface Entry—Surface entry means appropriation of any non-federal interest or claim (other than mining claims), land sales, BLM land exchanges, state selections, Desert Land Entries, Indian Allotments, Carey Act selections or any other like public land disposal action. These actions, generated by BLM, may lead to title of the land leaving the United States. Surface entry does not include ROWs, granted pursuant to Title V of FLPMA, and other easements, leases, licenses, and/or use permits.

APPENDIX B

PUBLIC COMMENT AND RESPONSE DOCUMENT

PUBLIC COMMENT AND RESPONSE DOCUMENT

Addressing the Environmental Assessment for the Proposed Land Withdrawal Within and Surrounding the Caliente Rail Corridor, Nevada

DECEMBER 2005

*U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Las Vegas, Nevada*

*U.S. Department of the Interior
Bureau of Land Management
Ely, Nevada*

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ACRONYMS AND ABBREVIATIONS

AIWS	American Indian Writers Subgroup
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CME	Certified Mineral Examiners
DLEs	Desert Land Entries
DOE	Department of Energy
DOI	Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
FONSI	Finding of No Significant Impact
FR	Federal Register
GWD	Groundwater Development Project (Southern Nevada Water Authority)
LCCRDA	Lincoln County Conservation, Recreation, and Development Act
NEPA	National Environmental Policy Act
NWPA	Nuclear Waste Policy Act
PLO	Public Land Order
RMP	Resource Management Plan
ROW	Right-of-Way
SME	Subject Matter Expert
U.S.C.	United States Code

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INTRODUCTION

The Department of Energy (DOE) has applied to the Bureau of Land Management (BLM) requesting that the Secretary of the Interior withdraw public lands from surface entry and the location of new mining claims. DOE prepared a Draft Environmental Assessment (EA) to support its application that was subject to public review and comment. This document includes comments received from the public on the Draft EA and DOE's responses. This document will be part of a case file that will be submitted to the Secretary of the Interior for the consideration of issuance of a Public Land Order (PLO) to withdraw public lands pursuant to 43 CFR Part 2300.

1.0 Public Comment Period and Public Hearings

The public comment period and public meetings for the Draft EA were announced in the *Federal Register* (FR) on August 29, 2005 (70 FR 51029). The comment period was from August 29, 2005, through September 28, 2005. As part of the public comment period, DOE held three public meetings on September 12, 13, and 15 in Amargosa Valley, Goldfield, and Caliente, Nevada, respectively. On September 14, 2005 in Las Vegas, Nevada, DOE met with tribal representatives from 17 regional Native American organizations, through the Yucca Mountain Native American Interaction Program, on the Draft EA. DOE mailed 3,200 postcards to interested parties identified on DOE and BLM mailing lists; posted flyers announcing the public meetings in the communities and towns of Pahrump, Amargosa Valley, Lathrop Wells, Beatty, Tonopah, Rachel, Hiko, Pioche, Panaca, Caliente, Ash Spring, and Alamo; distributed flyers to 73 property owners located near the withdrawal area; and published notices in local newspapers. Comments were welcomed by mail, e-mail, fax, telephone, and at the public meetings.

The meetings were open to the public, and attendees were given informational materials including copies of the Draft EA. DOE displayed posters describing the proposed action, BLM's role in the proposed action, and the relation of the EA to the Rail Alignment Environmental Impact Statement (EIS) process. Subject matter experts (SME) were assigned to each poster, and attendees could informally discuss issues and have questions answered by DOE staff. At the public meetings, attendees were encouraged to express their comments to the court reporter or to fill out a comment sheet for comments to be provided as part of the official record.

1.1 Draft EA Comments and Responses

DOE received a total of 441 comments from a variety of commentators, including the State of Nevada; Lincoln, Nye, and Esmeralda Counties; tribal representatives; mining and grazing associations; community members; and other interested parties. Some comments led to EA improvements and modifications; others resulted in responses to explain DOE policy or provide clarification. As applicable, the responses identify changes that DOE made to the document as a result of the comments.

This document presents all comments received during the comment period and DOE's responses. DOE received many comments that were not directly related to the scope of

the EA but were related to the development of a railroad to a proposed geologic repository at Yucca Mountain. Comments related to rail alignments, construction, operation, and maintenance will be considered during the preparation of the Rail Alignment EIS.

1.2 Comment Review and Response Methodology

This section describes the process used to review, categorize, and evaluate the comments received during the public comment period for the Draft EA. The purpose of this comment response document is to capture, consolidate, and provide a method for evaluating issues raised by the public.

Public comment documents were received in the form of oral comments made at the public meetings (court reporter transcripts), letters, comment forms, e-mails, faxes, and telephone conversations. Upon receipt, each comment document was date stamped, assigned a document identifier number (document ID), and entered into the project database along with relevant commentor information.

Comment documents were reviewed to identify types of issues so as to develop an issue category list. Twenty-one issue categories were identified and used to categorize the comments.

The following describes the comment identification and evaluation process in greater detail:

1. Comments were identified using brackets within each document, assigned a comment identification number (comment ID), and assigned to an issue category. To ensure consistency, a single reviewer performed this step.
2. After being identified, comments were entered into a database. The database enables each comment to be linked with an issue category and its document ID.
3. All comments were entered into the database and sorted by issue category, then given to the SME for response development.

1.3 Organization of Comments and Responses

The following list of the issue categories was developed to categorize comments and the number of comments received in each category:

- | | |
|-------------------------------|--|
| 1. Air Quality–7 | 9. Impacts (Cumulative)–5 |
| 2. Alternatives–21 | 10. Land Use and Ownership–35 |
| 3. Biological Resources–6 | 11. Mineral and Energy Resources–44 |
| 4. Cultural Resources–20 | 12. Native American Tribal Concerns–10 |
| 5. Editorial–7 | 13. NEPA Process–49 |
| 6. Floodplains and Wetlands–4 | 14. Proposed Action–37 |
| 7. Grazing–5 | 15. Recreation–3 |
| 8. Impacts (General)–6 | |

- | | |
|---|--------------------------------------|
| 16. Socioeconomic/Environmental
Justice–47 | 19. Wilderness Areas–3 |
| 17. Support for the Proposed Action–12 | 20. Related to Rail Alignment EIS–80 |
| 18. Water Resources–12 | 21. Out of Scope–28 |

1.4 Using the Comment-Response Document

Table 1 provides an alphabetical guide to the location of comments by a commentor's name. To find a comment and the DOE response, locate the commentor's name in the table and find the comment "addresses." The first number in the address indicates in which section of the comment response portion of this document the comment can be found (e.g., 10 = Land Use and Ownership). The comment identification number follows in parentheses. Each comment-response pair is separated by a comma.

As an example, Mr. Albright submitted a letter that contained one identified comment. To read DOE's response to Mr. Albright's comment, the first step is to find his name in Table 1. The columns to the right of his name indicates the Person ID and Document ID, which were assigned when the comment was received. The last column contains the location of the respons(es) to Mr. Albright's comments (e.g., refer to Section 10, Comment ID 360).

Table 1. Commentor Index

Commentor	Organization/Affiliation	Title	Person ID	Document ID	Location of Comments/Responses [Category (Comment ID)]
Albright, Kenneth	Southern Nevada Water Association	Director	1	EA0065	10(360)
Anonymous, Anonymous			2	EA0036	21(159)
Arnold, Arwelda			3	EA0041	20(198), 20(199)
Arnold, Richard	Consolidated Group of Tribes and Organizations		4	EA0049	4(364), 4(374), 4(375), 4(376), 4(377), 4(381), 5(379), 8(366), 10(365), 10(367), 10(378), 11(368), 12(369), 12(373), 13(370), 14(371), 16(372), 16(380), 16(382)
Baldrice, Alice	State of Nevada Department of Cultural Affairs, Nevada State Historic Preservation Office	Deputy SHPO	5	EA0061	4(285)
Barnes, Kathryn			6	EA0083	21(442)
Barnhill, Rob			7	EA0038	17(178)
Baron, Judith			8	EA0008, EA0009	20(25), 20(26), 20(27)
Bauer, Melven			9	EA0030	14(98), 20(158)
Benezet, Louis			10	EA0022, EA0054	2(407), 10(52), 13(53), 13(54), 13(408), 13(409)
Benezet, Jeremy			11	EA0034	13(120)
Bertolone, Heidi			12	EA0021	14(50), 14(51)
Boland, Nancy; Gillum, RJ; and Kirby, William	Esmeralda County, Nevada	Board of Commissioners	13	EA0064	11(346), 11(352), 11(353), 11(357), 15(348), 16(349), 16(354), 16(355), 16(356), 16(358), 16(359), 20(347), 20(350), 20(351)
Cunningham, Laura			14	EA0058	3(271), 13(272), 14(273), 15(274)
Cutshaw, Dennis			15	EA0003	21(8)
Damele, Ronald	Eureka County Public Works	Public Works Director	16	EA0078	2(435), 14(436)
Davis, George			17	EA0042	21(200)
Dent, Joseph			18	EA0073	21(416)
Devenys, Edward	Metallic Ventures Gold, Inc.	VP Corporate Development	19	EA0045	3(216), 3(238), 4(217), 4(239), 5(218), 5(220), 6(219), 9(245), 10(232), 10(243), 10(244), 11(221), 11(229), 11(230), 11(231), 11(233), 11(234), 11(235), 11(236), 13(222),

Table 1. Commentor Index

Commentor	Organization/Affiliation	Title	Person ID	Document ID	Location of Comments/Responses [Category (Comment ID)]
					13(226), 13(227), 13(228), 13(246), 13(247), 13(248), 13(249), 13(250), 13(251), 14(223), 16(224), 16(240), 16(241), 16(242), 18(225), 18(237)
Dilger, Fred	State of Nevada, Agency for Nuclear Projects		20	EA0044, EA0051	1(202), 1(387), 2(203), 2(388), 4(204), 4(389), 7(205), 7(390), 8(215), 8(392), 9(206), 9(391), 11(207), 11(393), 13(208), 13(394), 13(399), 14(210), 14(212), 14(396), 14(398), 16(211), 16(213), 16(214), 16(397), 16(400), 16(401), 18(209), 18(395)
Distel, Bill			21	EA0001	10(1), 20(2), 20(3)
Durham, Barbara	Timbisha Shoshone Tribe	Tribal Historic Preservation Officer	22	EA0019, EA0048	4(257), 4(262), 10(48), 12(44), 12(258), 12(261), 14(45), 14(47), 16(46), 16(260), 20(259)
Eastley, Joni	Nye County, Nevada	Commissioner	23	EA0046	10(252)
Emmerich, Kevin			24	EA0037	1(160), 2(161), 3(162), 4(163), 6(173), 8(164), 8(175), 11(165), 13(166), 13(170), 14(168), 14(171), 15(177), 16(169), 16(174), 18(172), 19(167), 20(176),
Esteves, Pauline	Timbisha Shoshone Tribe		25	EA0015	21(38)
Fallini, Jr., Joe	Twin Springs Ranch		26	EA0085	13(423), 20(424)
Fite, Katie	Western Watersheds Project	Biodiversity Director	27	EA0040	10(181), 10(191), 10(195), 11(182), 11(193), 13(183), 14(186), 14(192), 14(194), 18(190), 20(185), 20(188), 20(196), 21(184), 21(187), 21(189)
Flake, Merlin	N-4 State Grazing Board		28	EA0027, EA0028	10(63), 18(82), 18(83), 20(64), 20(65), 20(66), 20(67), 20(68), 20(69), 20(70), 20(71), 20(72), 20(73), 20(74), 20(75), 20(76), 20(77), 20(78), 20(79), 20(80), 20(81), 20(84), 20(85), 20(86), 20(87), 20(88), 20(89), 20(90), 20(91), 20(92), 20(93)
Goitein, Ernest	State of Nevada, Agency for Nuclear Projects		29	EA0057	14(267), 14(268), 21(264), 21(265), 21(266), 21(269), 21(270)
Goud, Gregg			30	EA0016	20(39)
Govan, Michael and Heizer, Michael	DIA Art Foundation and Triple Aught Foundation		31	EA0084	10(443), 13(444), 20(445), 20(446)
Green, June			32	EA0023	10(57), 11(55), 20(56)
Guymon, Brad			33	EA0066	20(361)

Table 1. Commentor Index

Commentor	Organization/Affiliation	Title	Person ID	Document ID	Location of Comments/Responses [Category (Comment ID)]
Halsted, Bob			34	EA0047	4(253), 7(254), 13(256), 14(255)
Hardison-Dayton, Cheryll	Clark Atlanta University, Southern Center for Studies in Public Policy	Research Associate	35	EA0059	14(275)
Higbee, Vaughn			36	EA0020, EA0053	2(49), 2(404), 10(405), 17(406),
Hougard, Kristin			37	EA0024	20(58), 20(59), 20(60)
Huff, Marilyn			38	EA0005	13(11), 20(12), 20(13), 20(14), 21(15), 21(16), 21(17)
Izey, Brenda			39	EA0070	21(413)
James, Brian			40	EA0067	13(362), 20(363)
Kaplan, Edward			41	EA0072	20(415)
Kemp, Terry	Cedar Strat Corporation	General Counsel	42	EA0060	9(276), 11(277), 11(281), 11(282), 13(278), 14(279), 14(283), 16(280), 16(284)
Kennedy, Joe			43	EA0032	4(105), 7(106), 12(107), 12(111), 13(112), 14(109), 16(110), 16(113), 20(108), 20(114)
Kirby, William			44	EA0031	2(99), 10(100), 11(101), 11(104), 14(103), 20(102)
Koppendrayner, LeRoy	Nuclear Waste Strategy Coalition	Chairman	45	EA0081	13(438), 17(440), 20(439)
Kraft, Steven	Nuclear Energy Institute		46	EA0076	13(425), 17(428), 20(427), 21(426)
Kuhlmann, Kay	City of Red Wing	Council Administrator	47	EA0080	17(437)
Lee, David			48	EA0012	1(32)
Lindemann, Herman			49	EA0014	11(36), 14(37)
Loux, Robert	State of Nevada Office of the Governor, Agency for Nuclear Projects	Executive Director	50	EA0062	1(324), 2(325), 4(326), 4(343), 7(327), 8(329), 9(328), 11(330), 11(342), 12(331), 13(332), 13(340), 14(334), 14(337), 14(338), 14(339), 16(335), 16(341), 16(344), 16(345), 18(336), 20(333)
Lytle, Larry			51	EA0055	11(410)
McKenzie III, Daniel			52	EA0010	17(29), 20(28)
Merzoyan, Nattalia	Los Californianos & Needed Daughters of the Golden West		53	EA0002	13(4), 21(5), 21(6), 21(7)

Table 1. Commentor Index

Commentor	Organization/Affiliation	Title	Person ID	Document ID	Location of Comments/Responses [Category (Comment ID)]
Mierisch, George			54	EA0011	21(30), 21(31)
Navis, Irene	Clark County Department of Comprehensive Planning	Planning Manager	55	EA0077	2(429), 11(430), 16(432), 18(433), 20(431), 20(434)
Norton, James			56	EA0026	20(62)
O'Connell, Brian	NARUC		57	EA0007	17(23), 20(22), 20(24), 21(21)
Oden, Ronald			58	EA0079	21(422)
Phillips, Kevin	City of Caliente	Major	59	EA0035, EA0050	1(121), 2(122), 2(136), 2(137), 2(383), 3(123), 4(124), 5(125), 5(142), 6(126), 10(127), 10(146), 10(147), 10(148), 10(149), 10(150), 10(156), 11(128), 11(138), 11(139), 11(140), 11(141), 11(151), 11(152), 13(129), 13(134), 13(135), 13(157), 13(384), 13(386), 14(130), 16(131), 16(143), 16(144), 16(145), 16(153), 16(154), 16(155), 18(132), 19(133), 21(385)
Poulsen, Wade	Lincoln County, Nevada Board of County Commissioners	Commissioner	60	EA0052	11(402), 17(403)
Pryor, R			61	EA0071	17(414)
Ray, Dorothy			62	EA0074	20(417)
Rediske, Margaret			63	EA0025	20(61)
Retzke, Roger			64	EA0013	2(33), 2(35), 14(34)
Rowe, George	Lincoln County, Nevada, Board of County Commissioners	Commissioner	65	EA0063	1(287), 2(286), 2(288), 2(302), 2(303), 3(289), 4(290), 5(291), 5(308), 6(292), 10(293), 10(312), 10(313), 10(314), 10(315), 10(316), 10(322), 11(294), 11(304), 11(305), 11(306), 11(307), 11(317), 11(318), 13(295), 13(300), 13(301), 13(323), 14(296), 16(297), 16(309), 16(310), 16(311), 16(319), 16(320), 16(321), 18(298), 19(299)
Savard, Charles			66	EA0056	20(263)
Simkins, Connie			67	EA0033	13(115), 14(117), 20(116), 20(118), 20(119)
Sirnes, Suein			68	EA0043	20(201)
Stone, J	How-D-Grading, Inc.	CEO	69	EA0068	17(411)

Table 1. Commentor Index

Commentor	Organization/Affiliation	Title	Person ID	Document ID	Location of Comments/Responses [Category (Comment ID)]
Tangren, Richard			70	EA0069	20(412)
Watterson, Ken	Timbisha Shoshone Tribe		71	EA0017, EA0018	12(43), 13(40), 14(41), 16(42)
Weaver, Marla			72	EA0039	10(179), 17(180)
Wittke, Dayton			73	EA0006	2(18), 13(19), 17(20)
Yarbro, Mickey	Lander County Board of Commissioners	Chairman	74	EA0075	8(418), 13(419), 20(421), 21(420)
Ylst, Ed	WSN, America		75	EA0082	12(441)
Zupanic, Gary			76	EA0004	14(10), 20(9)

PUBLIC COMMENTS AND AGENCY RESPONSES

1.0 Air Quality

Person ID	Document ID	Comment ID	Comment	Response
48	EA0012	32	<p>On Page 12, Section 3.3 Air Quality, you cite the obsolete regulatory limit of 1--hour average of 0.12 parts per million by volume for ozone. That standard has been replaced nationwide by the 8-hour average of 0.08 parts per million. If you have collected 1-hour air quality data at the four air-monitoring stations at Yucca mountain, you should be able to indicate the highest ozone concentration and to identify the time and the station at which the highest concentration occurred. Such information is pertinent to the Environmental</p> <p>Assessment report because the public has an interest to know how much increment room there is available before reaching the 8-hour standard that would accommodate the projected new tail-pipe emissions from vehicles transporting nuclear waste and related activities.</p>	<p>Section 3.3—Air quality regulations during the monitoring period referenced in the EA required ambient air quality to adhere to a regulatory limit of a 1-hour average of 0.12 part per million (ppm) by volume for ozone. Under the current regulatory limits and analysis required under 40 CFR Part 50, Appendix I, Section 2.2, ambient air quality for ozone is obtained by averaging the annual fourth-highest daily maximum. During the period of analysis (1991 to 1995), ambient air quality data for ozone indicates that the data would meet the EPA's current standard of averaging the annual fourth-highest daily maximum value. Thus, ambient air quality data for ozone adhere to the 8-hour average of 0.08 ppm regulatory limit currently required.</p> <p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, to evaluate the land for a potential rail line. The transport of nuclear waste and related activities, and their potential emissions, will be addressed in the Rail Alignment EIS, which is currently in development. The EA and the Rail Alignment EIS are analyzing different actions and impacts to the environment.</p>
59, 65	EA0035 & EA0063	121, 287	<p>Page 12, Section 3.3 - This section should address the role of fugitive dust and how same can impair air quality, even to the extent of an area being in non-attainment status. The attainment/non-attainment status of all air basins within which withdrawal lands occur should be disclosed.</p>	<p>Section 3.3 has been revised to include particulate matter data. The EA assesses the impacts from the casual use activities, as defined by the BLM, which is required to evaluate the land for the potential development of a branch rail line. These activities could include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping. These DOE activities will produce negligible fugitive dust emissions. The EPA designations for the proposed withdrawal area are provided in Section 3.3 of the EA.</p>

1.0 Air Quality

Person ID	Document ID	Comment ID	Comment	Response
24, 20, 50	EA0037, EA0044, EA0051 & EA0062	160, 202, 387, 324	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.	Section 3.3—The air quality discussion has been expanded to include particulate matter data. DOE believes that the air quality data, as revised in Section 3.3, are sufficient for the purpose of the EA. The data are representative of current air quality in the entire land withdrawal area because no significant emission sources or metropolitan areas exist in the region that could otherwise affect its air quality.

2.0 Alternatives

Person ID	Document ID	Comment ID	Comment	Response
73	EA0006	18	My preference would be Option 1, 20 years. Approval of Yucca Mountain storage has taken a very long time and will probably continue to move very slowly because of opposition by so many organizations.	DOE initially applied to the BLM for a 20-year land withdrawal; however, during the NEPA process, DOE decided to consider alternative withdrawal timeframes, because a 10-year withdrawal is an adequate period for conducting necessary study activities. Consequently, the shorter withdrawal period became DOE's preferred alternative.
64	EA0013	33	I can support option one (10 years) as recommended in the report.	A 10-year withdrawal is DOE's preferred alternative.
64	EA0013	35	However, I am concerned that perhaps option two (20) years is preferable because the additional 10 years (compared to option one) could become valuable in case of unforeseen problems in the schedule. If events occur as planned and 20 years is deemed unnecessary, the land can be returned all 20 years have transpired.	DOE initially applied to the BLM for a 20-year land withdrawal; however, during the NEPA process, DOE decided to consider alternative withdrawal timeframes, because a 10-year withdrawal is an adequate period for conducting necessary study activities.
36	EA0020	49	<p>As a rancher I am opposed to withdrawal more than 5 years at a time without a public review process.</p> <p>DOE initially applied to BLM for a 20-year land withdrawal; however, during the NEPA process, DOE decided to consider alternative withdrawal timeframes, because a 10-year withdrawal is an adequate period for conducting necessary study activities.</p>	As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it <u>could</u> take, under reasonable circumstances, for the DOE to receive a ROW. This was determined to be 10 years given the funding uncertainties and other potential delays that the project could foreseeably encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such shorter timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. The EA has been revised to substantiate the 10-year preferred alternative.

2.0 Alternatives

Person ID	Document ID	Comment ID	Comment	Response
44	EA0031	99	SUGGESTION: Modify alternative two to 10 years or less with criteria to determine that "less" will be when the "study" is concluded.	DOE initially applied to the BLM for a 20-year land withdrawal; however, during the NEPA process, DOE decided to consider alternative withdrawal timeframes, because a 10-year withdrawal is an adequate period for conducting necessary study activities. DOE considered shorter withdrawal periods, but given project funding uncertainties, timeframes less than 10 years were not considered reasonable. Consequently, the 10-year timeframe became DOE's preferred alternative. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW.
59, 65	EA0035 & EA0063	122, 288	Page 5, Section 2.2, Alternative Two - What is the BLM Preferred Alternative?	The BLM is a cooperating agency on this action, and as such has supported the EA development and the alternatives analyzed. The BLM will select an alternative for the proposed withdrawal after DOE finalizes the EA, the land withdrawal case file is submitted to the BLM, and public comments on the withdrawal process are considered.
59, 65	EA0035 & EA0063	136, 302	Page 5, Section 2.2, Alternative Two-- Later in the EA no impacts are found to occur for either Alternative One or Alternative Two. Typically, an alternative is considered under NEPA as a means to mitigate impacts of the Proposed Action. If there are no impacts to the Proposed Action, what is Alternative Two offer? In fact, DOE does believe there must be at least some level of impact associated with a 20 year withdrawal and therefore has proposed a 10 year withdrawal as means to mitigate said impacts. The EA should disclose the impacts associated with a 20 year withdrawal so that the mitigation value of Alternative Two can be considered.	Section 4.0 compares the impacts of Alternative 1, Alternative 2, and No-Action on Mineral Resources, Socioeconomics, and Land Use and Ownership. Impacts from the proposed action and casual use activities required to evaluate the land for the potential development of a branch rail line on all other resources, including biological and cultural, would be negligible.

2.0 Alternatives

Person ID	Document ID	Comment ID	Comment	Response
59, 65	EA0035 & EA0063	137, 303	Page 6, Section 2.4.2 – Does federal law require Congressional approval of any withdrawal over 5,000 acres? If so, the text here should describe said legal framework and requirements.	The Federal Land Policy and Management Act requires that the Secretary of the Interior notify Congress of land withdrawals exceeding 5,000 acres. Land withdrawals aggregating 5,000 acres or more require the Secretary of the Interior to notify both houses of Congress. If Congress disapproves of such a withdrawal within 90 days, it is terminated. The EA has been revised under Section 1.5.
24	EA0037	161	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.	As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it <u>could</u> take, under reasonable circumstances, for the DOE to receive a ROW. This was determined to be 10 years given the funding uncertainties and other potential delays that the project could foreseeably encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such shorter timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. The EA has been revised to substantiate the 10-year preferred alternative.

2.0 Alternatives

Person ID	Document ID	Comment ID	Comment	Response
20	EA0044 & EA0051	203, 388	Insufficient justification for selecting alternative two -- the ten year withdrawal period. Nothing in the EA substantiates ten years being more advantageous, better, or less impact than three years, five years, twenty years, or some other time frame. It may be a time period that was selected in order to facilitate program goals or budgetary expectations than it was an actual need for the withdrawal of public lands.	As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it <u>could</u> take, under reasonable circumstances, for the DOE to receive a ROW. This was determined to be 10 years given the funding uncertainties and other potential delays that the project could foreseeably encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such shorter timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. The EA has been revised to substantiate the 10-year preferred alternative.
59	EA0050	383	We're uncomfortable about having a 20-year or even 10-year set aside. We would prefer a five-year with an option to do another five. We would prefer that there was a deadline pressuring the department to get this work done. It's not so much that we think the ten year withdrawal will be an intrusion. The ranchers that I have spoken with, we had a meeting yesterday with some of them, don't feel like that would particularly impinge upon their ability to use the public lands. It will shut down mining and explorations in that, and there's a reason why, so some can't take advantage by filing new claims and then reap a windfall if the path happens to go through their new claim, that's understandable. But it's the unknown factor that really is problematic with	As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it <u>could</u> take, under reasonable circumstances, for the DOE to receive a ROW. This was determined to be 10 years given the funding uncertainties and other potential delays that the project could foreseeably encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such shorter timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would

2.0 Alternatives

Person ID	Document ID	Comment ID	Comment	Response
			all of our people that are affected by this route.	be removed from lands not part of the ROW. The EA has been revised to substantiate the 10-year preferred alternative.
36	EA0053	404	But I have a problem with the fact that to lock that all up for 20 years arbitrarily is too long. The 20-year period is too long. I can understand why they would want to do that for five-years maybe and then with some way to renew it if the work's not done, but I can't believe that some decisions won't be made within a five-year period. And to lock up a mile on each side, or 2 miles basically, of that rail corridor, to me it's absurd to do that for 20 years. Five years I can understand. So I guess my testimony would be that I could really support five years, but I don't like ten, and I really don't like 20.	As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it <u>could</u> take, under reasonable circumstances, for the DOE to receive a ROW. This was determined to be 10 years given the funding uncertainties and other potential delays that the project could foreseeably encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such shorter timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. The EA has been revised to substantiate the 10-year preferred alternative.
10	EA0054	407	I don't see in anything that I've read here any guarantee that the land will, in fact, revert to full multiple use at the end of any of the proposed withdrawal periods. It seems to me that the land should, in fact, revert to multiple use as soon as a right-of-way is established. So whether that takes two years or five years or whatever, it shouldn't simply be ten years or 20 years or whatever.	<p>In the future, and after appropriate environmental analysis, DOE may apply for a ROW for the construction, operation, and maintenance of a branch rail line. If the BLM grants DOE a ROW for a branch rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. If the ROW is not issued before the expiration of the PLO, the withdrawal restrictions would be lifted on the expiration date.</p> <p>Section 1.1 of the EA has been modified to clarify the land withdrawal and ROW process.</p>

2.0 Alternatives

Person ID	Document ID	Comment ID	Comment	Response
50	EA0062	325	Insufficient justification for selecting Alternative Two (10-year withdrawal) - Nothing in the draft EA substantiates 10 years being more advantageous, better, or less impacting than 3 years, 5 years, 20 years, or some other time frame. The draft EA contains no documentation supporting a 10-year time frame apart from an unreferenced declaration that reducing the duration of the withdrawal to a shorter time period makes any possible impacts under the alternative "of a lesser extent and degree." If the time frame for the withdrawal was, in fact, the principle driver of impacts, it would seem logical for DOE to select the shortest workable time frame for the withdrawal, thereby reducing uncertainties for impacted land users and reducing the amount of time the land would be segregated from other uses. If, as DOE asserts, it does not need to conduct surface disrupting activities and only needs the land withdrawal long enough to narrow its land requirements to those needed for the actual rail alignment, there is no reason for a ten year withdrawal of all 308,600 acres. Certainly, a three-to-five-year time frame is reasonable and sufficient for making the alignment decision.	As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it <u>could</u> take, under reasonable circumstances, for the DOE to receive a ROW. This was determined to be 10 years given the funding uncertainties and other potential delays that the project could foreseeably encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such shorter timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. The EA has been revised to substantiate the 10-year preferred alternative.
65	EA0063	286	Lincoln County requests that DOE analyze and select an alternative in the final EA which involves extension of the current land withdrawal for no more than 5 years. Lincoln County believes DOE's proposal to extend the subject withdrawal by 10-20 years to be unwarranted and will result in extended conditions of uncertainty for potentially impacted public land users.	As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it <u>could</u> take, under reasonable circumstances, for the DOE to receive a ROW. This was determined to be 10 years given the funding uncertainties and other potential delays that the project could foreseeably encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW

2.0 Alternatives

Person ID	Document ID	Comment ID	Comment	Response
				in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such shorter timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. The EA has been revised to substantiate the 10-year preferred alternative.
55	EA0077	429	The justification for the 10-year withdrawal in the EA is that it "reduces the duration of the withdrawal to a shorter time period, making any possible impacts under this alternative of a lesser extent and degree" and that this is "enough time to conduct all necessary activities". There is no substantial information as to why this would be any better or worse than any other timeframe.	As part of the NEPA process, DOE considered alternative timeframes that would protect the corridor for study activities until a ROW is obtained. DOE concluded that the reasonableness of the alternative timeframes depended on the projected time it <u>could</u> take, under reasonable circumstances, for the DOE to receive a ROW. This was determined to be 10 years given the funding uncertainties and other potential delays that the project could foreseeably encounter in the future. Although there are scenarios where it would be possible for DOE to obtain a ROW in 5 years, or even 3 years, it was determined that it was not reasonable to base the withdrawal on such shorter timeframes. DOE plans to obtain a ROW prior to the expiration of the PLO. If DOE is granted a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. The EA has been revised to substantiate the 10-year preferred alternative.
16	EA0078	435	The preferred alternative of 10 years should be better justified, or a shorter period should be considered as the preferred alternative. Our concern is that a 10 year land withdrawal that bars mining exploration, sets a bad precedent. Mining is a key industry in Nevada, and mineral potential changes depending on the economy. Ten years is an unnecessarily long	DOE initially applied to the BLM for a 20-year land withdrawal; however, during the NEPA process, DOE decided to consider alternative withdrawal timeframes, because a 10-year withdrawal is an adequate period for conducting necessary study activities. Consequently, the shorter withdrawal period became DOE's preferred alternative. DOE considered shorter withdrawal periods, but

2.0 Alternatives

Person ID	Document ID	Comment ID	Comment	Response
			time to prohibit mining exploration on public land.	given project funding uncertainties, timeframes less than 10 years were not considered reasonable.

3.0 Biological Resources

Person ID	Document ID	Comment ID	Comment	Response
59, 65	EA0035 & EA0063	123, 289	Page 13, Sections 3.4.2 and 3.4.4 – The text should also include a listing of sensitive species of flora and fauna identified for special management and/or protection by the State of Nevada.	The EA has been revised to address state-protected species.
24	EA0037	162	The EA states that desert tortoise (<i>Gopherus agassizii</i>) have only been identified from 'Yucca Mountain to Beatty Wash. This is false. We have found desert tortoise in areas as far as 30 miles north of Beatty wash along the proposed rail corridor. You have obviously not surveyed the entire area.	The proposed action will have no affect on biological resources. DOE believes the biological resources section is sufficient for the purpose of the EA. Land withdrawals issued by the BLM are subject to stipulations, including mitigative measures associated with threatened and endangered species. Therefore, any desert tortoises observed within the area, despite results of previous surveys indicating their absence, would be protected in accordance with the BLM's stipulations.
19	EA0045	216	EA page 21 S. 4.3.2 Biological Resources Preferred Alternative: This discussion describes additional protection against "new mining" but ignores the law which grants the owners of existing claims the rights to explore and mine.	The proposed action seeks to preclude only surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction.
19	EA0045	238	EA page 27, S. 4.3.3 Biological Resources No Action Alternative: Once again this discussion describes the negative impact of mining but ignores the law which grants the owners of existing claims the rights to explore and mine.	The proposed action seeks only to preclude surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction.
14	EA0058	271	Many things were not addressed in as much detail as I would have liked to have seen: you need to show a map of all Federally and any State Threatened and Endangered plants, all BLM special management species along the railroad corridor. I have seen Desert tortoise as far north as 10 miles south of Scotty's Junction, so more detailed surveys of this species need to be carried out.	The proposed action will have no affect on biological resources. DOE believes that the biological resources section is sufficient for the purpose of the EA. Land withdrawals issued by the BLM are subject to stipulations, including mitigative measures associated with threatened and endangered species. Therefore, any desert tortoises observed within the area, despite the results of previous surveys indicating their absence, would be protected in accordance with the BLM's stipulations.

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
43	EA0032	105	<p>The Tribe is particularly concerned about potential impacts to cultural resources, and believes that BLM should consult with the Tribe prior to issuing the Final EA. The Draft EA states that Native American cultural resources are located within the proposed Withdrawal of Public Lands area. The Draft EA states that because the proposed action is to withdraw public land from use and that DOE will only be conducting "casual uses" for purposes of evaluating the area, no adverse impacts to resources will result. The Draft EA describes these "casual uses" as: "collecting images horn key observation points; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping" at page 1. There is no mention of consultation with the Tribe, even though the EA clearly acknowledges that Native American resources are located within the proposed land withdrawal area. Since these resources are eligible for the National Registrar the BLM should consult with the Tribe prior to issuance of the Final EA or making any final determinations. Depending on the resources, location, and specific means of evaluation that DOE utilizes, the Tribe may disagree as to the definition of "casual use" as determined by the BLM. BLM states in the Draft EA that "casual use" activities would not "significantly disturb the surface or require extensive removal of vegetation that would result in impacts" to water, air, cultural, biological, or wilderness resources. This gallant description of "casual uses" is vague at best. The Tribe is concerned that these "casual uses" would in fact have a potential to cause significant impacts to Native American resources within the proposed area of</p>	<p>On September 14, 2005 in Las Vegas, Nevada, DOE met with tribal representatives from 17 Native American organizations through the Yucca Mountain Native American Interaction Program on the Draft EA.</p> <p>The EA assesses the impacts of casual use activities, as defined by the BLM, which are required to evaluate the land for the potential development of a branch rail line. These activities could include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping. The activities would not cause appreciable disturbance or damage to the public lands, their resources, or improvements.</p> <p>DOE cultural resource activities related to the rail line, including consultation, would be conducted in accordance with the Programmatic Agreement currently being developed between the BLM, the DOE, and the State Historic Preservation Office. Interested Native American tribes have been invited to become concurring parties to this agreement.</p>

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
			land withdrawal. In order to ensure that these resources are protected the BLM must consult with the Tribe and ensure that culturally accepted practices are utilized in performing the evaluations described in the EA.	
59, 65	EA0035 & EA0063	124, 290	Page 15, Section 3.6 - The EA should utilize the more recent cultural resources data which is now available as a result of cultural resource surveys (15 percent of corridor surveyed) completed for the Caliente Rail Corridor EIS. NEPA requires that the best available data be utilized for EAs and EISs.	<p>Commentor is correct that DOE is collecting data for the Rail Alignment EIS. DOE is continuing to review the new data and based on reviews to date, the use of this new data would not alter the earlier findings. In any case, analysis shows that the proposed action would not impact cultural resources. DOE believes that the cultural resources data provided by the repository EIS, and incorporated by reference in the EA, are consistent with NEPA requirements. The level of information and analyses represents reasonably foreseeable impacts.</p> <p>The work developed from the American Indian Writers Subgroup (AIWS) is currently being used to help prepare the Draft Rail Alignment EIS, which is scheduled to be published in 2006.</p>
24, 20, 50	EA0037, EA0044, EA0051, & EA0062	163, 204, 326, 389	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.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights for a period of 10 or 20 years. DOE believes that the EA is consistent with NEPA requirements and that the level of information and analyses represents any reasonably foreseeable impacts.</p> <p>Although the Heizer sculpture project is located within the geographic area, it is not located inside the boundaries of the proposed land withdrawal and would not be affected by the proposed action to prohibit surface entry and the location of new mining claims. DOE does not have jurisdiction to determine if the Heizer sculpture is a cultural resource as that is</p>

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
				<p>determined by the State Historic Preservation Office.</p> <p>The impacts from the rail line would be evaluated in the Rail Alignment EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
19	EA0045	217	EA page 28, S. 4.5.2 Cultural Resources Preferred Alternative: Once again this discussion describes additional protection against "new mining" but ignores the law which grants the owners of existing claims the rights to explore and mine.	The proposed action seeks to preclude only surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction.
19	EA0045	239	EA page 28, S. 4.5.3 Cultural Resources No Action Alternative: Once again this discussion describes potential impact associated with mining activities but ignores the law which grants the owners of existing claims the rights to explore and mine.	The proposed action seeks to preclude only surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction.
34	EA0047	253	<p>There is a specific concern that we have about the way in which the EA treats the known conflict with a major cultural resource, which is located along the corridor on page 22. The EA refers to this cultural resource conflict as a land use conflict. Specifically, the EA says, quote, "Additionally, the proposed land withdrawal area includes a small in-holding of private land where a local artist has developed a massive modern art sculpture entitled 'City,'" as the official name of the project.</p> <p>First, this conflict should have been identified as a major cultural resource conflict. Secondly, the description of the artist, Michael Heizer, as a local artist is accurate in the sense that he has lived in this locale for about three decades and is otherwise inactive. Michael Heizer is a world-renowned land sculptor. He is particularly well</p>	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights for a period of 10 or 20 years. DOE believes that the EA is consistent with NEPA requirements and that the level of information and analyses conservatively represents reasonably foreseeable impacts.</p> <p>Although the Heizer sculpture project is located within the geographic area, it is not located inside the boundaries of the proposed land withdrawal area, and would not be affected by the proposed action to prohibit surface entry and the location of new mining claims for the purpose of evaluating the land for a potential rail line. DOE does not have jurisdiction to determine if the Heizer sculpture is a cultural resource as that is determined by the State Historic Preservation Office.</p>

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
			<p>known in Europe. There is an extensive critical literature regarding his work that has been published in French and German.</p> <p>And in this case referring to him as a local artist, while it is technically correct because he lives in this locality, is incorrect in terms of identifying the larger cultural significance. We are here talking about a world-renowned artist whose work has been followed for decades by a worldwide audience.</p> <p>Secondly, the scale of this particular work of art is not adequately conveyed in this discussion in the Environmental Assessment. The finished sculpture will be somewhere in the neighborhood of a-mile-and-a-quarter-by-a-mile-square in terms of the area that it occupies. It has currently been under construction for the better part of 30 years. It may be under construction for another 20 or 30 years.</p> <p>Currently, somewhere between \$20 and \$25 million have already been invested in this installation. It is likely that the final cost of the installation will exceed \$30 and possibly \$40 million. This particular installation was designed to be seen as part of the larger aesthetic environment of the Valley in which it is located.</p> <p>And in addition to the private ownership of the land on which the installation is installed, the artist and his supporters, including the Dia Art Foundation from New York City, have purchased private land holdings along the rim of the Valley to secure the viewing points from which the finished sculpture in the future could be evaluated from different points of view at different times of year under different sun</p>	<p>The impacts from the rail line will be evaluated in the Rail Alignment EIS, currently under preparation. This EA and the Rail Alignment EIS, although related, analyze different actions and impacts to the environment.</p>

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
			<p>angles and different moon angles.</p> <p>This is an important cultural resource in and of itself, but it also has the potential to be a major tourist attraction. While the artist has for most of the past 30 years shunned publicity because he did not want the intrusion of large crowds while he was completing this installation, he clearly, based on his past records when his work is finished, will be seen as a major international cultural resource.</p> <p>None of these issues have been addressed previously by the Department of Energy in its Final Environmental Impact Statement for Yucca Mountain. None of these issues were identified in the proposal -- in the record of decision which selected the Caliente Route as the preferred corridor. And these issues have not been adequately addressed in the Environmental Assessment.</p> <p>It certainly can be argued that they will have to be dealt with in great detail in the draft Environmental Impact Statement for the Caliente Corridor, but for purposes of the Environmental Assessment, it is important to note that the corridor that DOE has requested for withdrawal in the area between Water Gap and a point of the Worthington Mountains, which is a section of the preferred corridor and then an alternative corridor on the north, that the DOE corridor actually completely surrounds a private land holding that is owned by Michael Heizer and is being developed by Heizer with assistance from the Dia Foundation.</p> <p>The EA should include a close-up insert map that shows this peculiar configuration in which a</p>	

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
			private land holding would be completely surrounded by the public lands corridor that the Department of Energy is seeking to withdraw.	
22	EA0048	257	Another point, the tribe needs more specific information as to what casual use means, particularly in regards to Native American resources and archeological surveys.	<p>The BLM term “casual use” means any short-term, noncommercial activity that does not cause appreciable disturbance or damage to the public lands, their resources, or improvements, and that is not prohibited by closure of the lands to such activities. Examples of casual use can include recreation activities such as use of roads for hunting and sightseeing; domestic uses or activities associated with managing ranches, farms, and rural residences; and ingress and egress on existing roads and trails.</p> <p>DOE cultural resource activities related to the rail line, including consultation, would be conducted in accordance with the Programmatic Agreement currently being developed between the BLM, the DOE, and the State Historic Preservation Office. Interested Native American tribes have been invited to become concurring parties to this agreement. In addition, on September 14, 2005 in Las Vegas, Nevada, DOE met with tribal representatives from 17 Native American organizations through the Yucca Mountain Native American Interaction Program on the Draft EA.</p>
22	EA0048	262	Also, will DOE consult with tribes to ensure that culturally appropriate meanings are used to conduct evaluations so that Native American resources and sites will not be disturbed?	<p>The EA assesses the impacts from the casual use activities, as defined by the BLM, which are required to evaluate the land for the potential development of a branch rail line. These activities could include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping. The activities would not cause appreciable disturbance or damage to the public lands, their resources, or improvements.</p> <p>DOE cultural resource activities related to the rail line, including consultation, would be conducted in</p>

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
				accordance with the Programmatic Agreement currently being developed between the BLM, the DOE, and the State Historic Preservation Office. Interested Native American tribes have been invited to become concurring parties to this agreement. In addition, on September 14, 2005 in Las Vegas, Nevada, DOE met with tribal representatives from 17 Native American organizations through the Yucca Mountain Native American Interaction Program on the Draft EA.
4	EA0049	364	There was a question about who were the preparers of the Environmental Assessment, and more specifically the authors of the cultural resource section. The document does not indicate this information and should specify that information.	The EA was prepared by the DOE, which used consultants with expertise in the NEPA, land use policy, and the Yucca Mountain Project. An archeologist from the Desert Research Institute (DRI) prepared the cultural resources information. Section 5.3 of the EA has been modified to include the DRI consultation.
4	EA0049	374	The American Indian Writers Subgroup was placed under a stringent deadline to complete a reference document for inclusion into the rail EIS. Where is this information that was developed by the AIWS, the American Indian Writers Subgroup, in reference thereto? It's not indicated in the EIS at all. Where is the information relative to the contractor that prepared the document from the American Indian Writers Subgroup AGEISS? It's absent from the EA.	<p>DOE recognizes that more recent cultural resources data is available that has been developed to support the preparation of the Rail Alignment EIS. DOE has reviewed this data. However, the incorporation of this data would not alter the environmental analysis presented in the EA because the proposed action would not impact cultural resources.</p> <p>DOE believes that the cultural resources data provided by the repository EIS, and incorporated by reference in the EA, are consistent with NEPA requirements. The level of information and analyses represents reasonably foreseeable impacts.</p> <p>The work developed from the AIWS is currently being used to help prepare the Draft Rail Alignment EIS, which is scheduled to be published in 2006. This EA and the Rail Alignment EIS, although related, analyze different actions and impacts to the environment.</p>

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
4	EA0049	375	Page 15 implies the difference between prehistoric versus Native American, in quotes, sites. Next paragraph combines prehistoric sites occupied by Native Americans for the last 12 to 13,000 years I believe. It's inconsistent.	DOE has corrected the error and has updated the EA to provide consistent information.
4	EA0049	376	Page 15 later misleads readers to believe that of these sites and artifacts, 21 were considered eligible for the National Register, 150 were determined not to be eligible, and 57 were unevaluated. Artifacts cannot be listed or determined eligible for listing in the National Register of historic places. That needs to be changed.	The National Historic Preservation Act does state that objects can be listed in the National Register of Historic Places. The State of Nevada Historic Preservation Office routinely treats isolated artifacts as ineligible for inclusion, unless there is a compelling reason for those artifacts to be treated otherwise.
4	EA0049	377	This information is inconsistent with the results and information developed by the archeologists who contracted with the American Indian Writer Subgroup specific to the rail corridor.	<p>Commentor is correct that DOE is collecting data for the Rail Alignment EIS. DOE is continuing to review the new data and based on reviews to date, the use of this new data would not alter the earlier findings. In any case, analysis shows that the proposed action would not impact cultural resources. DOE believes that the cultural resources data provided by the repository EIS, and incorporated by reference in the EA, are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts.</p> <p>The work developed from the AIWS is currently being used to help prepare the Draft Rail Alignment EIS, which is scheduled to be published in 2006.</p>

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
4	EA0049	381	Page 28, cultural resources. Alternatives one and two indicate that there will be no adverse impacts to cultural resources. This may not be completely accurate if the assessment and evaluation studies at the corridor cause disturbance to culturally sensitive ceremonial religious areas that have been identified and not included in the EA.	<p>The EA assesses the impacts from the casual use activities, as defined by the BLM, which are required to evaluate the land for the potential development of a branch rail line. These activities could include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping. The activities would not cause appreciable disturbance or damage to the public lands, their resources, or improvements.</p> <p>DOE cultural resource activities related to the rail line, including consultation, would be conducted in accordance with the Programmatic Agreement currently being developed between the BLM, the DOE, and the State Historic Preservation Office. Interested Native American tribes have been invited to become concurring parties to this agreement. In addition, on September 14, 2005 in Las Vegas, Nevada, DOE met with tribal representatives from 17 Native American organizations through the Yucca Mountain Native American Interaction Program on the Draft EA.</p>
5	EA0061	285	Under the provisions of the National Historic Preservation Act of 1966, the Department of Energy must consider the effects of the undertaking -- the land withdrawal, the construction and maintenance of the rail line to transport nuclear waste to Yucca Mountain - on properties listed on or determined eligible for inclusion in the National Register of Historic Places. Given the size of the project, it is likely that historic properties occur within the rail corridor and it is likely that effects to resources will occur.	<p>The proposed action would not impact cultural resources. The EA identifies and considers the impacts of the proposed action on cultural resources in Sections 3.6 and 4.5 of the EA.</p> <p>DOE cultural resource activities related to the rail line, including consultation, would be conducted in accordance with the Programmatic Agreement currently being developed between the BLM, the DOE, and the State Historic Preservation Office.</p>
50	EA0062	343	Cultural Resources Impacts: The draft EA fails to assess impacts to a unique, irreplaceable and major cultural resource, namely the Heizer	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid

4.0 Cultural Resources

Person ID	Document ID	Comment ID	Comment	Response
			"City" sculpture project that is located between two alternative corridor alignments proposed for withdrawal (see comment above). Withdrawal of land in close proximity to the project for a nuclear waste rail corridor - or even to study the land for such a use - could have devastating impacts, with the entire character of the area (so critical and foundational to the sculpture) changing dramatically. The potential exists for the perception of the project to be unalterably changed from pristine art to damaged goods. It would be akin to withdrawing land next to Mt. Rushmore to study as a site for a nuclear power plant. Yet the draft EA completely ignores any impacts to the Heizer sculpture project.	<p>existing rights, for a period of 10 or 20 years.</p> <p>Although the Heizer sculpture project is located within the geographic area, it is not located inside the boundaries of the proposed land withdrawal area, and would not be affected by the proposed action to prohibit surface entry and the location of new mining claims for the purpose of evaluating the land for a potential rail line.</p>

5.0 Editorial

Person ID	Document ID	Comment ID	Comment	Response
59, 65	EA0035 & EA0063	125, 291	Page 12, Section 3.4.1 (and elsewhere) - The reference to NatureServe should be expanded to include source document and date.	DOE has revised the NatureServe citation.
59, 65	EA0035 & EA0063	142, 308	Page 13, Section 3.4.3 – The discussion regarding wild horses and burros should be moved to Section 3.9, Land Use and Ownership.	DOE believes that the discussion of wild horses and burros is appropriately placed in the discussion of wildlife. Section 3.9, Land Use and Ownership, discusses wild horse and burro herd management areas and the number of areas along the proposed land withdrawal area.
19	EA0045	218	EA page 1, S.1 Introduction: "If issued, the only effect of the Public Land Order would be to preclude surface entry and new mining claim locations for the period of time specified in the Order." This is a misleading and untrue statement. If an owner of existing claims were to read this statement and rely on it as written, there would be no incentive to review the remainder of the EA and realize the misstatement, discrepancies and inadequacies in the remainder of the document.	DOE has revised the EA introduction and the other language of the EA to make the document consistent with the BLM Notice of Segregation. The proposed action seeks only to preclude surface entry and the location of new mining claims and does not affect existing mining claims. References throughout the EA have been revised to clarify this distinction.
19	EA0045	220	EA page 4: FLPMA description fails to state it is "subject to existing rights".	DOE has revised the Federal Land Policy and Management Act definition to include the statement "subject to valid existing rights."
4	EA0049	379	Page 11 uses the term "only" in trying to persuade the readers that only minimum mining plans and notices were filed. This term is not necessary unless the author has chose to use the term "as many as" for these larger numbers. The term "only" should be removed from that sentence. The EA should provide accurate and unbiased information.	The DOE has corrected the sentence and removed the word "only."

6.0 Floodplains and Wetlands

Person ID	Document ID	Comment ID	Comment	Response
59, 65	EA0035 & EA0063	126, 292	Page 15, Section 3.7 - This section should indicate whether any waters of the U.S. or wetlands exist in the study area for which Corps of Engineers 404 permitting might be required.	No permitting would be required for the proposed action under Section 404 of the Clean Water Act.
24	EA0037	173	Flood plains and Wetlands. The EA should identify the Amargosa River as a potential flood area. In the four years that we have lived on the Amargosa it has flooded over 10 times-some of the floods serious. This should not be underplayed. Please rewrite.	The proposed action will not have physical impacts on floodplain areas.
19	EA0045	219	EA page 29. S. 4.6.3 Floodplains and Wetlands No Action Alternative: Once again this discussion describes potential impact associated with mining activities but ignores the law which grants the owners of existing claims the rights to explore and mine.	The proposed action seeks to preclude only surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction.

7.0 Grazing

Person ID	Document ID	Comment ID	Comment	Response
43	EA0032	106	Did BLM research whether the Tribe has grazing permits, or valid or active mining claims in the area? If the Tribe does have such permits or claims will there be an adverse impact to the Tribe in being able to exercise their rights under such permits or claims?	Under the proposed land withdrawal, members of the tribal community can continue to exercise its current rights associated with its grazing permits and existing mining claims.
20	EA0044	205	There's a 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 30 to 40 square miles of lands within the corridor will directly impact 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.	As discussed in Section 4.3, current land uses, such as grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or casual use activities by the DOE.
34	EA0047	254	<p>From the standpoint of impacts on grazing, we believe therefore that a higher level of Environmental Assessment should have been required both under the Department's administrative requirements and under the BLM's administrative requirements.</p> <p>They should have identified by mapping in the EA the exact location of the proposed corridor relative to the existing grazing allotments. They should have identified the number of acres of land within the corridor for each one of the 33 affected grazing allotments.</p> <p>And they should further have identified a region of influence at least one mile on each side of the corridor and calculated and identified the number of acres of land within each grazing allotment that would be within one mile on each side of the corridor.</p>	<p>DOE believes that the EA is sufficient for the purpose and need specified for the proposed land withdrawal. As discussed in Section 4.3, current land uses, such as grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities by the DOE.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>

7.0 Grazing

Person ID	Document ID	Comment ID	Comment	Response
20	EA0051	390	The 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, the withdrawal of the 30 to 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.	<p>DOE believes that the EA is sufficient for the purpose and need specified for the proposed land withdrawal. As discussed in Section 4.3, current land uses, such as grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities by DOE.</p> <p>Section 4.8 has been revised to more clearly state that grazing would continue without interference from the proposed land withdrawal.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
50	EA0062	327	4.8 - Land Use and Ownership Impacts: The draft EA fails to consider impacts of the proposed land withdrawal on specific ranching operations. DOE acknowledges that at least thirty-three grazing allotments and twenty-seven permittees would be directly affected by the proposed action [Draft EA pgs. 22 - 22]. The proposed withdrawal of public lands will impact many different grazing allotments in many different ways. 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.	<p>As discussed in Section 4.3, current land uses, such as grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities by DOE.</p> <p>Section 4.8 has been revised to more clearly state that grazing would continue without interference from the proposed land withdrawal.</p>

8.0 Impacts (General)

Person ID	Document ID	Comment ID	Comment	Response
24	EA0037	164	The EA implies that natural and cultural resources in the withdrawal area would have a ten year protection against impacts to mining and other activity. This is probably the most ludicrous statement in the EA. The withdrawal is being executed so land can be scraped away so deadly high level nuclear waste can be shipped on it. This is a pretty big impact. Do not insult the public's intelligence with this nonsense.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
20, 50	EA0044, EA0051 & EA0062	215, 392, 329	The EA fails to identify military air operations corridors that crisscross the sky above the corridor. Military airspace and air corridors used for military training operations are extensive in central Nevada. Maps produced by the Air Force and Navy show large percentages of the airspace over and surrounding the proposed withdrawal area to be reserved for military operations corridors. The NEPA analysis should have clearly identified these corridors in relation to the proposed withdrawal area and assessed impacts of the proposed action on the military's use of such airspace, and vice versa.	Any military air operations over the proposed land withdrawal area would be unaffected by the proposed action. The proposed action seeks only to prohibit the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years.
4	EA0049	366	Page 24, environmental consequences state due to the benign nature of these activities, impact to environmental and cultural resources are not expected. This may not be correct if equitable consideration is given to culturally sensitive areas that fall within the corridor and they be adversely impacted from scientific analysis and evaluation.	<p>The EA assesses the impacts from the casual use activities, as defined by the BLM, which is required to evaluate the land for the potential development of a branch rail line. These activities could include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping. The activities would not cause appreciable disturbance or damage to the public lands, their resources, or improvements.</p> <p>Casual use means any short-term, noncommercial activity that does not cause appreciable disturbance or damage to the public lands, their resources, or improvements, and that is not prohibited by closure of</p>

8.0 Impacts (General)

Person ID	Document ID	Comment ID	Comment	Response
				the lands to such activities. Examples of casual use can include recreation activities such as use of roads for hunting and sightseeing; domestic uses or activities associated with managing ranches, farms, and rural residences; and ingress and egress on existing roads and trails. Thus, the evaluation activities would not cause appreciable disturbance or damage to cultural resources within the withdrawal area
74	EA0075	418	The impact analysis relies on the term "causal use" or "land protection" as justification for its conclusions in the EA. Furthermore, the impact analysis questions the need for land withdrawal altogether. The EA states that the purpose and need for the action is to enhance safe, efficient and uninterrupted evaluation of lands areas. However the EA does not identify any activities including mining that would interfere with the safe, efficient and uninterrupted evaluation of land areas. The conclusion reached in the impact analysis undermines the need for the action.	The PLO would prohibit surface entry and new mining claims in the land withdrawal area. Surface entry is defined in the EA as a "means appropriation of title interest (other than mining claims) such as land sales, land exchanges, Desert Land Entries (DLEs), Indian Allotments, and Carey Act. These are actions that would lead to title of the land leaving the United States. Surface entry does not include ROWs, easements, and/or use permits. Any surface entry activity that would transfer title to the land within the withdrawal area could impair DOE's access to the corridor to conduct casual use activities. Similarly, the filing of new mining claims and potential activities associated with claim development could impair the DOE's access to the corridor to conduct casual use activities such as, topographic mapping and aerial photography. These activities are required for the evaluation of the corridor.

9.0 Impacts (Cumulative)

Person ID	Document ID	Comment ID	Comment	Response
20, 42, 50	EA0044, EA0051, EA0060 & EA0062	206, 391, 276, 328	The EA does not address cumulative impacts of restricting alternative economic development opportunities in the region. 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, that is restricting potential new energy sources.	The proposed action is limited to precluding surface entry and the location of new mining claims. Other land uses such as, ranching and recreation would not be impacted. Further, the PLO would not restrict potential new wind generation development and/or the development of other potential energy sources.
19	EA0045	245	EA page 32, S. 4.9 Cumulative Impacts: "The No-Action Alternative – not withdrawing these lands – could potentially have varying degrees of impacts to a number of resources if lands are opened to additional mining uses." The EA goes beyond the scope of analysis of the impacts the withdrawal will have on the areas considered. Instead it contains self serving statements and has an underlying theme that the withdrawal from all mining activities will have advantages to the environment and cultural resources with a minimum impact on the industry and socioeconomic concerns.	The discussion of cumulative impacts from mining in Section 4.9 has been removed.

10.0 Land Use and Ownership

Person ID	Document ID	Comment ID	Comment	Response
21	EA0001	1	The fact that none of the land-use processes are impacted by the construction of such a rail line, yet removes this stretch from mining claims, mineral development, and other land development processes is an important point. The proposed corridor covers land that has not proven significant for home-sites due to its lack of soil and lack of available water. This area has not been developed for much use other than that immediately within or adjacent to Caliente.	The proposed action does not close the withdrawn lands to public access; it only restricts the location of new mining claims and surface entry for either 10 or 20 years, depending on the action selected by the BLM. Withdrawal from surface entry would include the appropriation of title interest (other than mining claims) such as land sales, land exchanges, DLEs, Indian allotments, and the Carey Act. Surface entry would preclude actions that would lead to the title of the land leaving the United States. Other actions, such as new ROW grants and easements, are not precluded by the proposed action.
22	EA0019	48	How was the "mining act" chg'd (or bent) to allow this new act?	The proposed PLO is being sought under the Federal Land Policy and Management Act per 43 CFR Part 2300. The mining act was not changed; the proposed action will comply with the General Mining Law of 1872 (30 U.S.C. 21 et seq.).
10	EA0022	52	There must be a guarantee that the withdrawn land will return to full public use as the Right of Way is established.	As stated in the EA, if a ROW is issued, the withdrawal of lands not part of the ROW would be revoked and the lands opened to full multiple use, including land sales and new mining locations.
32	EA0023	57	Your railroad corridor will negate use of a considerable amount of local recreational land as well as stop future economic development.	<p>The proposed action to withdraw public lands from surface entry and new mining claim locations will not affect recreational uses.</p> <p>As discussed in Section 4.3, current land uses would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities by the DOE. DOE does recognize that the proposed withdrawal could impact the BLM's ability to sell or otherwise dispose of public land for the period of time specified in the PLO. However, the proposed land withdrawal would not prohibit the BLM from issuing ROWs, special use permits, and easements (i.e., actions that do not require the BLM to relinquish title to the land). DOE has revised the impact section to reflect this</p>

10.0 Land Use and Ownership

Person ID	Document ID	Comment ID	Comment	Response
				<p>consideration.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
28	EA0027	63	The Federal Register publication indicates temporary (2year / 20 year) withdrawal as effective now. How will this withdrawal effect current permitted uses of the BLM managed lands?	The withdrawal would not affect current permitted uses of the BLM land. The scope of the EA is to analyze impacts from precluding new surface entries and the location of new mining claims within and surrounding the Caliente rail corridor. As discussed in Section 4.3, current land uses such as grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities by the DOE. The proposed land withdrawal would not affect current or pending ROW applications.
44	EA0031	100	All activities (public entry - hiking, off road vehicle use, hunting, included?) conducted on withdrawn lands would be within BLM's criteria for casual use.	Causal use defines activities that the BLM allows on public lands without a ROW grant or temporary use permit. If a proposed use is expected to cause appreciable disturbance or damage to public lands or resources and needs to be controlled, it is not casual use. Examples of casual use can include recreation activities such as use of roads for hunting and sightseeing; domestic uses or activities associated with managing ranches, farms, and rural residences; and ingress and egress on existing roads and trails.
59, 65	EA0035 & EA0063	127, 293	Lincoln County is concerned that withdrawal of the Caliente Rail Corridor may impede implementation of the Lincoln County Conservation, Recreation and Development Act of 2004. Specifically, the withdrawal may	DOE reviewed the LCCRDA and found no evident conflicts between the proposed action and the LCCRDA. DOE does recognize that the proposed withdrawal could impact BLM's ability to sell or otherwise dispose of public land within the boundaries

10.0 Land Use and Ownership

Person ID	Document ID	Comment ID	Comment	Response
			prevent BLM from disposing land identified by Lincoln County for community/economic expansion. The withdrawal may hinder initiatives by the Lincoln County Water District to develop water and other infrastructure to serve expanding community areas and large mixed-use developments near the Clark County line. These impacts will occur if the DOE requested withdrawal is approved and BLM is therefore unable to issue rights-of-way and easements needed to cross the Caliente Rail Corridor. Lincoln County encourages DOE to consider these issues in detail prior to finalizing the subject EA.	of the proposed land withdrawal area for the period of time specified in the PLO. However, the proposed land withdrawal would not prohibit the BLM from issuing ROWs, special use permits, and easements (i.e., actions that do not require the BLM to relinquish title to the land). DOE has revised the impact Section 4.8 to reflect this consideration.
59, 65	EA0035 & EA0063	146, 312	Page 21, Section 3.9 – The Air Force is part of DoD. Why are the two listed separately?	The EA has been revised.
59, 65	EA0035 & EA0063	147, 313	There are no Native American lands illustrated on Figure 5. If there are no Native American lands in the withdrawal area, the text should be revised accordingly.	The figure depicting land ownership of the proposed land withdrawal area has been revised to delineate Native American lands.
59, 65	EA0035 & EA0063	148, 314	The text here should also make clear that new mining claims and surface entry (including rights-of-way, easements, RMPPs, land sales) would not be permitted within the withdrawal area.	<p>The proposed action would preclude only surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years.</p> <p>Other actions, such as new or pending ROW grants and easements, are not precluded by the proposed action. DOE has clarified the definition of surface entry in the document.</p>
59, 65	EA0035 & EA0063	149, 315	Page 23, 4th paragraph The text here should include discussion of the Lincoln County Conservation, Recreation and Development Act and related public land utility corridor; land disposal and recreation trail features.	The proposed action will not prohibit the BLM from issuing ROWs, special use permits, and easements (i.e., actions that do not require the BLM to relinquish title to the land). The EA, Section 4.8, has been revised to include reference to the LCCRDA.

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Person ID	Document ID	Comment ID	Comment	Response
59, 65	EA0035 & EA0063	150, 316	Page 24, Environmental Consequences – This chapter should address impacts of the land withdrawal upon implementation of the Lincoln County Conservation, Recreation and Development Act.	DOE reviewed the LCCRDA and found no evident conflicts between the proposed action and the LCCRDA. The proposed action will not prohibit the BLM from issuing ROWs, special use permits, and easements (i.e., actions that do not require the BLM to relinquish title to the land). The EA, Section 4.8, has been revised to include reference to the LCCRDA.
59, 65	EA0035 & EA0063	156, 322	Page 31, Section 4.8.1 - The text here should disclose other possible land use prohibitions which might result in economic impacts such as no new rights-of-way, easements, RMPP, land sales with withdrawal area.	The proposed land withdrawal would preclude only new mining claims locations and surface entry. Withdrawal from surface entry would include the appropriation of title interest (other than mining claims) such as land sales, land exchanges, DLEs, Indian allotments, and the Carey Act. Surface entry would preclude actions that would lead to the title of the land leaving the United States. Other actions, such as new ROW grants, special use permits, and easements, are not precluded by the proposed action and would continue to be issued by the BLM at its discretion. The DOE has clarified the definition of surface entry in the EA.
24	EA0037	175	On 9-12-2005 in Amargosa Valley, DOE officials told me that there are "no private land or recreational conflicts in the proposed withdrawal area." This is propaganda to get this project to roll through faster, nothing more.	The proposed withdrawal would not apply to private lands or impact uses on those lands. It would prohibit only surface entry and the location of new mining claims on public lands.
72	EA0039	179	I have some concerns on the impact the project might have on current uses - agricultural or mining -and if access to our property will be affected.	As discussed in Section 4.3, current land uses would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities. Access to personal property would not be affected. The proposed action seeks to preclude only surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction. Surface entry has been added to the Glossary of Terms for additional clarification.

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27	EA0040	181	<p>The EA fails to provide information critical for public understanding of the environmental setting, and ongoing or reasonably foreseeable developments. For example, how does this project overlap with, or effect, the Las Vegas water pipeline corridors, and where is it located in relation to BLM lands identified for land disposal areas in the 2004 Lincoln County Bill? Don't some of these pipeline rights-of-way cross the rail corridor? Aren't blocks of land slated for privatization nearby, or adjacent to the corridor? If this land is privatized, might it then be sold back to the federal government because of the dangers associated with the rail corridor?</p>	<p>DOE reviewed the LCCRDA and found no evident conflicts between the proposed action and the LCCRDA. The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Lands adjacent to the proposed land withdrawal area are excluded from this proposed action. As discussed in Section 4.3, current land uses would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities.</p> <p>The proposed action would not prohibit the BLM from issuing ROWs, special use permits, and easements (i.e., actions that do not require the BLM to relinquish title to the land). In addition, the proposed land withdrawal would not impact current or pending ROW applications, including those for water pipelines. The EA, Section 4.8, has been revised to reflect this consideration.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>

10.0 Land Use and Ownership

Person ID	Document ID	Comment ID	Comment	Response
27	EA0040	191	What important public land uses may be affected by this corridor?	The proposed withdrawal will prohibit surface entry and new mining claims on the withdrawn lands. Withdrawal from surface entry would include the appropriation of title interest (other than mining claims) such as land sales, land exchanges, DLEs, Indian allotments, and the Carey Act. Surface entry would preclude actions that would lead to the title of the land leaving the United States. Other actions, such as new ROW grants, easements, and recreation, are not precluded by the proposed action. The DOE has clarified the definition of surface entry in the document.
27	EA0040	195	Will this corridor eventually be closed to all public access?	The proposed action does not close the withdrawn lands to public access; it only restricts the location of new mining claims and surface entry for either 10 or 20 years, depending on the action selected by the BLM. Withdrawal from surface entry would include the appropriation of title interest (other than mining claims) such as land sales, land exchanges, DLEs, Indian allotments, and the Carey Act. Surface entry would preclude actions that would lead to the title of the land leaving the United States. Other actions, such as new ROW grants and easements, and recreation, are not precluded by the proposed action. DOE has clarified the definition of surface entry in the document.
19	EA0045	232	EA page 21, S.3.9 Land Use and Ownership: The last sentence describes continued land uses such as grazing but fails to include mineral exploration and mining activities associated with existing claims.	The sentence in Section 3.9 has been revised to include mining as an example of land use activities.

10.0 Land Use and Ownership

Person ID	Document ID	Comment ID	Comment	Response
19	EA0045	243	EA page 32, S. 4.8.2 Land Use, Preferred Alternative: "Under this alternative any impacts to existing mining land use activities would be of a lesser degree and extent than the 20-year proposed withdrawal." This statement completely ignores the negative impacts to mineral exploration and mining. This section should be clarified with a definitive statement that there would be no impacts to existing mining claims and land use activities.	<p>The proposed action seeks to preclude only surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction.</p> <p>As discussed in Section 4.3, current land uses, such as grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or casual use activities by the DOE.</p>
19	EA0045	244	EA page 32, S. 4.8.3 Land Use, No Action Alternative: The estimate for low mineral activity in the Goldfield area is based upon a limited scope of information addressed to support a specific result instead of consideration for other information provided during the scoping process as well as independent sources of information previously identified.	All the information, including public comments, BLM received on DOE's land withdrawal application and the land segregation from interested parties was considered by DOE during the preparation of the EA
23	EA0046	252	My number one concern is protecting existing rights of individuals, whether they be mining, ranching, grazing or any other property owners or users, protecting rights, existing rights.	Existing mining rights within the land withdrawal area would be unaffected by the proposed action. As discussed in Section 4.3, current land uses, such as grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities. Private lands would continue to be unaffected by the proposed land withdrawal.
4	EA0049	365	Why doesn't the text support and maps identify tribal lands whereby the rail corridor transects but makes notable mention of a small land holding by a local artist with a description of a massive modern art sculpture?	The figure depicting land ownership of the proposed land withdrawal area has been revised to highlight the location of Native American lands.

10.0 Land Use and Ownership

Person ID	Document ID	Comment ID	Comment	Response
4	EA0049	367	Page six indicates that environmental baseline for the EA is the status of the lands as of December 28, 2003. Why does the EA use BLM LR 2000 database dated 2005 citing that the status of geothermal leases as of June 6, 2005 beyond the December 28, 2003 deadline? Why is old and inaccurate data being used and/or cited, i.e., archeological information specific to the work at Yucca Mountain consisting primarily of a literature review?	DOE cites recent data from the BLM LR 2000 database for geothermal leases because geothermal lease activities have not been precluded under the BLM segregation. In addition, the data used for development of the EA was gathered from multiple sources, including the repository EIS. DOE believes the data is accurate, up-to-date, and consistent with NEPA requirements. The level of information and analysis presented in the EA is sufficient in determining reasonably foreseeable impacts.
4	EA0049	378	Page 24, first sentence indicates that the proposed land withdrawal area is near Scotty's Junction close to the Timbisha Shoshone tribal lands, however maps indicate differently. Why?	DOE has revised the statement that indicated the proposed land withdrawal area is near Scotty's Junction close to Timbisha Shoshone tribal lands. The figure depicting land ownership of the proposed land withdrawal area has been revised.
36	EA0053	405	I really don't see it being a problem for grazing, hunting, all the things that we basically normally do in that area. But it will or could very well restrict any opportunity for the County Commissioners to take some of that land out of the hands of the federal government and get it into private use, which is a possibility. And to lock that up for 20 years where they don't have that option is not good.	DOE does recognize that the proposed withdrawal could impact BLM's ability to sell or otherwise dispose of public land for the period of time specified in the PLO. However, the proposed land withdrawal would not prohibit the BLM from issuing ROWs, special use permits, and easements (i.e., actions that do not require the BLM to relinquish title to the land). DOE has revised the impact section to reflect this consideration.
1	EA0065	360	The eastern portion of the proposed Caliente Rail Corridor and associated withdrawal crosses the utility corridors designated in the LCCRDA and the Authority's GWD Project. However, the draft EA released by your office does not acknowledge or address the LCCRDA utility corridors or the Authority's GWD Project. Withdrawal of these lands for a period up to 20 years would impact the Authority's ability to construct the GWD Project. Exploratory well drilling and geotechnical work is proposed to commence in 2005 with project construction beginning in 2009. Even a withdrawal of the	Withdrawal from surface entry means appropriation of title interest (other than mining claims) such as land sales, land exchanges, DLEs, Indian allotments, and the Carey Act. These are actions that would lead to the title of the land leaving the United States. Other actions, such as new ROW grants, are not precluded by the proposed action. The proposed action would not impact the LCCRDA utility corridors or the Southern Nevada Water Authority's Groundwater Development Project (GWD). DOE reviewed the LCCRDA and found no evident conflicts between the proposed action and the LCCRDA. DOE has revised the impact Section 4.8 to reflect this consideration.

10.0 Land Use and Ownership

Person ID	Document ID	Comment ID	Comment	Response
			<p>lands for ten years, as proposed in the preferred alternative, would significantly impact the Authority's GWD Project. The land use section of the draft EA does not address these significant impacts.</p> <p>It is essential that the Department of Energy to address the LCCRDA utility corridors and the Authority's GWD Project in their final EA. The Department of Energy and BLM must also allow for surface entry and other access associated with the LCCRDA corridors and the Authority's rights-of-way applications for the GWD Project, including the final alignment determined for the GWD Project by the BLM. The Department of Energy must also acknowledge that the corridors designated in the LCCRDA have already been withdrawn and that this may affect the eastern section of the proposed Caliente Rail corridor where the two projects cross.</p>	
31	EA0084	443	<p>Property owned by Triple Aught Foundation in Garden Valley where "City" is located is completely surrounded by withdrawn lands ("Caliente Corridor" and "Garden Valley Alternate"). This process of withdrawal creates an "island" by which: these private lands are separated from the rest of the Valley, and the State. The "islanding" affect is not addressed in the EA, nor are the potentially negative impacts to the natural environment in Garden Valley from extensive land study in the immediate area, or the stigma potentially associated with a project completely surrounded by withdrawn lands associated with nuclear waste. "City" is marked on USGS maps, and presents a clear, irreconcilable land-use conflict that has not been fully evaluated. Further, the impact on the internationally significant cultural resource was</p>	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. As discussed in Section 4.3, current land uses would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities by the DOE. Therefore, private lands, although protected from interference from this proposed land withdrawal, would also not be separated or isolated from the public.</p> <p>If the DOE is issued the land withdrawal, it would evaluate the land through photo documentation of the corridor; conducting archaeological, historical, and biological field surveys; placing survey markers for topographic mapping; and conducting noise and</p>

10.0 Land Use and Ownership

Person ID	Document ID	Comment ID	Comment	Response
			not addressed by DOE in the scope of this Draft EA.	<p>vibration surveys. As discussed in the EA, there would be no physical impacts to the environment from these activities.</p> <p>Although the Heizer sculpture project is within the geographical area, it is located outside of the boundaries of the proposed withdrawal area and would not be affected by the proposed action of prohibiting surface entry and the location of new mining claims.</p>

11.0 Mineral and Energy Resources

Person ID	Document ID	Comment ID	Comment	Response
49	EA0014	36	I have been paying the Federal government for a lease on land outside of Beatty, NV since 1993. (Oil and gas lease). The land proposed for withdrawal cuts across areas of Nevada that may contain oil. It would be cheaper to come through Utah instead of eliminating the use of land that has oil bearing potential.	The proposed land withdrawal precludes new mining claims and surface entry but would not affect or interfere with existing and future oil and gas leases.
32	EA0023	55	Mining is the main industry in the more arid part of Esmeralda County and denying access to a major portion of the mining district will be detrimental to the county's economic future.	<p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. Access to existing mining claims (patented or unpatented) would not be restricted.</p> <p>In 2004, Esmeralda County received \$11,400,000 in revenues from mining. These revenues will continue because the proposed withdrawal recognizes existing rights. During the withdrawal period, new production of sources can be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation.</p>
44	EA0031	101	1.3 Proposed withdrawal would bar new surface entries (on patented claims?) and location of new mining claims within 1/2 mile of the proposed rail line. Prospecting would not be allowed if these lands are withdrawn, I believe, because the General Mining Law of 1872 would no longer apply for the duration of the withdrawal?	The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The exploration and development on existing claims within the withdrawal area could occur as regulated by the BLM. Access to existing mining claims (patented or unpatented) would not be restricted.
44	EA0031	104	3.1 Mineral Resources: Under the proposed action, mining activities associated with valid existing claims (valid claims must represent a valuable mineral deposit; moreover, an "active claim" is not necessarily a valid claim if there is	EA Section 3.1 Mineral Resources has been revised to remove any reference to a "valid claim" or an "active claim." Any mining claim that BLM recognizes as a valid existing right will not be affected by the proposed action. A mining claim may be a valid existing right

11.0 Mineral and Energy Resources

Person ID	Document ID	Comment ID	Comment	Response
			<p>no evidence of a valuable mineral deposit regardless of the fact that appropriate paperwork has been filed and fees paid) could (like the word "can") be conducted, but the location of new mining claims would not be allowed during the withdrawal period (unless substantial, valuable mineral deposits associated with patented or valid claim ownership are evident and, necessary to facilitate an ambient mining operation and do not intrude into an area that approximates 200' on either side of a proposed railroad bed, or otherwise compromise the movement o rail shipments because of terrain safety considerations that could be occasioned by surface entry) "Disputes on this exception could be settled by mandatory arbitration."</p> <p>Discretionary oil and gas leasing activities (in progress?) authorized under the Mineral Leasing Act of 1920 would continue, as the withdrawal. Action limits only surface entry and location of mining claims (this implies that only existing leases would be allowed to continue if they are active?). PATENTED MINING CLAIMS ARE NOT AFFECTED BECAUSE THEY ARE CONSIDERED PRIVATE LANDS NOT SUBJECT TO WITHDRAWAL. "It might be noted that evaluation of land areas could, if necessary, ,continue on new claims and surface entry areas abutting existing valid and/or patented claims, if, in fact use is authorized by the exceptions identified, above."</p>	<p>even if it is not being actively mined or has not been evaluated by BLM Certified Mineral Examiners (CMEs) and found to have a reasonable prospect of success in developing a valuable mine.</p> <p>This change is consistent with the publicized intent of the segregation and withdrawal which is to segregate the lands from surface entry and the location of new mining claims, subject to valid existing rights, in support of DOE's activities associated with the evaluation of the land for the potential development of a branch rail line. (68 FR 74965).</p> <p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The exploration and development on existing claims within the withdrawal area could occur as regulated by the BLM. Access to existing mining claims (patented or unpatented) would not be restricted.</p>
59, 65	EA0035 & EA0063	128, 294	<p>The EA notes that in recent years, up to 5 plans of development or notices related to existing mining claims within the Caliente Rail Corridor have been filed with BLM. [The EA fails to note that over the 10-20 year land withdrawal proposed by DOE, 50 to 100 plans of</p>	<p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. Access to existing mining claims (patented or</p>

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			development or notices related to new mining claims which might have otherwise been filed, will not be developed and filed. The EA does not consider the impacts associated with the loss of 50-100 plans/notices worth of engineering/surveying; claim staking; legal work; mine planning; environmental permitting; mine construction anti mine operations. Lincoln County views this as a particularly important omission given that the Yucca Mountain repository system itself may induce a demand for locally mined zeolites (for radioisotope absorption capabilities) and puzzling (for use in concrete (including shot Crete) hardening).	<p>unpatented) would not be restricted.</p> <p>In 2004, Lincoln County received \$431,000 in revenues from mining. These revenues will continue because the proposed withdrawal recognizes existing rights. During the withdrawal period, new production of sources can be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those</p>

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				fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.
59, 65	EA0035 & EA0063	138, 304	EA Page 6, Section 3.1 – The number of existing valid mining claims within the withdrawal area should be disclosed here.	DOE has revised Section 3.1 to identify the number of existing claims located within the proposed land withdrawal area.
59, 65	EA0035 & EA0063	139, 305	EA Page 8, Table 1 – The mining districts included in Table 1 represents a minority of the land area within the land withdrawal area. Table 1 and related text should be expanded to identify mining potential outside of existing mining districts.	Table 1 has been modified to include the identified mining districts that are transected by or abut the corridor. The DOE believes that the mining data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts.
59, 65	EA0035 & EA0063	140, 306	EA Page 9 – The EA does not appear to address leases of oil and gas which may have occurred more recently. This information is available through BLM and should be incorporated into the analysis.	The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The proposed action would not preclude oil and gas leases within the proposed land withdrawal area.
59, 65	EA0035 & EA0063	141, 307	EA Pages 10-11, Figures 3 and 4 – Figures should include 2004 data which is available from BLM.	These lands have been segregated from surface entry and new mining locations since December 2003 (68 FR 74965); therefore, no new mining claims have been located since 2003. The section has been revised to include the number of plans and notices filed with the BLM through 2005.

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59, 65	EA0035 & EA0063	151, 317	EA Page 24, Section 4.1.1 – The potential for minerals and claims in the future is not addressed adequately in the EA. Past trends are not a reliable indicator of future mining activity. The Yucca Mtn. project itself may create demands for zeolites and pozzolan which could be produced within Lincoln County and may be found within the withdrawal area.	<p>The number of mining claims within the corridor is about one percent of the total number of claims within the State.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.</p>

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59, 65	EA0035 & EA0063	152, 318	EA Page 25, 1st and 2nd paragraphs – If there have been approximately 5 plans and notices processed each year for active mining claims in the withdrawal area, over the 10-20 year withdrawal period, as many as 100 plans and notices might not occur due to restriction on filing new mining claims in the area.	<p>The number of mining claims within the corridor is about one percent of the total number of claims within the State.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.</p>

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24, 20, 50	EA0037, EA0044, EA0051 & EA0062	165, 207, 393, 330	The draft EA does not identify current and potential wind generation areas and facilities within or near the proposed withdrawal area. BLM has numerous applications pending for wind resource sites throughout central Nevada and has issued permits for other sites/facilities. DOE has not identified these in relation to the rail corridor.	The proposed action prohibits only surface entry and the location of new mining claims; it does not restrict ranching, recreation activities, or access and development of existing mining claims. In addition, the proposed action does not preclude the BLM from granting new ROWs, easements, and/or use permits. The proposed action would not preclude the BLM from granting ROWs for wind generation projects within or near the proposed land withdrawal area.
27	EA0040	182	Does this also remove the area from potential Oil and Gas leasing and development/ As you may be aware, there is an OG exploration boom developing in central and southern Nevada.	The proposed action precludes new mining claims and surface entry but would not preclude oil and gas leases within the potential withdrawal area.
27	EA0040	193	What impacts does claim staking or development have on the lands of the corridor? Please detail direct, indirect and cumulative impacts. How much water does various mining activity use? What important habitats for native biota might it disturb?	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 to 20 years. The evaluation of mining development impacts on existing claims is outside the scope of the EA.
19	EA0045	221	The EA has a very narrow focus, using limited information, (incomplete activity level of mining claim locations and notices of intent), to reach the inaccurate conclusion of little or no impact. In order to accurately assess the socioeconomic impacts, the EA should have analyzed the current economic trends in mineral exploration and mining industry including but not limited to: metal prices from 1999 - current (beyond December 29, 2003), mineral exploration expenditures in the U.S., Nevada and worldwide. The EA states that a decline in the total number of unpatented claims and exploration notices was recognized during the period of the analysis and therefore concluded there would be little impact on the industry. A General Accounting Office report dated June 2005 identifies 750 active mineral exploration notices and plans of operations filed with the	<p>Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000. These revenues will continue because the proposed withdrawal recognizes existing rights. During the withdrawal period, new production of sources can be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely</p>

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			<p>BLM in Nevada (see Exhibit 3). Since January 2, 2004 to August 30, 2005, there have been 48,937 new unpatented mining claims filed with the Nevada State Office of the BLM (see Exhibit 6) ; however there were no new claims located within the segregation since it was closed to location of new claims effective December 29, 2003. The gold price has increased from an average of \$359 per ounce in January 2003 to \$459 per ounce today (see Exhibit 4).</p> <p>Independent sources of information on mineral economics and activities in Nevada include reports produced by the Nevada Mining Association and Nevada Division of Minerals (see Exhibit 5). There is an overall increase in mineral and metal prices which have lead to an increase in the total number of new mining claims located as well as mineral exploration and mining activity which would be negatively impacted by the withdrawal (see Exhibit 7).</p>	<p>be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.</p> <p>DOE has reviewed the report mentioned as well as many other publications from the Nevada Bureau of Mines and Geology and other sources.</p>
19	EA0045	229	<p>EA Page 6, S.3.1 Mineral Resources: "Under the proposed action, mining activities associated with valid existing claims" could be conducted, but the location of new mining claims would not be allowed during the withdrawal period." 2nd sentence.... "as the withdrawal action limits only surface entry and location of mining claims.</p>	<p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The exploration and development on existing claims within the withdrawal area could occur as regulated by</p>

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			<p>Patented mining claims are not affected because they are considered private lands not subject to withdrawal."</p> <p>"5 Valid claims require the claimant to discover a valuable mineral deposit, as opposed to an 'active claim' which refers to a claim where all the appropriate filing of paperwork and payment of fees is maintained."</p> <p>The segregation area includes both active and valid unpatented claims as defined in footnote 5. If the intent of the segregation and withdrawal was to preserve existing rights, the first sentence in P.3.1 would refer to active instead of valid claims. It is obvious by the inclusion of "valid claims" in the first sentence and footnote 5 and the distinction between "active" and "valid", that the intent is to expand the scope of the segregation and include the future opportunity to challenge the validity of the unpatented claims based upon "discovery" and thereby contest any claims which did not qualify. Anyone familiar with the mineral exploration industry knows that a claim must be duly located, recorded and maintained in order to have the rights to conduct exploration activities to make a mineral discovery and eventually mine the deposit. It is those existing rights of access along with the rights to explore, develop and mine which are associated with the patented and unpatented mining claims that must be preserved and not adversely impacted by the segregation and withdrawal.</p>	<p>the BLM. Access to existing mining claims (patented or unpatented) would not be restricted. The intention of the proposed withdrawal is the same as that of the land segregation. The EA has been modified to clarify "valid existing rights."</p>
19	EA0045	230	EA page 10, 5.3.1.3, Active Mining Claims and Leases: The analysis fails to illustrate that 49,000 new claims have been located in the state of Nevada since January 1, 2004 to	Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln –

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			<p>August 30, 2005 (see Exhibit 6). Figure 3: the sharp decline in active claims in year 1993 was due to the imposition of a BLM \$200 per claim maintenance fee which did not previously exist. From 1993 to 1998 activity level was on the rise. In 1999 gold reached a 20 year low in the price cycle of \$255 per ounce. The chart indicates activity was increasing in 2002 coincident with the increased metals price. The chart fails to illustrate the continued rise in activity at the present time and does not predict the next 10 – 20 years. The information in Exhibits 4, 5 and 8 confirm that not only have metals prices increased to date, but are expected to continue. There is an unlimited supply of valid economic information available to assess the current and forecast future trends in the mineral industry.</p>	<p>\$431,000, and Nye - \$338,300,000. These revenues will continue because the proposed withdrawal recognizes existing rights. During the withdrawal period, new production of sources can be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation.</p> <p>The number of mining claims within the corridor is about one percent of the total number of claims within the State of Nevada. Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would</p>

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				have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.
19	EA0045	231	EA page 11, 5.3.1.3, Active Mining Claims and Leases Figure 4: The same information of the preceding paragraph applies to the plans and notices filed showing an increase in 2002 due to increased metals prices. Therefore, the later discussion regarding impacts on the industry using Figure 3 and 4 as justification for the withdrawal is an incomplete, inaccurate and misleading analysis.	<p>Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000. These revenues will continue because the proposed withdrawal recognizes existing rights. During the withdrawal period, new production of sources can be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation.</p> <p>The number of mining claims within the corridor is about one percent of the total number of claims within the State of Nevada. Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in</p>

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				<p>an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.</p>
19	EA0045	233	<p>EA page 24, S.4, Environmental Consequences: This section again fails to include mineral exploration and mining activities associated with existing claims. The section continues "The No-Action Alternative, however, would allow the lands to be opened, upon termination of the two-year segregation, to new mining activities, and therefore potentially opening the lands up to future environmental impacts. Any, impacts from future mining activities, under the No-Action Alternative, would be managed and regulated by BLM, to the extent sanctioned by law." There is no statement regarding the impacts from future mining activities of existing claims and the inference is that BLM would no longer manage the existing claims. This section reaches beyond the scope of the analysis of the impacts on existing rights and lobby's against future mining activities as justification for the proposed withdrawal.</p>	<p>DOE believes it is appropriate to acknowledge the potential for adverse impacts of mining because they are reasonably foreseeable under the No-Action alternative.</p>

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19	EA0045	234	EA page 24: S. 4.1 and 4.2 Mineral Resources: The alternative analysis are flawed based upon the incomplete and misleading information contained in Figures 3 and 4 as the rational that there would be minimal impact for the 10-20 year period of the withdrawal. One again, both sections refer to the standard of a "valid claim" to continue development which is inconsistent with the publicized intent of the segregation and withdrawal.	EA Section 4.1 Mineral Resources has been revised to remove any reference to a "valid claim." Any mining claim that BLM recognizes as a valid existing right will not be affected by the proposed action. A mining claim may be a valid existing right even if it is not being actively mined or has not been evaluated by BLM CMEs and found to have a reasonable prospect of success in developing a valuable mine. This change is consistent with the publicized intent of the segregation and withdrawal which is to segregate the lands from surface entry and the location of new mining claims, subject to valid existing rights, in support of DOE's activities associated with the evaluation of the land for the potential development of a branch rail line. (68 FR 74965).
19	EA0045	235	EA Page 25, S. 4.1.2 Mineral Resources, Preferred Alternative: The preferred alternative is even more restrictive proposing to limit access to lands adjacent to the "valid" claims. The mining laws and rights associated with unpatented claims have a right to access the claims. Once again, expanding the scope and effect of the withdrawal contrary to publicized statements of intent.	EA Section 4.1 Mineral Resources has been revised to remove any reference to a "valid claim." Any mining claim that BLM recognizes as a valid existing right will not be affected by the proposed action. A mining claim may be a valid existing right even if it is not being actively mined or has not been evaluated by BLM CMEs and found to have a reasonable prospect of success in developing a valuable mine. This change is consistent with the publicized intent of the segregation and withdrawal which is to segregate the lands from surface entry and the location of new mining claims, subject to valid existing rights, in support of DOE's activities associated with the evaluation of the land for the potential development of a branch rail line. (68 FR 74965).
19	EA0045	236	EA page 25, S. 4.1.3 Mineral Resources, No Action Alternative: It is obvious in the discussion of this paragraph that the analysis is limited in scope and they admit that future increased mineral exploration and mining activity is of concern. If the intent of the segregation and	The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The exploration and development on existing claims

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			withdrawal is to not affect existing rights, as publicized, this "No Action Alternative" should reflect the impact to existing mining claims. The document should make definitive statements of the intent as such. Without such clarification, the document continues to be misleading and inconsistent with publicized intentions.	<p>within the withdrawal area could occur as regulated by the BLM. Access to existing mining claims (patented or unpatented) would not be restricted.</p> <p>EA Section 4.1 Mineral Resources has been revised to remove any reference to a "valid claim." Any mining claim that BLM recognizes as a valid existing right will not be affected by the proposed action. A mining claim may be a valid existing right even if it is not being actively mined or has not been evaluated by BLM CMEs and found to have a reasonable prospect of success in developing a valuable mine.</p> <p>This change is consistent with the publicized intent of the segregation and withdrawal which is to segregate the lands from surface entry and the location of new mining claims, subject to valid existing rights, in support of DOE's activities associated with the evaluation of the land for the potential development of a branch rail line. (68 FR 74965).</p>
4	EA0049	368	EA Page 25 describes a number of mining claims in 2004 after December 28, 2003. Notice published in the Federal Register. Why?	Data were not presented for mining claims in 2004. The format of the figure was unclear, and the figure has been revised.
60	EA0052	402	I do have a concern of what would happen if down the road during the building of this rail corridor that say a mother load was discovered, what would the impact be at that time? I don't know. But what would the concerns be? Would we have to shift and change gears because now all of a sudden there's something there? What kind of opportunities would still be able to be afforded to an individual if something like that was to happen say on private ground?	In the future, and after appropriate environmental analysis, the DOE may apply for a ROW for the construction, operation, and maintenance of a branch rail line. If the BLM grants the DOE a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. If the ROW is not issued before the expiration of the PLO, the withdrawal restrictions would be lifted on the expiration date. Mining on private land is unaffected by the proposed action because it only pertains to BLM-administered land.
51	EA0055	410	My concern is in regards to the 20-year issue of not having any land entries for 20 years on the corridor just because I'm a Nevadan and mining has been what's kept us alive in this area. If you	The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to

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			<p>have a shorter time, five years or something like that, or a process that allows people if they actually do have a valid claim, that it could be used just simply because it's probably the second number-one economic force in this valley. There's ranching and mining. So if you just say absolutely no to one of the major economic forces here, I think that's a little tough.</p>	<p>valid existing rights, for a period of 10 or 20 years. The exploration and development on existing claims within the withdrawal area could occur as regulated by the BLM. Access to existing mining claims (patented or unpatented) would not be restricted.</p> <p>Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000. These revenues will continue because the proposed withdrawal recognizes existing rights. During the withdrawal period, new production of sources can be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is</p>

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				reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.
42	EA0060	277	Preliminary indications are that there could be significant sources of oil and gas contained within the railroad right-of-way corridor you have identified.	The proposed action would preclude new mining claims and surface entry but would not preclude oil and gas leases within the potential withdrawal area.
42	EA0060	281	While you are willing to respect current mining claims, there should also be provisions allowing for the nomination and leasing of areas for oil and gas exploration and development. In this regard, a stipulation could be added that any wells drilled within the corridor will avoid the actual path of the railroad.	The proposed action would preclude new mining claims and surface entry but would not preclude oil and gas leases within the potential withdrawal area.
42	EA0060	282	In case of an oil or gas discovery, those willing to invest, in many cases millions of dollars, need to have protective acreage surrounding the discovery in order to avoid having others intrude into their underground discovery. DOE's restriction upon the land for 10 years and then perhaps opening it up for normal competitive BLM leasing thereafter, leaves the original investors vulnerable to a loss of the value of their investment.	The proposed action would preclude new mining claims and surface entry but would not preclude oil and gas leases within the potential withdrawal area.
50	EA0062	342	4.1 - Mineral Resource Impacts: The draft EA is internally inconsistent in asserting, on the one hand that mining impacts are likely to be minor	DOE believes it is appropriate to acknowledge the potential for adverse impacts of mining because they are reasonably foreseeable under the No-Action

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			because mining claim locations and the filing of plans and notices with BLM have been declining in the withdrawal area [p. 25], while on the other hand asserting that under the no-action alternative, DOE might experience impacts from lands being opened to new mining claims and activities [p. 26]. If mining activity has, in fact, been declining, and if that trend is expected to continue, then the statement made with respect to the no-action alternative appears disingenuous. DOE cannot have it both ways.	alternative.
13	EA0064	346	The terms, "valid claims" and "active claims" are not sufficiently defined in the footnote on page 6. These terms should be further clarified, with examples, and included in the Glossary of Terms section of the EA.	<p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The exploration and development on existing claims within the withdrawal area could occur as regulated by the BLM. Access to existing mining claims (patented or unpatented) would not be restricted.</p> <p>EA Section 4.1 Mineral Resources has been revised to remove any reference to a "valid claim" or an "active claim." Any mining claim that BLM recognizes as a valid existing right will not be affected by the proposed action. A mining claim may be a valid existing right even if it is not being actively mined or has not been evaluated by BLM CMEs and found to have a reasonable prospect of success in developing a valuable mine.</p> <p>This change is consistent with the publicized intent of the segregation and withdrawal which is to segregate the lands from surface entry and the location of new mining claims, subject to valid existing rights, in support of DOE's activities associated with the evaluation of the land for the potential development of a branch rail line. (68 FR 74965).</p>

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13	EA0064	352	How will the validity of claims and the presence of valuable mineral deposits be determined? Who will make this determination? In the event there is a disagreement between a land user and DOE over the validity of a claim, does the County have the authority to arrange for an independent arbitrator? Can it be assumed that claims that have been subject to drilling programs, where block modeling has been completed, would be considered valid?	<p>EA Section 4.1 Mineral Resources has been revised to remove any reference to a "valid claim." Any mining claim that BLM recognizes as a valid existing right will not be affected by the proposed action. A mining claim may be a valid existing right even if it is not being actively mined or has not been evaluated by BLM CMEs) and found to have a reasonable prospect of success in developing a valuable mine.</p> <p>This change is consistent with the publicized intent of the segregation and withdrawal which is to segregate the lands from surface entry and the location of new mining claims, subject to valid existing rights, in support of DOE's activities associated with the evaluation of the land for the potential development of a branch rail line. (68 FR 74965).</p>
13	EA0064	353	<p>EA Section 3.1 Mineral Resources, p.7</p> <p>"...as the withdrawal action limits only surface entry and location of mining. Patented mining claims are not affected because they are considered private lands not subject to withdrawal."</p> <p>This statement requires expansion to include access to patented and unpatented claims within and along the proposed withdrawal area.</p>	Section 4.1 of the EA was revised to explain that access to patented and unpatented claims within and near the proposed withdrawal area would not be prohibited.
13	EA0064	357	<p>EA Section 4.1.3 No-Action Alternative, pgs.25-26</p> <p>"...it is anticipated that the No-Action Alternative will also have little impact on mining activities in the proposed land withdrawal area. Full-scale mining activities have the potential to create a number of adverse impacts to environmental resources such as water, air, biological, and cultural resources; however based on recent trends, impacts to such resources are not</p>	DOE believes it is appropriate to acknowledge the potential for adverse impacts of mining because they are reasonably foreseeable under the No-Action alternative.

11.0 Mineral and Energy Resources

Person ID	Document ID	Comment ID	Comment	Response
			<p>anticipated."</p> <p>Again, this statement is outside the scope of the EA. DOE takes the position that mining activity creates significant adverse impacts on environmental and cultural resources. DOE's critical outlook on mining in the withdrawal area should not be used to justify its proposed action. The statement is unnecessary and should be deleted.</p>	
55	EA0077	430	<p>Although the trend of active mining claims within the Withdrawal Area shows a large reduction in claims, this is consistent with the value of different minerals. Figure 3 in Section 3.1.3 only shows information through 2003, but since 2003, the value of different minerals is growing at a considerable rate. The lack of information for the years 2004 and 2005 is inconsistent because of the probability of the large increase in mining claims.</p>	<p>BLM's segregation precluded new mining claims during 2004 and 2005, which is why there is no information presented in the EA for mining claims in those years.</p> <p>Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000. These revenues will continue because the proposed withdrawal recognizes existing rights. During the withdrawal period, new production of sources can be developed from any mining claims in existence prior to December 2003, the date of the DOE's application for the PLO and the effective date of the land segregation.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that</p>

11.0 Mineral and Energy Resources

Person ID	Document ID	Comment ID	Comment	Response
				<p>about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.</p>

12.0 Native American Tribal Concerns

Person ID	Document ID	Comment ID	Comment	Response
71	EA0018	43	<p>These lands BLM claim are Western Shoshone lands. You know this as well as the President of the United States. You don't want to acknowledge this. The Federal Government cannot show any document that says that we lost our lands. "Gradual encroachment" is not a legal term that can be used to justify the theft of Western Shoshone lands.</p> <p>The Committee for the Elimination of Racial Discrimination (CERD) of the United Nations, of which the U.S. is part of, has ruled that the U.S. is in violation of our human rights, due process, and our basic rights to exist as an indigenous nation. The only cheap response the U.S. delegation had was to say that CERD has no authority over the U.S. The U.S. cannot justify stealing Western Shoshone lands!!</p>	<p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years.</p> <p>The Western Shoshone people maintain that the Ruby Valley Treaty of 1863 gives them land rights to approximately one-third of the State of Nevada (including the Yucca Mountain region), along with portions of California, Utah, and Idaho. The Western Shoshone filed a claim in the early 1950s alleging that the Government had taken the tribe's land. The Indian Claims Commission found that the Western Shoshone title to the land had gradually been extinguished and set a monetary award as payment for the land. In 1976, the Commission entered its final award to the Western Shoshone people. The Western Shoshone dispute these findings and have not accepted the monetary award for the lands in question. The tribe maintains that no payment has been made and that Yucca Mountain is on Western Shoshone land. Although DOE recognizes the sensitivity of this issue, a 1985 Supreme Court decision (United States v. Dann) held that the Western Shoshone claim to land associated with the Ruby Valley Treaty has been extinguished, and that fair compensation has been made. The Supreme Court ruled that even though the money has not been distributed, the United States has met its obligation and the aboriginal title to the land has been extinguished. DOE is aware that among the Native American community there is significant disagreement with the Supreme Court rulings.</p>

12.0 Native American Tribal Concerns

Person ID	Document ID	Comment ID	Comment	Response
22, 4	EA0019& EA0049	44, 369	What about the implications or what considerations have been given to the terms "on or near" Indian reservations of tribal lands as defined by the federal government?	<p>The proposed action would withdraw BLM-administered lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years.</p> <p>The proposed land withdrawal does not apply to tribal lands. In addition, on September 14 2005 in Las Vegas, Nevada, DOE met with tribal representatives from 17 Native American organizations through the Yucca Mountain Native American Interaction Program on the Draft EA.</p>
43	EA0032	107	The Western Shoshone land boundaries are recognized in the 1863 Treaty of Ruby Valley. There has been no abrogation of the Treaty. The land recognized in this treaty covers the entire area of the proposed project, and therefore any aspect of the project as the potential to adversely impact our Tribe. As stated above the map should set forth the location of Scotty's Junction and the Western Shoshone land boundaries, as well as specifically identify the Timbisha trust lands.	<p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years.</p> <p>The Western Shoshone people maintain that the Ruby Valley Treaty of 1863 gives them land rights to approximately one-third of the State of Nevada (including the Yucca Mountain region), along with portions of California, Utah, and Idaho. The Western Shoshone filed a claim in the early 1950s alleging that the Government had taken the tribe's land. The Indian Claims Commission found that the Western Shoshone title to the land had gradually been extinguished and set a monetary award as payment for the land. In 1976, the Commission entered its final award to the Western Shoshone people. The Western Shoshone dispute these findings and have not accepted the monetary award for the lands in question. The tribe maintains that no payment has been made and that Yucca Mountain is on Western Shoshone land. Although DOE recognizes the sensitivity of this issue, a 1985 Supreme Court decision (United States v. Dann,) held that the Western Shoshone claim to land</p>

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Person ID	Document ID	Comment ID	Comment	Response
				<p>associated with the Ruby Valley Treaty has been extinguished, and that fair compensation has been made. The Supreme Court ruled that even though the money has not been distributed, the United States has met its obligation and the aboriginal title to the land has been extinguished. DOE is aware that among the Native American community there is significant disagreement with the Supreme Court rulings.</p> <p>Figure 5, the land use and ownership map, was revised to highlight the location of tribal lands in Scotty's Junction. DOE has also expanded the Native American Land Use section to describe the tribe's proximity to the proposed land withdrawal area.</p>
43	EA0032	111	The Draft EA includes a map of the area, however this map does not include Scotty's Junction, nor the Tribe's land boundaries. There is only one vague reference to the Tribe, on page 24 of the Draft EA. The Draft EA lacks any discussion of the Tribe's proximity to the proposed Caliente Rail Corridor area.	Figure 5, the land use and ownership map, was revised to highlight the location of tribal lands in Scotty's Junction. The DOE has also expanded the Native American Land Use section to describe the tribe's proximity to the proposed land withdrawal area.
22	EA0048	258	The EA does not address potential impacts to tribal lands or set out boundaries of tribal lands in relation to the project area.	The proposed action would withdraw BLM-administered lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The proposed land withdrawal would not apply to tribal lands. Figure 5 was revised to highlight the location of tribal lands in Scotty's Junction. DOE has also expanded the Native American Land Use section to describe the tribe's proximity to the proposed land withdrawal area.
22	EA0048	261	The EA does not mention consultation with the tribe. Tribal consultation should be required.	<p>On September 14, 2005 in Las Vegas, Nevada, DOE met with tribal representatives from 17 Native American organizations through the Yucca Mountain Native American Interaction Program on the Draft EA.</p> <p>DOE cultural resource activities related to the rail line,</p>

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				including consultation, would be conducted in accordance with the Programmatic Agreement currently being developed between the BLM, the DOE, and the State Historic Preservation Office. Interested Native American tribes have been invited to become concurring parties to this agreement.
4	EA0049	373	What about the surface entry activities resulting from Indian use such as extracting native plants, roots or other cultural resources such as a quarry site or paint sources for cultural or religious purposes?	The proposed action would withdraw BLM-administered lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The proposed land withdrawal would not apply to tribal lands. In addition, the proposed action would not affect casual use or traditional Native American uses on the withdrawn land.
50	EA0062	331	Section 3.9 - Land Use and Ownership The draft EA makes no mention of the Western Shoshone land claim dispute, even though the proposed withdrawal lies within lands claimed by the Shoshone as part of their ancestral homeland. The withdrawal of land for a nuclear waste rail corridor has the potential to energize conflicts over the disputed land and result in a variety of possible impacts. The NEPA analysis should evaluate the impacts of the proposed withdrawal in light of the existing Shoshone claims to the land.	<p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years.</p> <p>The Western Shoshone people maintain that the Ruby Valley Treaty of 1863 gives them land rights to approximately one-third of the State of Nevada (including the Yucca Mountain region), along with portions of California, Utah, and Idaho. The Western Shoshone filed a claim in the early 1950s alleging that the Government had taken the tribe's land. The Indian Claims Commission found that the Western Shoshone title to the land had gradually extinguished and set a monetary award as payment for the land. In 1976, the Commission entered its final award to the Western Shoshone people. The Western Shoshone dispute these findings and have not accepted the monetary award for the lands in question. The tribe maintains that no payment has been made and that Yucca Mountain is on Western Shoshone land. Although DOE recognizes the sensitivity of this issue, a 1985</p>

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Person ID	Document ID	Comment ID	Comment	Response
				Supreme Court decision (United States v. Dann,) held that the Western Shoshone claim to land associated with the Ruby Valley Treaty has been extinguished and that fair compensation has been made. The Supreme Court ruled that even though the money has not been distributed, the United States has met its obligation and the aboriginal title to the land has been extinguished. DOE is aware that among the Native American community there is significant disagreement with the Supreme Court rulings.
75	EA0082	441	<p>Your "Waste Routes" are within Treaty of Ruby Valley Jurisdiction and Restrictions. Acts of Mining, Farming, and Ranching are authorized, continued, and guaranteed under treaty jurisdiction under Peace and Friendship Jurisdiction.</p> <p>Radioactive Land Use destruction is NOT authorized under treaty. OBSTRUCTIONS under this treaty are prohibited. The Treaty of Ruby Valley of Peace and Friendship concluded in 1863 clearly provides right-of -way for ROUTES for TRAVEL now and forever to the people and companies without depredations. Any DOE proposal for MILE-WIDE-NON-USE corridors by others is unlawful. Any permitted activity to NON-USE of the land under treaty is an unlawful act and is in strict violation of NRS 197 and 197.200 and disturbs local peace and is an unauthorized act of war and is an unauthorized act of terrorism by people of the FEDERAL STATE, its AGENCY, NEVADA, or its agents.</p> <p>NO STATE may harbor TERRORISTS. A 200 foot Right-of Way is not unreasonable for a Route for Travel.</p>	<p>The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years.</p> <p>The Western Shoshone people maintain that the Ruby Valley Treaty of 1863 gives them land rights to approximately one-third of the State of Nevada (including the Yucca Mountain region), along with portions of California, Utah, and Idaho. The Western Shoshone filed a claim in the early 1950s alleging that the Government had taken the tribe's land. The Indian Claims Commission found that the Western Shoshone title to the land had gradually been extinguished, and set a monetary award as payment for the land. In 1976, the Commission entered its final award to the Western Shoshone people. The Western Shoshone dispute these findings and have not accepted the monetary award for the lands in question. The tribe maintains that no payment has been made and that Yucca Mountain is on Western Shoshone land. Although the DOE recognizes the sensitivity of this issue, a 1985 Supreme Court decision (United States v. Dann,) held that the Western Shoshone claim to land associated with the Ruby Valley Treaty had been extinguished, and that fair compensation has been made. The Supreme Court ruled that even though the</p>

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Person ID	Document ID	Comment ID	Comment	Response
			<p>Any DOE MILE-WIDE-NON-USE corridor is unreasonable and unlawful. A MILE-WIDE corridor is excessive and unlawful. No RECORD of DECISION is authorized to change TREATY -LAW Any Record of Decision contrary to Treaty Terms is NULL AND VOID. Those signing an unlawful RECORD of DECISION may face FINES and Jail TIME.</p> <p>This NOTICE and FAX is sent affirming: "Full faith and credit shall be given to the public records" and "Congress and its creations including DOE and "STATE" of Nevada may not impair the PRIOR obligations of contract including TREATY!</p>	<p>money has not been distributed, the United States has met its obligation and the aboriginal title to the land has been extinguished. DOE is aware that among the Native American community there is significant disagreement with the Supreme Court rulings.</p>

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Person ID	Document ID	Comment ID	Comment	Response
53	EA0002	4	Glad to have the opportunity to provide input.	DOE appreciates the interest in the land withdrawal decision-making process and the effort required to submit comments.
38	EA0005	11	I received the card "Opportunity of Involvement. This form is well hidden. Thanks a lot.	DOE appreciates the interest in the land withdrawal decision-making process and the effort required to submit comments.
73	EA0006	19	What procedure would be followed if further study and evaluation suggests track alignment outside the area currently identified?	The Rail Alignment EIS would describe the process used to determine if further study and evaluation suggest track alignment outside the area currently identified.
71	EA0017	40	I believe this EA meeting is all just procedure and satisfying your requirements without addressing the real issue of impacts to surrounding lands not just mining.	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line. The NEPA does not require public meetings for EAs. However, because of public interest, DOE held three meetings to provide the public with the opportunity to submit comments on the land withdrawal decision-making process.
10	EA0022 & EA0054	53, 409	I feel that with the magnitude of the acreage that's to be withdrawn, which is I guess all the sections through which the corridor would possibly travel, amounts to something like 300,000 acres. And given the extended period of time, up to 20 years, I feel that that should be addressed in a full Environmental Impact Statement rather than simply in an Environmental Assessment.	DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts. The withdrawal area represents less than 2 percent of the federal land available for potential mineral development within each of the three affected counties (Esmeralda, Lincoln, and Nye Counties).

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10	EA0022	54	The EIS scoping process should have informed us that a withdrawal of up to 20 years was intended. The EIS scoping effort was inadequate because the Public was not informed that a 20 year withdrawal of 300,000 acres would be part of the corridor project.	On December 29, 2003, BLM published a Notice of Proposed Withdrawal in the <i>Federal Register</i> (68 FR 74965) that segregated lands identified in a DOE application to withdraw the land for 20 years to evaluate the potential for construction, operation, and maintenance of a branch rail line. The <i>Federal Register</i> notice segregated the land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 2 years, ending on December 29, 2005. The BLM held public meetings on the application in June 2004.
43	EA0032	112	Has BLM specifically consulted with the Tribe?	On September 14, 2005 in Las Vegas, Nevada, DOE met with tribal representatives from 17 Native American organizations through the Yucca Mountain Native American Interaction Program on the Draft EA. DOE cultural resource activities related to the rail line, including consultation, would be conducted in accordance with the Programmatic Agreement currently being developed between the BLM, the DOE, and the State Historic Preservation Office. Interested Native American tribes have been invited to become concurring parties to this agreement.
67	EA0033	115	Even the effort to schedule this meeting tonight take on a slanted view, in my opinion, because you are asking for comments on a draft to build the railroad, without telling us where the line will run. You certainly have things out of their proper and sensible order. The format of the public open house meeting is suspect, I believe, to circumvent the general public from learning the most possible about this project. More accurate and full information would be available from local people, if you would first explain the project, and then give the public an opportunity to comment on your explanation. But you expect people to come to these meetings and find out details for themselves. That appears to	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.

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			be on purpose to eliminate the pointed and pertinent questions that such a huge project brings to bear.	
11	EA0034	120	At two earlier meetings respecting the Nevada Nuclear Waste railroad issue, I asked of government attendees where I could obtain a map depicting the proposed route in more detail than shown on the single sheet poster display. Both times I was told that the poster map was all that is available. I have since learned that that answer was incorrect; I have heard of a spiral-bound atlas of several dozen sheets laying-out the route in some detail. ? Is that atlas a secret document or is it available to the public ? Without being able to study the actual route, I cannot provide meaningful input.	The Rail Alignment EIS will describe in detail the proposed rail alignment. This document is due to be published in 2006. During the public comment period for the Draft Rail Alignment EIS, detailed maps will be available to the public.
59, 65	EA0035 & EA0063	129, 295	Lincoln County believes that approval by the Bureau of Land Management (BLM) of the Department of Energy's (DOE) request to withdraw public land within the Caliente Corridor from surface entry and filing of new mineral claims for up to 20 years would result in significant adverse impacts which have not been adequately addressed within the subject environmental assessment (EA). Absent a more complete disclosure of potential impacts and identification and evaluation of measure to mitigate said effects, Lincoln County fears that unanticipated impacts will occur for which no commitment to mitigation has been established by DOE. Of particular concern is a lack of brevity in the EA with regarding impacts to mining and related activities. In addition, the EA fails to consider impacts associated with Caliente Rail Corridor withdrawal related restrictions on granting of new rights-of-way and easements and the disposal of public land by BLM.	<p>The scope of the EA, as described in Section 1.2, is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line.</p> <p>DOE believes that the preparation of an EA is consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts.</p> <p>DOE recognizes that mineral development activity can be directly tied to market value. Nonetheless, as described in Section 4.1.1, reasonably foreseeable impacts to mining are considered negligible because no unique, economically valuable minerals have been identified within the potential withdrawal area; the withdrawal area represents less than 2 percent of the federal land available for potential mineral development within each of the three affected counties (Esmeralda, Lincoln, and Nye); and exploration and development of</p>

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				<p>mineral deposits on existing claims would continue and be unaffected by the withdrawal of lands.</p> <p>The proposed land withdrawal does not restrict BLM from granting new ROWs, easements, and/or special use permits.</p>
59, 65	EA0035 & EA0063	134, 300	Finally, it is not clear why this EA is not a BLM document. BLM is the agency which must make a decision (granting of the land withdrawal) which is subject to National Environmental Policy Act (NEPA) compliance. It is recommended that the document be revised to be a BLM document.	Pursuant to BLM regulations, DOE is an applicant to BLM for the action of land withdrawal. As an applicant, DOE is responsible for providing the BLM with NEPA documentation to make a decision. The BLM is a cooperating agency with DOE on this action and has been involved in preparing the EA.
59, 65	EA0035 & EA0063	135, 301	Page 5, Section 2 Alternatives – DOE has confused its role with BLM. BLM is the decision agency. DOE is the applicant (proponent). Section 2.E should be the Proposed Action (proposed by DOE) and Section 2.2 should be an alternative identified by BLM and the proponent (DOE) and carried forward for analysis.	DOE is an applicant to the BLM for the action of land withdrawal. As an applicant, the DOE is responsible for providing the BLM with the NEPA documentation to make a decision. The BLM is a cooperating agency with the DOE on this action and has been involved in the document preparation.
59, 65	EA0035& EA0063	157, 323	Lincoln County anticipates that DOE will consider these comments in preparing a significantly enhanced revised draft environmental assessment. Lincoln County requests that said revised EA be distributed for public review and comment prior to finalization.	The DOE considered all comments and revised the EA as appropriate. The Final EA will be submitted to BLM as part of the DOE's application for the PLO.
24	EA0037	166	The comment period needs to be extended for this EA. It is poorly written and at time very confusing. More time is needed so more people who are going to be effected by this irresponsible proposed action can comment.	The DOE, because of public interest, provided a 30-day period for reviewing the draft EA and held three meetings to provide the public with the opportunity to submit comments on the land withdrawal decision-making process.

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24	EA0037	170	Such a significant land withdrawal should be detailed by a full Environmental Impact Statement (EIS), not just a vague EA. There are too many details missed by the EA. You are planning on shipping high level nuclear waste and the adverse impacts of this plan go much further than a simple land withdrawal. An EIS is needed for addressing property value impacts, and addressing adverse impacts on mineral and energy resource development, ranching, cultural resources, wilderness areas, all recreation, flora and fauna, flooding and safety of local people. It appears the DOE wants to role this through as quickly as possible and skirt the actual concerns of the public.	<p>An EA is short and concise public document that provides enough information to determine the need for an EIS or the issuance of a FONSI.</p> <p>DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts. As analyzed in the EA, the proposed withdrawal of lands would not have significant impacts on the human environment.</p>
27	EA0040	183	This proposal to keep new mining claims out of the proposed corridor area is one part of what appears to be a highly segmented process. We are very concerned that DOE is taking a piecemeal approach to environmental analysis of this corridor. This large-scale project will have serious environmental impacts to the land, air, water and human population and wildlife in Nevada as well as downwind in Utah, Arizona or even Idaho. We believe an initial EIS is necessary, instead of this whole segmented series of actions.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights for a period of 10 or 20 years, for the purposes of evaluating the land for a potential rail line.</p> <p>DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts. The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
20	EA0044 & EA0051	208, 394	First, we believe there's a 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, that is property value impacts, stigma, etc. Moreover, an EIS is needed to specifically address adverse impacts on mineral and energy resource development, ranching,	The purpose of an EA, generally, is to determine if an EIS is needed or a FONSI is appropriate. The proposed action would have no impacts on energy resources, ranching, and cultural resources. The EA evaluates the impacts of the proposed action on the mineral resources. DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts.

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			and cultural resources.	<p>DOE is preparing a Rail Alignment EIS that will address the construction and operation of the proposed rail line.</p> <p>Although an evaluation of the impacts of transporting spent nuclear fuel and high-level radioactive waste is outside the scope of this land withdrawal EA, DOE considered perception-based and stigma-related impacts from transportation activities in the Final Yucca Mountain EIS. DOE assessed qualitatively the likelihood that perceptions of danger and stigma, regardless of whether they are based on accurate scientific assessments, might result in adverse socioeconomic impacts on Nevada. Absent accidents, two studies report that at least a temporary decline in residential property values of approximately 3 percent can be expected in transportation corridors in urban areas. Data from other transportation experience (such as the transport of transuranic waste to the Waste Isolation Pilot Plan), however, suggest that impacts on property values might be negligible or nonexistent. More research on whether property values have fluctuated with the transportation of radioactive waste would be more conclusive. The research, however, would not enable analysts to know with certainty whether there would be impacts from perceptions of shipments of spent nuclear fuel and high-level radioactive waste to a Yucca Mountain repository or how long such impacts would last.</p>
19	EA0045	222	The draft Environmental Assessment ("EA") for the Caliente Rail Corridor published August 29, 2005 has been reviewed and found to be a) incomplete and b) misleading and inconsistent with the intent of the original segregation dated December 29, 2003 and the Federal Register notice of August 29, 2005.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line.</p> <p>DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts.</p>

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19	EA0045	226	The Bureau of Land Management ("BLM") and Department of Energy ("DOE") solicited and received numerous comments on the segregation which were not included in the EA. The EA also ignores the alternatives proposed in the comments. Tremendous time and effort was spent by the public to provide significant input on the segregation and those comments should be addressed in the EA. Instead the EA is silent on the information received and provides its own limited analysis of the issues to support its request for a withdrawal.	The BLM held a public comment period on the DOE's land withdrawal application and the land segregation in 2003 (68 FR 74965). The comments BLM received were passed on to DOE for consideration in the development of the EA.
19	EA0045	227	The EA does contain section 5.2, Public Input, which states public comments were received, implying they were considered and included in the document. The following documents are attached which have previously been submitted, in order to insure the information and comments have been considered. The EA document does not appear to have considered the information and should have.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line.</p> <p>DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts.</p>
19	EA0045	228	<p>The content of the EA is not consistent with the intent of the original segregation dated December 29, 2003 and the Federal Register notice of August 29, 2005. FR 12/29/03 ... "subject to valid existing rights for mining, mineral exploration" etc.</p> <p>FR 8/29/05"withdrawal for the purpose of precluding surface entry and the location of new mining claims which could interfere with the evaluation of the land. The proposed PLO would not affect existing mining claims or other activities..."</p>	The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The exploration and development on existing claims within the withdrawal area could occur as regulated by the BLM. The intention of the proposed withdrawal is the same as that of the land segregation. The EA has been modified to clarify "valid existing rights."

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19	EA0045	246	EA page 33, S.5.2 Public Participation: The comments and information received during the public scoping process were not included in this document and therefore references to the public meeting are again a misleading statement.	DOE did not conduct scoping meetings for this Environmental Assessment. DOE held separate public meetings with regard to the EA and has incorporated comments received into the final EA as necessary. Comments that BLM received regarding the segregation and potential PLO were considered during the preparation of the EA.
19	EA0045	247	The EA document does not represent a thorough, fair and impartial assessment of the impacts that the segregation and withdrawal will have on the mineral exploration and mining related activities. It seems to be skillfully worded and or inconsistent throughout the document so the actual intent is not clear, and to preserve some future standing to justify additional actions. The EA reaches beyond the scope of the analysis of the impacts of the withdrawal and lobby's against future mining activities as justification for the proposed withdrawal.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line.</p> <p>DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts.</p> <p>The discussions of mining impacts from the No-Action alternative have been removed from Section 4.1.</p>
19	EA0045	248	The EA should be rewritten to be specific, consistent and objective to assess the impacts to the rights of all affected parties that existed before and after December 29, 2003.	The proposed action would withdraw the identified lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The extraction and development of mineral deposits on existing claims within the withdrawal area could occur as regulated by the BLM. Access to existing mining claims (patented or unpatented) would not be restricted.
19	EA0045	249	The document should include the comments previously received to calculate the future impact on the affected rights through the next 10-20 years.	The BLM held a public comment period on DOE's land withdrawal application and the land segregation in 2003 (68 FR 74965). Comments received by the BLM during this period were forwarded to DOE for consideration in the development of the EA. The DOE did not conduct scoping meetings for the PLO and this EA.
19	EA0045	250	The BLM should only issue the withdrawal if the action is not adverse to the existing rights of all affected parties, including those owners of the	The BLM will render a decision on the DOE's request to withdraw the identified land from surface entry and the location of new mining claims, subject to valid existing

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			915 unpatented mining claims and patented mining claims recognized in the document.	rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line. This decision would be based on public input received during the land segregation and on the EA, and accompanying technical information. The extraction and development of mineral deposits on existing claims within the withdrawal area could occur as regulated by the BLM. Access to existing mining claims (patented or unpatented) would not be restricted.
19	EA0045	251	It is the responsibility of the BLM to independently consider the public land multiple use issues and to insure the existing rights of all affected parties are protected during the segregation and if granted, the withdrawal period. It is also the BLM's responsibility to insure the EA document is accurate, complete provides a thorough analysis of the issues, which this one does not.	The BLM will render a decision on the DOE's request to withdraw the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line. This BLM decision would be based, in part, on input received during public meetings, the EA, and accompanying technical analyses. The BLM is a cooperating agency for the preparation of the EA, and the Department of the Interior has the ultimate responsibility for issuing the PLO.
34	EA0047	256	We believe that the Department and BLM had a legal obligation to then specifically notify each of the permittees who are currently operating on those 33 grazing allotments, and that a copy of the Environmental Assessment should have been delivered preferably by certified mail or some other traceable transmission method to each of the affected parties, and that indeed each of those affected parties should have been individually invited to come either to Amargosa Valley, to this meeting, or to the meeting in Caliente to give comments. To our knowledge, based on the information that is provided on the last page of the EA, it does not appear that the Department made an effort to individually communicate with the permittees who are currently operating on those 33 grazing	The DOE mailed more than 3,000 notifications to individuals and agencies that are currently on the DOE-BLM mailing list for the Nevada rail project, held three public meetings and one tribal meeting, and advertised in the local papers. In addition, the DOE posted flyers announcing the public meetings in the communities and towns of Pahrump, Amargosa Valley, Lathrop Wells, Beatty, Tonopah, Rachel Hiko, Pioche, Panaca, Caliente, Ash Spring, and Alamo. The Department also mailed or hand-delivered public meeting announcements to more than 73 property owners, including 45 ranchers, located along the Caliente Corridor.

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			allotments. We have similar concerns with the current holders of BLM mining claims who are potentially affected by the proposed action. We have, however, less specific information based on our own analyses so far. But, again, we would make the point that the Department and BLM, we believe, had a legal obligation to identify each of the potentially affected claim holders, to provide each of them with a copy of the Environmental Assessment, and individually invite them to come to one of these three public meetings and provide detailed comments.	
4	EA0049	370	First question is why wasn't the Environmental Impact Assessment shared at the last tribal update meeting? On July 7, 2005 the governor was advised of a notice of intent to prepare an EA to withdraw public lands. That information could have and should be provided to the tribes, and it is recommended that all future correspondence going to the governor be copied to the tribes for their information and/or comment.	DOE apologizes for any miscommunication regarding the EA and will make an effort to improve its communication with the tribes through timely correspondence and the tribal update meetings.
59	EA0050	384	We're afraid that, you know, if it's a 20-year, 10-year the department will indeed take that much time to make a decision. Hopefully that's not the case, but those are concerns.	DOE initially applied to the BLM for a 20-year land withdrawal. However, during the NEPA process, the DOE decided to consider alternative withdrawal timeframes, because a 10-year withdrawal is an adequate period for conducting necessary study activities. Consequently, the shorter withdrawal period became DOE's preferred alternative.
59	EA0050	386	I'm grateful that the department has chosen again to come to Caliente and Lincoln County to do this. We appreciate it very much for the opportunity to have access to make comments and perhaps impact	The DOE appreciates the interest in the land withdrawal decision-making process and the effort required to submit comments.
20	EA0051	399	Indeed, there are so few people, so few parcels of private property along the corridor, the DOE should have individually contacted each person and invited them to attend the meetings and	The DOE mailed more than 3,000 notifications to individuals and agencies that are currently on the DOE-BLM mailing list for the Nevada rail project, held three public meetings and one tribal meeting, and advertised

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			provided them individual copies of the EA.	in the local papers. In addition, the DOE posted flyers announcing the public meetings in the communities and towns of Pahrump, Amargosa Valley, Lathrop Wells, Beatty, Tonopah, Rachel Hiko, Pioche, Panaca, Caliente, Ash Spring, and Alamo. The DOE also mailed or hand-delivered public meeting announcements to more than 73 property owners, including 45 ranchers, located along the Caliente Corridor.
10	EA0054	408	My first comment has to do with the Environmental Impact Statement process. We had the scoping hearings earlier this year. At no time during that process was I informed that there was an intention to withdraw the full acreage designated for the corridor for a period of up to 20 years. And that should have been on the table at that time so that the scoping comments that people presented could have been relevant to any concerns they had about that.	On December 29, 2003, BLM published a Notice of Proposed Withdrawal in the <i>Federal Register</i> (68 FR 74965) that segregated lands identified in a DOE application to withdraw the land for 20 years to evaluate the potential for construction, operation, and maintenance of a branch rail line. The <i>Federal Register</i> notice segregated the land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 2 years, ending on December 29, 2005. The BLM held public meetings on the application in June 2004.
14	EA0058	272	Instead of an EA I request seeing an EIS for this land transfer.	DOE believes that the preparation of an EA is consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts. The impacts from a proposed action are what determine the need for an EIS. As analyzed in the EA, the proposed withdrawal of lands would not have significant impacts on the human environment.
42	EA0060	278	There is a need for an Environmental Impact Statement (EIS), not just an Environmental Assessment (EA). This is not just any land withdrawal; it is associated with a shipping corridor that will have a significant adverse affect for far beyond the simple land withdrawal (i.e., property value impacts, stigma, etc.). Moreover, an EIS is needed to specifically address adverse impacts on energy resource development, mineral development, ranching,	DOE believes that the preparation of an EA is consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts. The impacts from a proposed action are what determine the need for an EIS. As analyzed in the EA, the proposed withdrawal of lands would not have significant impacts on the human environment.

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			and cultural resources.	<p>Although an evaluation of the impacts of transporting spent nuclear fuel and high-level radioactive waste is outside the scope of this land withdrawal EA, the DOE considered perception-based and stigma-related impacts from transportation activities in the Final Yucca Mountain EIS. The DOE assessed qualitatively the likelihood that perceptions of danger and stigma, regardless of whether they are based on accurate scientific assessments, might result in adverse socioeconomic impacts on Nevada. Absent accidents, two studies report that at least a temporary decline in residential property values of approximately 3 percent can be expected in transportation corridors in urban areas. Data from other transportation experience (such as transport of transuranic waste to the Waste Isolation Pilot Plan), however, suggest that impacts on property values might be negligible or nonexistent. More research on whether property values have fluctuated with the transportation of radioactive waste would be more conclusive. The research, however, would not enable analysts to know with certainty whether there would be impacts from perceptions of shipments of spent nuclear fuel and high-level radioactive waste to a Yucca Mountain repository or how long such impacts would last.</p>
50	EA0062	332	<p>Need for an environmental impact statement (EIS). The proposed action requiring evaluation under the National Environmental Policy Act (NEPA) is not just any land withdrawal. The U.S. Department of Energy's (DOE) application to the Bureau of Land Management (BLM) for the withdrawal of 308,600 acres of public land is associated with, and has no utility independent of, what is arguably the most potentially impacting and controversial federal action in Nevada. The land withdrawal will permit DOE to evaluate – and potentially construct and operate</p>	<p>DOE believes that the preparation of an EA is consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts.</p> <p>The impacts from a proposed action are what determine the need for an EIS. As analyzed in the EA, the proposed withdrawal of lands would not have significant impacts on the human environment.</p>

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			– a high-level nuclear waste rail line that will have significant adverse effects far beyond the simple land withdrawal. Apart from causing impacts and disruption to existing land users within and along the corridor, the proposed action, with its ultimate goal of developing a nuclear waste rail line, has the potential to negatively affect the environment, grazing allotments, mining and energy development activities, property values, the economy, important cultural resources, and more. The level and scope of the draft Environmental Assessment (EA) prepared by DOE is wholly inadequate. The draft EA must be withdrawn and a full EIS prepared in order for there to be a complete assessment of the full range of impacts to the human environment.	
50	EA0062	340	Failure to consider the Ely Resource Management Plan (RMP) - The draft EA makes reference to four approved BLM land use plans relevant to the proposed action, but it fails to reference the RMP for the Ely District. BLM is currently in the process of seeking public comments on major revisions to the Ely RMP, and the proposed Yucca Mountain rail line is addressed (although inadequately) as a cumulative impact in the draft EIS BLM has prepared to support plan revisions.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line.</p> <p>DOE believes that the level of information and analyses reasonably represents foreseeable impacts.</p>
40	EA0067	362	Thank you for keeping me posted.	DOE appreciates the interest in the land withdrawal decision-making process and the effort required to submit comments.
26	EA0085	423	We also like to again comment that DOE should not be the agency in charge of the EA. In going so DOE is in violation of the NEPA process.	DOE is an applicant to the BLM for the action of land withdrawal. As an applicant, the DOE is responsible for providing the BLM with the NEPA documentation to make a decision. The BLM is a cooperating agency with the DOE on this action and has been involved in the document preparation.

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74	EA0075	419	Overall the EA lacks sufficient detail in both the description of resources and analysis of impacts. Chapter 3.0 provides limited information on resources and is not adequate to fully understand the extent of impacts of the proposed alternatives. Most of the resource descriptions are limited to a few short paragraphs. The chapter on socioeconomic conditions contains the greatest amount of baseline information, but in reality adverse impacts to employment and income will be minimal. A more balanced and thorough descriptions of resources should to be included.	<p>An EA is short and concise public document that provides enough information to determine the need for an EIS or the issuance of a FONSI.</p> <p>DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts. As analyzed in the EA, the proposed withdrawal of lands would not have significant impacts on the human environment.</p>
46	EA0076	425	We also recommend that DOE begin working, at the earliest possible stage on its evaluation, in consultation with the affected jurisdictions and individual property owners and users.	DOE will continue to work closely with the pubic, local communities, and tribes relative to activities related to the potential rail project.
45	EA0081	438	We are encouraged that the DOE is working closely with the local communities, landowners, counties and Tribes to ensure that the associated work with land withdrawal will have minimum impact upon the local communities and the environment.	DOE will continue to work closely with the pubic, local communities, and tribes relative to activities related to the potential rail project.
31	EA0084	444	The proposed DOE action, Alternative Action - Modified Land Withdrawal for 10 Years, will allow DOE to evaluate and conduct all necessary activities related to the construction of the Caliente Corridor, a controversial and negatively impacting action whose very feasibility is currently being; argued in Federal court in Washington, DC. The extraordinary circumstances surrounding the EA, paired with the scope of the action both in terms of the amount of land withdrawn (308,600 acres) and the time for withdrawal (10 years), has the potential to negatively affect grazing rights, mineral and natural resources, water resources, property values, and cultural resources in	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line.</p> <p>DOE believes that the data provided in the EA are consistent with NEPA requirements and that the level of information and analyses reasonably represents foreseeable impacts.</p> <p>The impacts from a proposed action are what determine the need for an EIS. As analyzed in the EA, the proposed withdrawal of lands would not have significant impacts on the human environment.</p>

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			<p>Nevada. These significant impacts were cursorily addressed in the draft EA, and did not take adequate account of comments submitted by residents during public comment. The Draft EA should be withdrawn and a full EIS prepared and submitted that can adequately assess the impact of this withdrawal on the state of Nevada.</p> <p>We urge DOE to withdraw the EA and resubmit a full EIS that includes any alternative alignments, particularly those that avoid Garden Valley.</p>	

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76	EA0004	10	I am 100% against any withdrawal for this purpose. Any future railroad should be required to follow existing highway corridors or stay within the Nellis Air Force Range & Nevada Test Site.	DOE recognized the opposition to withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line.
64	EA0013	34	However, in case problems occur hundreds of years from now, why not preserve access to ensure surface transportation in/out is possible? In other words, ensure that claims and population do not become an impediment to surface transportation in/out. I can see that asking for 10 years is easier than asking for 20 or more, but the opportunity should not be allowed to slip away.	DOE initially applied to the BLM for a 20-year land withdrawal. However, during the NEPA process, the DOE decided to consider alternative withdrawal timeframes, because a 10-year withdrawal is an adequate period for conducting necessary study activities. Consequently, the shorter withdrawal period became DOE's preferred alternative.
49	EA0014	37	I strongly objects to the withdrawal of public lands.	DOE recognizes the opposition to withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line.
71	EA0017	41	The term "casual use" is very misleading. Are you going to change the term once your rail gets built and you start having nuclear waste?	Casual use means any short-term, noncommercial activity that does not cause appreciable disturbance or damage to the public lands, their resources, or improvements and that is not prohibited by closure of the lands to such activities. Examples of casual use can include recreation activities such as use of roads for hunting and sightseeing; domestic uses or activities associated with managing ranches, farms, and rural residences; and ingress and egress on existing roads and trails.
22	EA0019	45	EA should identify "casual uses."	The term casual use has been clearly defined in the glossary of the EA. Causal use means any short-term, noncommercial activity that does not cause appreciable disturbance or damage to the public lands, their resources, or improvements and that is not prohibited by closure of the lands to such activities. Examples of casual use can include recreation activities such as use of roads for hunting and sightseeing; domestic uses or activities associated

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				with managing ranches, farms, and rural residences; and ingress and egress on existing roads and trails.
22	EA0019	47	Is the railroad 1 mile from our tribal lands at Scotty's Junction?	No determinations have been made on where a railroad would be constructed. The Draft Rail Alignment EIS, to be published in 2006, will present alternative alignments for the potential construction of a rail line. Although the proposed land withdrawal area falls within 1 mile of the Scotty's Junction tribal land area, the rail alignment is unknown at this time.
12	EA0021	50	I do not think the alternative Western route proposed by Esmeralda County commissioners was addressed at all and should be withdrawn and discussed immediately.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing, rights for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
12	EA0021	51	I also find it strange to prepare a land withdrawal document w/out more explanation about why land is withdrawn – such as future use as a rail road. I know it will be addressed in a future document, but should be further explained as what the withdrawn land will finally become affects reason to withdraw or not. A “nuclear train” could have an impact on withdrawn land and should be addressed as part of this document.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
9	EA0030	98	I am of the opinion that the proposed rail corridor on the circuitous route from Caliente Nevada to near Yucca Mountain at Amargosa Valley is a substantial waste of tax money, pristine landscape, and other natural resources. Tax money authorized for this repository would be better applied to a shorter alternative	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail</p>

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			<p>dedicated rail route if and when Yucca Mountain is proven safe.</p> <p>I have nearly 30 years experience working for, or with, railroads and share my opinion that not only is the proposed route undesirable for railroad operation due to the extreme elevation changes over the 300 plus miles ranging from 2000 to over 6000 feet and would take years to complete and still be lacking in operational economical.</p>	<p>line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
44	EA0031	103	<p>Mining District: Per the map on page 9 of the EA, the Goldfield Mining District is divided by the withdrawal corridor. This area has gold, silver, copper, lead, and arsenic. Placement here is critical - careful placement of the corridor to facilitate access and movement of ore for efficient processing is absolutely essential. Exceptions to access all ore bodies within as close a proximity as possible to a strategically placed rail bed must be considered. Movement to the east "to accomplish this is shortsighted and may offer short term benefits to a FEW.</p>	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
43	EA0032	109	<p>The EA also does not address the ultimate result of these evaluations that will be conducted by DOE. The Yucca Mountain Environmental Impact Statement (EIS) did not adequately address transportation related impacts. The purpose of the EA is to assess the potential impacts of withdrawing the proposed land area from public use. However, the ultimate result of the project is to allow for evaluation of the potential for a rail corridor to be placed in this area, without describing what the purpose, process, and how the information gained through these evaluations will be used to determine whether this is an appropriate location for a rail line. The Tribe would like to</p>	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>

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			know if DOE will be amending or supplementing the Yucca Mountain EIS once the evaluations have occurred, or if it intends to move forward with the Caliente Rail Corridor without any public review of the potential for environmental impacts. The Final EA should address these issues as it could be the only environmental assessment conducted prior to approval of the rail corridor.	
67	EA0033	117	It would make a whole lot more sense if the DOE and the Air Force would quit pulling faces at each other in power plays or one-up-man-ship, sit down and figure out a schedule whereby the railroad could run for 100 some odd miles across Area 51 into NTS the "back way". It would be easier to build, cheaper, more timely, safer for the public and affect less animals and forage on the public land along the route. A better alternative to shipment would be to upgrade the current paved highways from Caliente to Tonopah to Mercury and into Yucca Mountain and ship the casks by truck in legal weight loads.	Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.
59, 65	EA0035 & EA0063	130, 296	The requested land withdrawal does not appear to reflect alignment alternatives which would avoid land use conflicts identified in a study of said conflicts by L&H Consulting for the Central Nevada Community Protection Working Group through a cooperative agreement with DOE. Alignment alternatives for avoiding land use conflicts may require use by DOE of public land outside of the Caliente Rail Corridor as initially proposed by DOE.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land, as described in DOE's withdrawal application dated December 2003, from surface entry and the location of new mining claims, subject to valid existing rights for a period of 10 or 20 years, for the purposes of evaluating the land for a potential rail line.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the</p>

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				Rail Alignment EIS analyze different actions and impacts to the environment.
24	EA0037	168	The EA fails 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.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land, as described in DOE's withdrawal application dated December 2003, from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
24, 20, 50	EA0037, EA0044, EA0051 & EA0062	171, 212, 398, 339	"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.	<p>The DOE has proposed to conduct casual use activities during the PLO period. It is DOE's intent to complete the Rail Alignment EIS using information gathered from casual use activities.</p> <p>Activities related to the placement of the actual rail alignment, construction, operation and maintenance of the proposed rail alignment would be addressed in DOE's Rail Alignment EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
27	EA0040	186	How much of this rail corridor is new, and how much would follow pre-existing rail lines? It is difficult to tell from the very limited and inadequate scoping information just what is proposed.	Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the

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				development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.
27	EA0040	192	Just what kind of "evaluation" of the land will be undertaken, and why would it be more "safe, efficient and uninterrupted" to evaluate these lands with the right-of-way place it disturb?	<p>The EA assesses the impacts from the casual use activities, which is required to evaluate the land for the potential development of a branch rail line. These activities would include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping.</p> <p>As stated in Section 4.1.3 of the EA, under the No-Action alternative, surface entry or the location of new mining claims could occur that would limit the DOE's ability to access and evaluate the withdrawn lands for the potential development of a branch rail line</p>
27	EA0040	194	Will explosions or other techniques be used to obtain information – and would that jeopardize potential prospectors? If that is the case, wouldn't the general public recreating here be at risk, also? Please fully describe just what "evaluation" will occur.	There would not be explosions or other techniques that would jeopardize potential prospectors. The EA assesses the impacts from the casual use activities, which is required to evaluate the land for the potential development of a branch rail line. These activities would include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping.
20, 42	EA0044, EA0051 & EA0060	210, 283, 396	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	<p>The scope of the EA is to consider the impacts of withdrawing the identified land, as described in DOE's withdrawal application dated December 2003, from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the</p>

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			up public lands for a period of time that is not supported by facts or data documented in the draft EA.	environment.
19	EA0045	223	The EA is limited in its analysis of the impacts of the withdrawal. The EA does not state that the eventual purpose of the withdrawal is to obtain a Right of Way which will result in the construction and operation of a rail line to transport nuclear waste to the proposed repository.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>A decision to apply for a ROW would come after the Rail Alignment EIS is completed. The alignment of and the impacts from a potential rail line would be evaluated in the Rail Alignment EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
34	EA0047	255	<p>I would begin by focusing on the proposed action in the Environmental Assessment, and I would begin by saying that, in our opinion, what the Department of Energy is proposing is not a trivial action. What the Department is proposing in its request for a public order for land withdrawal and restriction on those lands is a continuation of a process that goes back to at least 1991, when the Department of Energy began seriously studying what is now referred to as the Caliente Corridor.</p> <p>And the point of reviewing this past history is to show that DOE has been intensively studying this corridor for at least 14 years. The studies that they are proposing, as we understand them, in the time period that would be covered by the land withdrawal, they have said specifically, will not exceed the surface disturbance activities that are allowed under what the BLM calls "casual use."</p> <p>And that is to say the Department of Energy</p>	<p>The scope of the EA is to consider the impacts of withdrawing the identified land, as described in DOE's withdrawal application dated December 2003, from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>The EA assesses the impacts from the casual use activities, which is required to evaluate the land for the potential development of a branch rail line. These activities would include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping. It is DOE's intent to</p>

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			<p>says that it is not seeking to do any drilling or ditching operations, precisely the types of soil disturbing activities that would be necessary to go the next phase in developing a detailed engineering plan and a legally sufficient assessment of environmental impacts and a legally sufficient identification of land use conflicts or cultural resource conflicts.</p> <p>So when we look at the proposal for a ten-year land withdrawal, and at the same time a declaration by the Department that during this time period they do not plan to carry out the types of soil disturbing activities that we believe need to be done to prepare a legally sufficient environmental impact statement, we can only conclude that the true purpose of this land withdrawal action is to reserve the corridor within which they are already planning to attempt a right-of-way acquisition.</p> <p>The right-of-way acquisition may be obtained through the procedures identified in the administrative rules of the Bureau of Land withdrawal, or this right-of-way acquisition could occur through congressional action.</p> <p>We believe, then, that the whole purpose of this land withdrawal is not the purpose which is stated in the Environmental Assessment, which is limited surface studies. We believe, in fact, that this is the first formal action other than the initial December 2003 notice to the BLM for a two-year withdrawal. We believe this is the first formal action in the Department of Energy's overall plan to obtain the right-of-way to build this railroad.</p> <p>And this, in turn, changes the way in which the proposed action should have been treated, not</p>	complete the Rail Alignment EIS using information gathered from casual use activities.

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			<p>in an EA, an Environmental Assessment, but it should have required a full Environmental Impact Statement.</p> <p>It should have required an Environmental Impact Statement because the impacts on the current permittees who are operating on grazing allotments and mining claims previously granted by the BLM are not simply facing a temporary land withdrawal for the purpose of study. What they're facing is a decision by the Department of Energy to pursue a right-of-way to build and operate a railroad in this particular corridor across these particular lands.</p>	
4	EA0049	371	DOE representatives met independently with the Timbisha Shoshone Tribe to discuss the rail corridor and the realignment of the corridor off or outside tribal lands. Why are the maps that are being displayed different than the ones used by the AIWS during the field work and contrary to what the DOE representatives shares with the CGTO and the Timbisha Shoshone Tribes? Which ones are accurate and why the disparity?	<p>The maps used by the AIWS were used in early development of the Rail Alignment EIS. The map in the EA is accurate for the purposes of the PLO that DOE is requesting.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
29	EA0057	267	It does not make sense to prohibit public access to a mile wide swath of land for a project that may not happen, or if it happens it will be well over ten years hence.	The proposed action would withdraw BLM-administered lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The proposed action would not prohibit public access to the withdrawn lands.
29	EA0057	268	The DOE has already much too much public land from which the public is excluded - it would therefore be inappropriate to add additional restrictions by the DOE on public lands.	The proposed action would withdraw BLM-administered lands from surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The proposed action would not prohibit public access to the withdrawn lands.

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14	EA0058	273	The exact nature of any ground disturbance from land transfer needs to be detailed-- are there going to be surveys, off-road driving, mapping? Please list these activities.	<p>DOE activities within the withdrawal area are defined by BLM as "casual use" activities. The term casual use has been clearly defined in the glossary of the EA. Casual use means any short-term, noncommercial activity that does not cause appreciable disturbance or damage to the public lands, their resources, or improvements and that is not prohibited by closure of the lands to such activities. Examples of casual use can include recreation activities such as use of roads for hunting and sightseeing; domestic uses or activities associated with managing ranches, farms, and rural residences; and ingress and egress on existing roads and trails.</p> <p>The EA assesses the impacts from the casual use activities, which is required to evaluate the land for the potential development of a branch rail line. These activities could include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping.</p>
35	EA0059	275	Although the environmental assessment addresses the impact on current land use and the surrounding environment, it does not state the potential impact on the environment that could occur from the construction of the proposed rail line within and around the proposed region. The possible construction of a rail line could have the potential of creating a negative environmental impact to the population, land usage, vegetation and wildlife in the proposed area.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
42	EA0060	279	Far too much land is being reserved around the railroad right-of-way. The 308,600 acres is simply far too excessive.	The Department has determined that a 1-mile strip of land surrounding the ¼-mile Caliente Corridor is necessary for withdrawal so that relevant studies necessary to prepare the Rail Alignment EIS can be conducted.

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				In the future, and after appropriate environmental analysis, DOE may apply for a ROW for the construction, operation, and maintenance of a branch rail line. If the BLM grants the DOE a ROW for the rail line before the expiration of the PLO, surface entry and mining use prohibitions would be removed from lands not part of the ROW. If the ROW is not issued before the expiration of the PLO, the withdrawal restrictions would be lifted on the expiration date.
50	EA0062	334	Failure to identify and evaluate alternative corridors. DOE has suggested that it may consider variations to the currently-selected corridor. The EA, however, does not identify or evaluate those alternatives, or evaluate any other alternatives to the currently-defined Caliente Corridor. An EA, like an EIS, must consider a range of alternatives, particularly if DOE is considering utilizing different routes. This EA must be withdrawn, and an EIS that identifies and evaluates withdrawal of other corridor variations, including any variations DOE is considering must be prepared in its place.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
50	EA0062	337	Premature Land Withdrawal- DOE has previously indicated that is considering rerouting the proposed rail corridor to address land use conflicts identified by affected stakeholders in comments made to DOE and BLM in 2004 in response to the initial public notices on the proposed withdrawal. However, DOE has recently stated that it would defer identifying 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 uncertainty and needless hardship for parties affected by the withdrawal. It also allows DOE to unnecessarily tie up public lands for a period of time that is not supported by facts or data	<p>The scope of the EA is to consider the impacts of withdrawing the identified land, as described in DOE's withdrawal application dated December 2003, from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>

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			documented in the draft EA.	
50	EA0062	338	Before proceeding with a land withdrawal application for a rail corridor, DOE and BLM must identify all of the potential corridors that are to be evaluated and eliminate those that are not considered feasible or practical. Proceeding, as DOE proposes, to withdraw 308,600 acres along the currently identified corridor, when DOE already anticipates changes to that corridor (and, very likely, major rerouting of the corridor) is unacceptable. DOE should be required to scrap the current draft EA, and BLM should prepare a full and complete EIS for the land it realistically expects to require.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land, as described in DOE's withdrawal application dated December 2003, from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The alignment of and the impacts from a potential rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
16	EA0078	436	<p>The EA states in 1.3 Description of Proposed Action, "The proposed land withdrawal would bar new surface entries and location of new mining claims to protect the lands from activities that could interfere with DOE's evaluation of the lands." (emphasis added)</p> <p>The document's glossary defines "surface entry" as "Entering public lands for the purpose of mineral exploration and development." Typically, "surface entry" has a broader meaning and is not limited to mining activity. We suggest that to avoid confusion and to be as specific as possible, that the definition of "surface entry" be stated in 1.3 Description of Proposed Action.</p>	The revised EA contains a definition of surface entry in Section 1.1 that states that surface entry means the appropriation of title interest (other than mining claims), such as land sales, land exchanges, DLEs, Indian allotments, and the Carey Act." These are actions that would lead to the title of the land leaving the United States. Surface entry does not include ROWs, easements, and/or use permits.

15.0 Recreation

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24	EA0037	177	The EA does not address the impacts the withdrawal will eventually have on recreational opportunities (hiking, hunting, Off highway vehicle, etc.).	The proposed land withdrawal would not impact or prohibit public use of the land for recreational purposes. The proposed withdrawal seeks to restrict surface entry (i.e., actions that require the BLM to relinquish title to the land) and the location of new mining claims. The definition of surface entry has been added to the Glossary of Terms for clarification.
14	EA0058	274	The consequences on recreational activities need to be more fully discussed: I know of ATV riding, a nearby desert race with 4-wheel drive vehicles, antelope hunting, chukar hunting, dove hunting, bird watching, mountain biking, hiking, photography of landscapes and wildflowers, tourists watching burros, etc. How will land transfer from BLM to DOE affect these activities?	The proposed land withdrawal would not impact or prohibit public use of the land for recreational purposes. The proposed withdrawal seeks to restrict surface entry (i.e., actions that require the BLM to relinquish title to the land) and the location of new mining claims. The definition of surface entry has been added to the Glossary of Terms for clarification.
13	EA0064	348	According to the EA, the proposed action will have no impact on recreational land use. However, future availability of lands for development of recreational trails may be delayed during the period of withdrawal. Will special use permits and special use permitting activities be allowed within the proposed withdrawal area?	The proposed land withdrawal would not impact or prohibit public use of the land for recreational purposes. The proposed withdrawal seeks to restrict surface entry (i.e., actions that require the BLM to relinquish title to the land) and the location of new mining claims. The proposed land withdrawal does not restrict BLM from granting new ROWs, easements, and/or special use permits.

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71	EA0017	42	In your Draft EA you mention several communities and their economics but you fail to mention Timbisha or their economic concerns. You mention Timbisha lands just in passing. As if we are not or will not be impacted.	General census data, which include tribal data, were deemed appropriate to use for the towns and communities close to the proposed land withdrawal area. Additional data analysis would not alter the finding that environmental and socioeconomic impacts from this action are negligible.
22	EA0019	46	EA does not address impacts to Timbisha tribe. Does not include Timbisha Tribe's demographics.	General census data, which include tribal data, were considered accurate and representative to use for the towns and communities close to the proposed land withdrawal area. Additional data analysis would not alter the finding that environmental and socioeconomic impacts from this action are negligible.
43	EA0032	110	Additionally the Draft EA lacks any description of the Tribe's economic resources, work force, population, or other characteristics, Or how these resources may be impacted by the proposed action. Does BLM have census or other resources to obtain data regarding the Tribe's workforce, population, location of residences, and current uses of the property in or near the proposed land withdrawal?	General census data, which include tribal data, were deemed appropriate to use for the towns and communities close to the proposed land withdrawal area. Additional data analysis would not alter the finding that environmental and socioeconomic impacts from this action are negligible. The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the evaluation of lands for a potential rail line. The impacts from the rail line will be evaluated in an EIS, currently under preparation.
43	EA0032	113	The Draft EA does not mention hunting, gathering, or fishing rights of tribes in the general area. Would this action prevent tribes from having access to these traditional subsistence means, and are the tribes currently accessing this area for these purposes, or other traditional cultural practices?	Traditional cultural practices will not be affected by the proposed action.
59, 65	EA0035 & EA0063	131,297	Page 16-21, Section 3.8 - The data in this section is not the most current and should be updated. Updated information is readily available from the State Demographer and other sources.	DOE used 2004 population data retrieved from the State of Nevada Demographer's Office. DOE believes that the appropriate data have been used to evaluate potential impacts from the proposed action.

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59, 65	EA0035 & EA0063	143, 309	Page 18, 1st paragraph – The description of population growth for Lincoln County has failed to incorporate development in the Lincoln County Land Act (southeastern Lincoln County) and Coyote Springs developments (southwestern Lincoln County).	DOE recognizes that future development in rural Nevada is essential to economic growth. Recent legislation, such as the LCCRDA and other development plans by both counties and tribes in the area, is evidence of growing interest in developing rural Nevada. At the time of writing the EA, definitive locations and schedules for these developments were not available and so any analysis of the impact to these developments by the proposed action would be highly speculative.
59, 65	EA0035 & EA0063	144, 310	Page 19, Table 4 – Employment/unemployment in Table 4 only reflects "Covered Employment" and is not an accurate picture of economic conditions. The Lincoln County Labor Market Survey (2004) should be reviewed for more Lincoln County specific conditions.	DOE reviewed the Lincoln County Labor Market Survey. DOE believes that the data presented in this section collectively portray the socioeconomic conditions of the study area. Table 4 in the EA depicts three standard labor market information indicators—employment, unemployment, and unemployment rates for each of the counties in the study area. These residential employment data were obtained from the Nevada Department of Employment, Training, and Rehabilitation, which itself obtains these data directly from each of the jurisdictions. In addition to the labor market information contained in Table 4, at-place employment by industry is also provided in Table 3 and residential income is provided in Tables 6 and 7.
59, 65	EA0035 & EA0063	145, 311	Page 19, text in middle of page and Table 7 – Table 7 reveals the significance of mining and public land economic activities. For example, Esmeralda County has higher per capita income and a higher percentage of workers employed in natural resources and mining than Lincoln County. For Lincoln County, per capita incomes are lower than Esmeralda County and so to are employment in natural resources and mining in Lincoln County. Hence, natural resources and mining are very important components of rural economies, where available. The text should be	DOE recognizes the relative importance of the mining industry on small communities. That is why DOE has analyzed the socioeconomic impacts for the proposed action. DOE believes that the figures and corresponding text presented in the EA on the relative economic importance of natural resources and mining are accurate.

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			revised to reflect this situation.	
59, 65	EA0035 & EA0063	153, 319	Page 29. Section 4.7.1 – The text here should disclose other possible land use prohibitions which might result in economic impacts such as no new rights-of-way, easements, RMPP, land sales with withdrawal area. Socioeconomic impacts of said additional prohibitions should be disclosed.	<p>The proposed land withdrawal would preclude only new mining claims locations and surface entry. Withdrawal from surface entry would include the appropriation of title interest (other than mining claims), such as land sales, land exchanges, DLEs, Indian allotments, and the Carey Act. Surface entry would preclude actions that would lead to the title of the land leaving the United States. Although these actions are discretionary, a withdrawal puts people on notice that the land is not available for disposal. Other actions, such as new ROW grants, special use permits, and easements, are not precluded by the proposed action and would continue to be issued by the BLM at its discretion. Therefore, there are no appreciable socioeconomic impacts. For clarity, DOE has revised the definition of surface entry in the EA.</p> <p>The proposed action will not affect the LCCRDA utility corridors or the Southern Nevada Water Authority's GWD project.</p>
59, 65	EA0035 & EA0063	154, 320	Page 29, Section 4.7.1 – To the extent the land withdrawal forecloses new mining claims significant economic impacts might result which have not been addressed in the EA. For example, if the same level of existing active mining claims is foregone, the related 100 plans of development and notices being processed by BLM (up to 5 per year for existing active claims) in the next 20 years would not occur. A variety of mining related economic activities such as prospecting; land surveying and claim staking; engineering; legal research; exploration; construction and mines operations would not be undertaken in the three-county study area. The	<p>DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts.</p> <p>DOE recognizes that mineral development activity is related to market value of mineral commodities. Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000, for a total for the three counties of \$350,131,000, or less than 11% of the State total. During the withdrawal period the</p>

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			potential loss of this activity poses a significant economic impact.	<p>continued production of revenues noted above will not be affected. Also, during the withdrawal period, new production sources can be developed from any mining claims in existence prior to December 2003, the date of DOE's application for the PLO and the effective date of the land segregation.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on</p>

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				mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.
59, 65	EA0035 & EA0063	155, 321	Page 30, 2nd paragraph on – This material should be moved to Chapter 3, Affected Environment.	Much of this information has been moved to the Affected Environment section of the EA.
24	EA0037	169	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.).	<p>DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts.</p> <p>The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>Although an evaluation of the impacts of transporting spent nuclear fuel and high-level radioactive waste is outside the scope of this land withdrawal EA, DOE considered perception-based and stigma-related impacts from transportation activities in the Final Yucca Mountain EIS. DOE assessed qualitatively the likelihood that perceptions of danger and stigma, regardless of whether they are based on accurate scientific assessments, might result in adverse socioeconomic impacts on Nevada. Absent accidents, two studies report that at least a temporary decline in residential property values of approximately 3 percent can be expected in transportation corridors in urban areas. Data from other transportation experience (such as transport of transuranic waste to the Waste Isolation Pilot Plan), however, suggest that impacts on property values might be negligible or nonexistent. More research on whether property values have fluctuated with the transportation of radioactive waste</p>

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				would be more conclusive. The research, however, would not enable analysts to know with certainty whether there would be impacts from perceptions of shipments of spent nuclear fuel and high-level radioactive waste to a Yucca Mountain repository or how long such impacts would last.
24	EA0037	174	Socioeconomics - EA population data are aggregate for Nye, Lincoln and Esmeralda counties, not for people actually living within or near the corridor.	The EA describes only the impacts from the proposed action of withdrawing 308,600 acres from surface entry and new mining claims. DOE believes that the population data used for the analysis contained in the Draft EA are adequate for describing impacts associated with the proposed action. Additional data analysis would not alter the finding that environmental and socioeconomic impacts from this action are negligible.
20	EA0044	211	Socioeconomics -- the EA population data are aggregate for Nye, Lincoln and Esmeralda counties, not for people actually living within or near the corridor.	The EA only describes the impacts from the proposed action of withdrawing 308,600 acres from surface entry and new mining claims. DOE believes that the population data used for the analysis contained in the Draft EA are adequate for describing impacts associated with the proposed action. Additional data analysis would not alter the finding that environmental and socioeconomic impacts from this action are negligible.
20	EA0044	213	Socioeconomics -- there's a failure to consider mineral price impacts on establishment of new mining claims and future mining activities. The assertion of "low interest in mining development," page 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 ten to twenty 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.	DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts. DOE recognizes that mineral development activity can be directly tied to market value and, to some extent, employment. Nonetheless, as described in Section 4.1.1, reasonably foreseeable impacts to mining are considered negligible because no unique, economically valuable minerals have been identified within the potential withdrawal area; the withdrawal area represents less than 2 percent of the federal land available for potential mineral development within each

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				of the three affected counties (Esmeralda, Lincoln, and Nye); and the economic activities associated with exploration and development of mineral deposits on existing claims would be unaffected.
20	EA0044	214	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 New Mexico is a precedent. It also has an impact because it impacts investment decisions potentially made by ranchers or mining companies within the corridor. If there's going to be a land withdrawal for ten years, that's a huge amount of time for the withdrawal to occur in terms of the investment horizon of individuals and also for companies.	<p>DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts.</p> <p>The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>Although an evaluation of the impacts of transporting spent nuclear fuel and high-level radioactive waste is outside the scope of this land withdrawal EA, DOE considered perception-based and stigma-related impacts from transportation activities in the Final Yucca Mountain EIS. DOE assessed qualitatively the likelihood that perceptions of danger and stigma, regardless of whether they are based on accurate scientific assessments, might result in adverse socioeconomic impacts on Nevada. Absent accidents, two studies report that at least a temporary decline in residential property values of approximately 3 percent can be expected in transportation corridors in urban areas. Data from other transportation experience (such as transport of transuranic waste to the Waste Isolation Pilot Plan), however, suggest that impacts on property values might be negligible or nonexistent. More research on whether property values have fluctuated with the transportation of radioactive waste would be more conclusive. The research, however, would not enable analysts to know with certainty whether there would be impacts from perceptions of shipments of spent nuclear fuel and high-level radioactive waste to a Yucca Mountain repository or</p>

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				how long such impacts would last.
19	EA0045	224	EA page 18, 5.3.8.2 Employment and Income: last paragraph. The assumption of the relative importance and decline of employment in the natural resource and mining industry between 2002 and 2004 is inaccurate and irrelevant to the future of the industry in the counties for the economic reasons previously stated which were not considered.	The EA has been revised to delete this assumption.
19	EA0045	240	EA page 29 S. 4.7 Socioeconomic. The discussion is misleading in the statement that the "withdrawal only prohibits the establishment of new mining claims (it recognizes valid existing rights)" but later describes a restriction of future mining activities, which existing claimants have the right to conduct. It goes on to state "the majority of the proposed land withdrawal area is composed of historic mining districts and areas where no mineral production has been reported since the mid-1960s. Based on the recent low level of production history, there appears to be low interest in mining development within the boundaries of the proposed land withdrawal area." The Goldfield District has had mineral production recorded as recent as the late 1980 and early 1990's. During the early 1990's employment was as high as 125 people at the producing mine. Mineral exploration activities have been relatively constant since that time, even through the low gold price cycle. The statements contained in this section are inaccurate and disregard the information previously submitted to DOE, which again is provided as Exhibit 1 and 2, as well as others submitted by the public. The Goldfield	<p>DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts.</p> <p>DOE recognizes that mineral development activity is related to market value of mineral commodities. Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000, for a total for the three counties of \$350,131,000, or less than 11% of the State total. During the withdrawal period the continued production of revenues noted above will not be affected. Also, during the withdrawal period, new production sources can be developed from any mining claims in existence prior to December 2003, the date of DOE's application for the PLO and the effective date of the land segregation.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed,</p>

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			District is being explored on a district wide basis. Recent information includes an updated 43-101 report dated June 2005 which describes 1,068,000 ounces of measured and indicated gold resources in the Goldfield District (see Exhibit 7). The substantial information previously submitted verifies the significance of the Goldfield District and the mineral potential that exists. The historic mining districts in the State of Nevada continue to yield significant results and new mineral discoveries; i.e. Midas, Carlin, Cortez, Goldfield etc.	and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year. Information obtained by the BLM from interested parties was considered during the preparation of the EA.
19	EA0045	241	EA page 31, 5.4.7.2 Socioeconomic Preferred Alternative: "The modified withdrawal would bar new mining-related activities for 10 years." Again inconsistent with publicized intent and subject to valid existing rights of mining	The proposed action would preclude only surface entry that would lead to a transfer of the land title from the United States (e.g., a land sale) and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years. The EA has been revised to

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			claimants.	clarify this distinction. The December 29, 2003, <i>Federal Register</i> provided the required notice to the public that the DOE applied to the BLM for a PLO that would preclude surface entry and new mining claims for a period of up to 20 years.
19	EA0045	242	EA page 31, 5.4.7.2 Socioeconomic, No Action Alternative: "This alternative could result in a short-term increase in employment as the area would be open to future mineral exploration and production. New claims could increase local sales from annual assessment work. However, the majority of the lands within and surrounding the proposed land withdrawal areas are historic mining areas and, as previously noted, have low future mineral development potential." The above statement is incorrect as follows: a) future mineral exploration and production could have a profound impact on employment as does mining in all rural areas of the state b) assessment work is only allowed by individual who own 10 claims or less; \$125.00 per claim per year are paid by everyone else and c) the historic Goldfield District holds great potential for future discoveries.	DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts. DOE recognizes that mineral development activity is related to market value of mineral commodities. Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000, for a total for the three counties of \$350,131,000, or less than 11% of the State total. During the withdrawal period the continued production of revenues noted above will not be affected. Also, during the withdrawal period, new production sources can be developed from any mining claims in existence prior to December 2003, the date of DOE's application for the PLO and the effective date of the land segregation.
22	EA0048	260	The EA does not describe tribal demographics at all, yet goes into great detail for all surrounding counties and towns.	General census data, which include tribal data, were considered accurate and representative to use for the towns and communities close to the proposed land withdrawal area. Additional data analysis would not alter the finding that environmental and socioeconomic impacts from this action are negligible.
4	EA0049	372	Page 17, which is on page 16 and 17, socioeconomic. Labor market trends and population data is either updated as appropriate or projected. Why isn't the same methodology applied to Indian tribes?	General census data, which include tribal data, were deemed appropriate to use for the towns and communities close to the proposed land withdrawal area. Additional data analysis would not alter the finding that environmental and socioeconomic impacts

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				from this action are negligible.
4	EA0049	380	Page 20, table four, labor force trends for 2002 to 2004 uses statistics received July 1, 2005 from the Nevada Department of Employment Training and Rehabilitation, and table seven per capita personal income uses 2005 data from the U.S. Bureau of Economic Analysis. Why doesn't the EA rely on YMP final EIS? It's questioning why they don't use the older data. They tend to use newer data where appropriate.	Socioeconomic and environmental analyses contained in EAs and EISs rely on the most current data available. Using more current data in a later analytical effort should not be construed as a rejection of the validity of data used in an earlier analysis.
4	EA0049	382	Page 29 through 31, environmental consequences. 4.7 socioeconomics. Alternatives one and two indicate that no substantial impacts would occur. Has there been an analysis of tribal enterprises that may involve mining related activities? This statement may be inaccurate until such time as a thorough analysis is completed.	Tribal enterprise were included in the overall labor analysis within the EA. The EA evaluates the impacts on the mining industry, including any Native American mining interests that are captured by county labor data.
20	EA0051	397	Socioeconomics -- EA population data are aggregate for Nye, Lincoln and Esmeralda counties, not for people actually living within or near the corridor.	The EA only describes the impacts from the proposed action of withdrawing 308,600 acres from surface entry and new mining claims. DOE believes that the population data used for the analysis contained in the Draft EA are adequate for describing impacts associated with the proposed action. Additional data analysis would not alter the finding that environmental and socioeconomic impacts from this action are negligible.
20	EA0051	400	Socioeconomics -- the failure to consider mineral price impacts on establishment of new mining claims and future mining activities. The assertion of "low interest in mining development," on page 29 of the EA, within the corridor ignores the impacts of current high market prices for gold, silver, and other mineral	DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts. DOE recognizes that mineral development activity can be directly tied to market value and, to some extent,

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			resources. Continuation of current and higher prices over the next ten to twenty 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.	employment. Nonetheless, as described in Section 4.1.1, reasonably foreseeable impacts to mining are considered negligible because no unique, economically valuable minerals have been identified within the potential withdrawal area; the withdrawal area represents less than 2 percent of the federal land available for potential mineral development within Esmeralda, Lincoln, and Nye Counties; and exploration and development of mineral deposits on existing claims and the proposed action would be for a finite period of 10 or 20 years, depending on BLM decisions.
20	EA0051	401	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. That is, property value diminution, stigma, etc. The Komis case in New Mexico is precedent for these impacts.	<p>DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts. The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>Although an evaluation of the impacts of transporting spent nuclear fuel and high-level radioactive waste is outside the scope of this land withdrawal EA, the DOE considered perception-based and stigma-related impacts from transportation activities in the Final Yucca Mountain EIS. DOE assessed qualitatively the likelihood that perceptions of danger and stigma, regardless of whether they are based on accurate scientific assessments, might result in adverse socioeconomic impacts on Nevada. Absent accidents, two studies report that at least a temporary decline in residential property values of approximately 3 percent can be expected in transportation corridors in urban areas. Data from other transportation experience (such transport of transuranic waste to the Waste Isolation Pilot Plan), however, suggest that impacts on property values might be negligible or nonexistent.</p>

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				More research on whether property values have fluctuated with the transportation of radioactive waste would be more conclusive. The research, however, would not enable analysts to know with certainty whether there would be impacts from perceptions of shipments of spent nuclear fuel and high-level radioactive waste to a Yucca Mountain repository or how long such impacts would last.
42	EA0060	280	DOE's failure to consider oil and gas impacts or mineral price impacts on the establishment of new oil and gas leases, mining claims, and future development and activities of both, is short-sighted. The assertion of "low interest in mining development" [p. 29] or low interest in oil and gas development within the corridor ignores the impacts of current high market prices for oil, gas, gold, silver, and other mineral resources. Continuation of current and higher prices over the next 10-20 years must be specifically evaluated for areas within the corridor and for areas near the corridor (at least within 10-20 miles).	<p>The proposed action would not affect oil and gas leases within the proposed land withdrawal area.</p> <p>Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln - \$431,000, and Nye - \$338,300,000, for a total for the three counties of \$350,131,000, or less than 11% of the State total. During the withdrawal period the continued production of revenues noted above will not be affected. Also, during the withdrawal period, new production sources can be developed from any mining claims in existence prior to December 2003, the date of DOE's application for the PLO and the effective date of the land segregation.</p>
42	EA0060	284	Another socioeconomic issue is that no evaluation of the perceived risk and stigma impacts of the proposed rail corridor or the land withdrawal has been made. As indicated above, even the act of withdrawing land from any possibility of future oil or gas exploration can have economic and other impacts due to the perception of risk (i.e., restricting potential new energy sources).	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 to 20 years, for the evaluation of lands for a potential rail line. The proposed action would not preclude oil and gas leases within the potential withdrawal area.
50	EA0062	335	<p>Section 3.8.2. - Employment and Income</p> <p>The population data contained in the draft EA are aggregated data for Nye, Lincoln and Esmeralda counties, not for people actually</p>	Private land under this proposed action are unaffected. DOE believes population data for the Counties as well as local towns provides the best indicator in determining impacts. Additional employment and income data analysis would not alter the finding that

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			living within or near the corridor. While aggregate county data has some utility, it is not a substitute for describing the population within and along the corridor as the basis for understanding impacts on that population.	environmental and socioeconomic impacts from this action are negligible.
50	EA0062	341	Even the administrative withdrawal of lands for a potential nuclear waste shipping corridor, without any physical disruption, could cause significant impacts due to the perceptions many people have of activities and facilities of things associated with nuclear power, nuclear weapons, and nuclear waste. It could cause people and institutions to change the way they perceive the lands, resulting in avoidance behavior, changes in the use of grazing patterns, alterations in property values, etc. – simply because the lands are withdrawn, considered "out of bounds," and/or potentially risk prone for future activities.	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 to 20 years, for the evaluation of lands for a potential rail line. The EA also assesses the impacts from casual use activities, as defined by the BLM, which is required to evaluate the land for the potential development of a branch rail line. These activities could include photo documentation; conducting field surveys for archaeological, historical, and biological resources; and placing survey markers for topographic mapping. Current land use, such as grazing, would continue and is precluded from the proposed land withdrawal. Under this withdrawal, the BLM would retain management responsibilities for its lands and manage these lands consistent with BLM land use plans (EA, Section 1.3). The proposed land withdrawal would not restrict the BLM's ability to grant ROWs, easements, and/or special use permits.
50	EA0062	344	4.7 - Socioeconomic Impacts: The draft EA fails 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. During the comment period, the price for gold reached a seventeen-year high. Continuation of current and higher prices over the next 10-20 years will have impacts on new mining claims and future mining activities must be specifically evaluated, for areas within the	<p>The EA has been revised to acknowledge the relationship between the filing of notices and claims with the price of minerals. The EA analyzes these impacts.</p> <p>Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000, for a total for the three counties of \$350,131,000, or less than 11% of the State total. During the withdrawal period the continued production of revenues noted above will not</p>

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			corridor, and for areas near the corridor (at least within 20 miles).	<p>be affected. Also, during the withdrawal period, new production sources can be developed from any mining claims in existence prior to December 2003, the date of DOE's application for the PLO and the effective date of the land segregation.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a</p>

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				year.
50	EA0062	345	The draft EA contains 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.).	<p>DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts. The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>Although an evaluation of the impacts of transporting spent nuclear fuel and high-level radioactive waste is outside the scope of this land withdrawal EA, DOE considered perception-based and stigma-related impacts from transportation activities in the Final Yucca Mountain EIS. DOE assessed qualitatively the likelihood that perceptions of danger and stigma, regardless of whether they are based on accurate scientific assessments, might result in adverse socioeconomic impacts on Nevada. Absent accidents, two studies report that at least a temporary decline in residential property values of approximately 3 percent can be expected in transportation corridors in urban areas. Data from other transportation experience (such as transport of transuranic waste to the Waste Isolation Pilot Plan), however, suggest that impacts on property values might be negligible or nonexistent. More research on whether property values have fluctuated with the transportation of radioactive waste would be more conclusive. The research, however, would not enable analysts to know with certainty whether there would be impacts from perceptions of shipments of spent nuclear fuel and high-level radioactive waste to a Yucca Mountain repository or how long such impacts would last.</p>
13	EA0064	349	Section 3.8 Socioeconomic Conditions, pgs. 16-24 Population, employment, and income levels	DOE recognizes that mineral development activity can be directly tied to market value and, to some extent,

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			in Central Nevada are all directly tied to "boom-and bust" cycles of mining activity. This has been especially evident in Esmeralda County for more than a century, where 10-year periods of economic decline are interspersed with short-term surges in population. This major socioeconomic characteristic of communities along the withdrawal area is not addressed at all in the EA, when it should be the basis for DOE's assessment.	employment. Revenues in 2004 from mineral production within the State of Nevada totaled \$3,281,800,000. Revenues from the counties within which the withdrawal falls are as follows: Esmeralda - \$11,400,000, Lincoln – \$431,000, and Nye - \$338,300,000, for a total for the three counties of \$350,131,000, or less than 11% of the State total. During the withdrawal period the continued production of revenues noted above will not be affected. Also, during the withdrawal period, new production sources can be developed from any mining claims in existence prior to December 2003, the date of DOE's application for the PLO and the effective date of the land segregation.
13	EA0064	354	In table 2 of section 3.8.1, population data is given for the time period between 2002 and 2004. This is inconsistent with time periods used for Figure 3, Section 3.1.3, which shows active mining claims held between 1975 and 2004, and Figure 4 of the same section, which shows notices filed between 1981 and 2003. The period of time used as the basis for the EA should be consistent throughout to allow for an accurate assessment of impacts.	In Table 2 in the EA, DOE has provided population data from 1990, 2000, and 2004. DOE believes that these data are sufficient to analyze impacts to both population and mining claims from the proposed action.
13	EA0064	355	Section 3.8.2 Employment, pgs. 18-22: Again, time periods used in tables on pg. 20 are inconsistent with time periods referenced elsewhere in the EA.	DOE believes the data provided are both accurate and representative to analyze impacts to both employment and mining claims from the proposed action.
13	EA0064	356	Section 4.1 Environmental Consequences, p.24: "...The No-Action Alternative, however, would allow the lands to be opened, upon termination of the two-year segregation, to new mining activities, and therefore potentially opening the lands up to future environmental impacts." This statement reaches beyond the scope of analysis of impacts from the proposed action. The statement also infers that DOE is lobbying	DOE believes it is appropriate to acknowledge the potential for adverse impacts of mining because they are reasonably foreseeable under the No-Action alternative.

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			against future mining activities to justify the proposed withdrawal. The statement is unnecessary and should be deleted.	
13	EA0064	358	<p>DOE's assumption that there is low interest in mining within the proposed withdrawal area is incorrect. Figure 3: Active Mining Claims within the Withdrawal Area and Figure 4: Plans and Notices Filed with BLM, on pages 10 and 11, show that beginning in 2003, mining activity has increased dramatically along the Caliente corridor.</p> <p>Between January 2004 and September 2005, the price of gold has risen from \$359 per ounce to \$444 per ounce. During the same time period, 48,937 new unpatented mining claims were filed with the Nevada state BLM office.</p>	<p>The EA has been revised to acknowledge the relationship between the filing of notices and claims with the price of minerals. The EA analyzes these impacts.</p> <p>The number of mining claims within the corridor is about one percent of the total number of claims within the State.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have</p>

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				<p>resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.</p>
13	EA0064	359	<p>DOE's assumption about limited mining interest is based on an observation that there is a low-level of gold production in the area. DOE cannot predict how today's gold price, currently at a 17-year high, may affect future production along the corridor. Historically, even mines with low levels of production have had significant impacts on the employment rate in Esmeralda County.</p>	<p>The EA has been revised to acknowledge the relationship between the filing of notices and claims with the price of minerals. The EA analyzes these impacts.</p> <p>The number of mining claims within the corridor is about one percent of the total number of claims within the State.</p> <p>Although new mining claims cannot be filed during the withdrawal period, it is the preclusion of development of some of these non-realized claims that could have potential economic consequences. Nevertheless, considering that very few claims are ever developed, and that the corridor would eventually be reopened to the filing of claims, the economic impacts would likely be small during the withdrawal period. Over the past 20 years, for example, there have been only 5 years when more than 10 notices or plans were filed with the BLM within the withdrawal corridor. Considering that about a thousand mining claims exist within the corridor, these notices and plans represent a very low level of actual mining activity. Moreover, the filing of notices and plans does not necessarily mean that an economic deposit has been found and that mining would soon commence. Only some of these filings would result in an actual mining operation. Because the withdrawal does not affect existing claims or the ability to file notices and plans for those claims, it is reasonable to expect that some notices and plans</p>

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				would likely be filed during the withdrawal period on claims filed prior to December 2003, the date of DOE's application. Likewise, it would be reasonable to assume that of the mining claims that would have been filed were it not for the withdrawal, a few might have resulted in the filing of notices and plans, and of those fewer still would have been developed. Given the historically low number of notices and plans filed, it is reasonable to expect that even with some increase in the price of minerals, the impact of the withdrawal on mining would be negligible and temporary, perhaps preventing the filing of several notices and plans a year.
55	EA0077	432	The EA does not account for the potential for negative (including stigma-induced) socioeconomic impacts the land withdrawal may have on ranch operations due to land use conflicts, economic hardship, and environmental concerns.	<p>DOE believes that the mining and economic data provided in the EA are consistent with NEPA requirements. The level of information and analyses reasonably represents foreseeable impacts. Current land uses, such as grazing, would continue under the proposed land withdrawal. The impacts from the rail line would be evaluated in an EIS, currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>Although an evaluation of the impacts of transporting spent nuclear fuel and high-level radioactive waste is outside the scope of this land withdrawal EA, DOE considered perception-based and stigma-related impacts from transportation activities in the Final Yucca Mountain EIS. DOE assessed qualitatively the likelihood that perceptions of danger and stigma, regardless of whether they are based on accurate scientific assessments, might result in adverse socioeconomic impacts on Nevada. Absent accidents, two studies report that at least a temporary decline in residential property values of approximately 3 percent can be expected in transportation corridors in urban areas. Data from other transportation experience</p>

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				(such as transport of transuranic waste to the Waste Isolation Pilot Plan), however, suggest that impacts on property values might be negligible or nonexistent. More research on whether property values have fluctuated with the transportation of radioactive waste would be more conclusive. The research, however, would not enable analysts to know with certainty whether there would be impacts from perceptions of shipments of spent nuclear fuel and high-level radioactive waste to a Yucca Mountain repository or how long such impacts would last.

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73	EA0006	20	This appears to be a reasonable plan to preserve and further investigate and evaluate the option of bringing the material by train. According to the study there is no significant impact on any of the factors considered.	DOE appreciates the interest in the land withdrawal decision making process.
57	EA0007	23	Taken as a whole, the document seems to have been prepared not so much as to gauge the environmental effects of the various alternatives but more of an exercise in list-checking and legal compliance. Nonetheless, since it is apparently required, or at least DOE might have been faulted had it not prepared the assessment, it indicates no adverse environmental impacts for the preferred alternative and we agree that is the case.	DOE appreciates the interest in the land withdrawal decision making process.
52	EA0010	29	Please proceed with the proposed action, and get the repository licensed and into operation. The nation's energy sufficiency depends on it.	DOE appreciates the interest in the land withdrawal decision making process.
7	EA0038	178	In my opinion, your Environmental Assessment (AE) is in sufficient detail to go forward. If additional time and resources allow, concentrate and emphasize your accounting, understanding, and allowance for the early and native American presence. This will be your major obstacles. Other sticking points from "environmentalists" will contain the usual rhetoric about the endangered animals and plant species. The educated populace understands these obstacles and will work to relocate or repopulate in other areas. What they will not "feel good" about is the impact or loss on the human heritage.	DOE appreciates the interest in the land withdrawal decision making process.
72	EA0039	180	I have no objection to restriction of future mining claims in the projected area.	DOE appreciates the interest in the land withdrawal decision making process.

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60	EA0052	403	I don't have a problem with the EA as long as the DOE continues to work with the people that are directly involved with the impacts of what the EA would do as far as the mining, the existing mining claims that are out there. I'd like to see that they are untouched and continue to be operated by the individuals that have them, be able to look for the opportunities to create commerce out of those mining claims that are there. But as far as the EA is concerned, I think it's a good part of the process. And as long as the DOE continues to work favorably with the individuals that are going to be most impacted, I'm in favor of working with them.	DOE appreciates the interest in the land withdrawal decision making process.
36	EA0053	406	As far as grazing, I really don't have a problem because it's not going to affect us an awful lot. My cattle allotment is the South Coal Valley allotment, which is a BLM allotment, and very well could have the rail corridor go right through the middle of our range. And they promise us that it won't affect our grazing.	DOE appreciates the interest in the land withdrawal decision making process.
69	EA0068	411	Would like to state that I am in support of the U.S. Depart. of Interior to withdraw (protect) 308,600 ac public land from public surface entry (new mining claims and other entries to restrictive areas roads, etc for a per 20 years for alignment, evaluation options for proposed rail line near Caliente, Nevada to the proposed Yucca Mountain Repository because I am very concerned for disposal of our nuc. power plants of high level nuc. waste safe disposal.	DOE appreciates the interest in the land withdrawal decision making process.
61	EA0071	414	Sounds very, very good!	DOE appreciates the interest in the land withdrawal decision making process.
46	EA0076	428	We strongly support the withdrawal of the lands discussed in this EA so DOE can evaluate these lands for the potential construction, operation, and maintenance of a branch rail line to Yucca Mountain. The "casual use" activities described in this EA will not result in any substantive environmental impacts.	DOE appreciates the interest in the land withdrawal decision making process.

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			<p>Accordingly, we urge the Department to proceed in the most expeditious manner possible with these activities so the development of the proposed railroad can be completed in support of the vital national interest being served by the repository program.</p> <p>With respect to the specific period of time necessary for the Department's evaluation activities, we note that while DOE's original application to the Department of Interior called for a period of 20 years, the EA identifies as the preferred alternative a period of ten years. We support the ten year alternative. Given the extensive record of experience that has already been compiled with used nuclear fuel and other types of radioactive material transportation, DOE should be able to complete its evaluation of the proposed railroad in a period of time for shorter than ten years.</p>	
47	EA0080	437	<p>I am writing on behalf of the Mayor and City Council of Red Wing regarding the future disposal of nuclear waste at the Yucca Mountain facility in Nevada.</p> <p>As elected officials in a host community of a nuclear generating plant, the Mayor and City Council wish to make a statement regarding the Public Land Order protecting the rail line access to Yucca Mountain. Enclosed, you will find a resolution supporting the preservation of the Caliente Corridor. This resolution was adopted by the Red Wing City Council on Monday, September 26, 2005.</p> <p>The City of Red Wing respectfully submits this to be entered into the public record as part of the related public comment process.</p> <p>Resolution No. 5458 Supporting the Protection of a Rail Corridor near Caliente, Nevada</p>	DOE appreciates the interest in the land withdrawal decision making process.

17.0 Support for the Proposed Action

Person ID	Document ID	Comment ID	Comment	Response
			<p>WHEREAS, The U.S. Department of Energy has issued a draft Environmental Assessment (EA) and established a thirty day public comment period that closes on September 27, 2005; and</p> <p>WHEREAS, the EA supports the Department of Energy's application for a Public Land Order protecting a one mile wide corridor along the proposed rail line to Yucca Mountain; and</p> <p>WHEREAS, The proposed corridor is on public lands and goes from the Union Pacific railhead near Caliente, Nevada to the Yucca Mountain site; and</p> <p>WHEREAS, The Public Land Order would preserve a proposed corridor that is a strip of land approximately one mile wide and 320 miles long; and WHEREAS, The proposed rail line would be used to transport nuclear waste to Yucca Mountain per the Nuclear Waste Policy Act of 1982; and</p> <p>WHEREAS, the City of Red Wing hosts the Prairie Island Nuclear Plant, which is one of 126 sites in the United States that currently stores nuclear waste as a result of nuclear power generation and national defense program. NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Red Wing go on record as supporting the preservation of this corridor; and</p> <p>BE IT FURTHER RESOLVED, that this Resolution be forwarded to Lee Bishop, EA Document Manger, United States Department of Energy on Tuesday, September 27, 2005.</p> <p>Adopted this 26th day of September, 2005</p>	
45	EA0081	440	<p>We support DOE's preferred alternative of withdrawing the land for 10 years. This alternative would bar new surface entries and location of new mining claims to protect the land from activities that could interfere with DOE's evaluation. The proposed action is not expected to contribute to cumulative impacts on identifiable resources within the human</p>	DOE appreciates the interest in the land withdrawal decision making process.

17.0 Support for the Proposed Action

Person ID	Document ID	Comment ID	Comment	Response
			environment because the withdrawal of lands is temporary and the activities being conducted by the DOE will not involve any surface disturbance activities.	

18.0 Water Resources

Person ID	Document ID	Comment ID	Comment	Response
28	EA0027	82	Will DOE needs require filing for any water rights in the effected area? If so for what uses and amounts, and will other potentially impacted existing water rights in the area be protected from unnecessary draw down?	DOE will not require water rights for the purpose of this proposed action.
28	EA0027	83	Will water developed as part of the project be available for livestock, wildlife, recreation, safety and emergency services?	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Therefore, no new water resources would be developed for the proposed action.
59, 65	EA0035 & EA0063	132, 298	Page 26, Section 4.2 - Impacts of the land withdrawal upon the ability of Lincoln County Water District to acquire rights-of -way and easements across the withdrawal area for water transmission pipelines should be addressed in detail here. Such limitations may impede the District's ability to place County-held water rights to beneficial use.	Under the proposed land withdrawal, the BLM would retain management responsibilities for its lands and manage these lands consistent with the BLM's land use plans (EA, Section 1.3). The proposed land withdrawal would not restrict the BLM's ability to grant ROWs, easements, and/or special use permits. Therefore, the ability of the Lincoln County Water District to acquire ROWs and easements would not be impacted.
24, 20, 50	EA0037, EA0044, EA0051& EA0062	209, 172, 395, 336	The draft EA does not identify surface water locations within or near the proposed withdrawal area. Such water resources are extremely important to ranchers and other land users. It is impossible to know how or if those resources will be affected by activities associated with the proposed action if they haven't been identified or recognized.	DOE has revised Section 3.2 to include a brief description of surface waters located within the proposed land withdrawal area. The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Therefore, surface water would not be affected. As discussed in Section 4.3, current land uses, such as grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities required to evaluate the land for the potential development of a branch rail line.

18.0 Water Resources

Person ID	Document ID	Comment ID	Comment	Response
27	EA0040	190	A full analysis of aquifer underlying the rail corridor must be undertaken. How do existing mining claims affect the lands surface, hydrology, watersheds? How might new development that might stem from new claims do this?	DOE believes that the discussion of water resources is sufficient for determining impacts from the proposed action. The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Existing mining claims and water resources used by the holders of these claims would continue to be managed by the BLM in accordance with the BLM's resource management plans. If DOE is not issued the public land order and new mining claims are staked, the new claims and the water resources used by the holders of these claims would also be managed by the BLM in accordance with the BLM's resource management plans.
19	EA0045	225	EA page 26, S. 4.2.2 Water Resources and Air Quality, Preferred Alternative: This discussion ignores the law which grants the owners of existing claims the rights to explore and mine.	The proposed action seeks only to preclude surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction.
19	EA0045	237	EA page 26, S. 4.2.3 Water Resources and Air Quality, No Action Alternative: Once again this discussion describes the negative impact of mining but ignores the law which grants the owners of existing claims the rights to explore and mine.	The proposed action seeks only to preclude surface entry and the location of new mining claims and does not affect existing mining claims. The EA has been revised to clarify this distinction.
55	EA0077	433	The EA does not include a discussion of the surface water located near the land withdrawal and the impact to the ranchers.	DOE has revised Section 3.2 to include a brief description of surface waters located within the proposed land withdrawal area. The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Therefore, surface water would not be affected. As discussed in Section 4.3, current land uses, such as

18.0 Water Resources

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				grazing and herd management, would continue under the proposed land withdrawal without interference from the land withdrawal process or the casual use activities required to evaluate the land for the potential development of a branch rail line.

19.0 Wilderness Areas

Person ID	Document ID	Comment ID	Comment	Response
59, 65	EA0035 & EA0063	133, 299	Page 14, Section 3.5 - The text here should indicate whether the withdrawal lands are within the "seen area" from existing WAs ad WSAs. A map showing the relationship of withdrawal lands to WAs ad WSAs is needed.	The figure depicting land ownership of the proposed land withdrawal area has been revised to include Wildness Areas and Wilderness Study Areas.
24	EA0037	167	The EA identifies four wilderness areas near the withdrawal area but downplays the impacts by stating the withdrawal is not in those areas. There will be noise and view impacts. Please rewrite this.	The proposed land withdrawal and casual use activities will not result in noise or view impacts on designated wilderness areas.

20.0 Rail Alignment EIS

The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. All of the following comments received were categorized as pertaining to the Rail Alignment EIS process. These comments received are related to the placement, construction, operation, and maintenance of the proposed rail line, which will be analyzed in the Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.

Person ID	Document ID	Comment ID	Comment	Response
21	EA0001	2	The proposed corridor for rail access for Yucca Mountain will serve admirably to provide a safe means of moving radioactive waste material to the Yucca Mountain site using railroad transportation. That the corridor is positioned north of the Nevada Test Site is a strong positive that shows genuine concern for providing a transport mechanism that offers no risk to the genuine concern for providing a transport mechanism that offers no risk to the population of Las Vegas should an 'accident' occur involving one of the shipping casks.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
21	EA0001	3	The rail line may (after use by DOE) be made available to the town of Beatty and Tonopah for industrial development that can use rail transport.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
76	EA0004	9	The construction and operation of this railroad would irreparably damage pristine lands and wildlife habitats, especially those of antelope and wild horses.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
38	EA0005	12	I tried to access in the information about flash floods on your site and am unable to get it in. Flash floods are a fact of life in Nevada. Our rail lines get washed out every now and then. We were aware of the problem and deliberately bought a house where we can never be flooded. The potential is there especially with the rains we had this spring. What if the pattern continues.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
38	EA0005	13	What about earthquakes. Nevada is second only to Calif. in earthquake activity. I have a booklet from the Bureau of Mines showing the earthquake zones. Amargosa Valley is littered with them as is the whole	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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Person ID	Document ID	Comment ID	Comment	Response
			state. I just don't believe that it will be possible to maintain the railroad line safely.	
38	EA0005	14	I can't imagine what it is going to do to the people in that area.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
57	EA0007	22	Therefore, there is NO OTHER ALTERNATIVE for nuclear waste disposal under the present law. There is also no other means of transport than the "mostly rail" mode mix chosen by DOE, which obviously depends on successfully developing the rail link to the repository site.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
57	EA0007	24	We have confidence that when the railroad project itself finally gets underway that DOE will plan and construct the railroad with proper respect for the environment and likewise will conduct the rail shipments with greatest of care for safety and the environment.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
8	EA0008 & EA0009	25, 26	It is only rational to set aside the train route to Yucca Mountain. This will limit human access and decrease the fears of the public.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
8	EA0009	27	Are there plans to fortify the area with regard to presumed terrorist or types of antinuclear activity?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
52	EA0010	28	The proposed alignment is largely flat and generally does not involve significant cuts & fills. Impact will be minimal.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
30	EA0016	39	About cultural site- who checked culture sites in sarcobatas flat. Where our land is, I know for fact there is artifacts. Did they have a native American monitor where the rail is going to be laid close to our parcel? I would like to know. Also burial sites probably the valley clear to Beatty beyond to Yucca Mtn.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
32	EA0023	56	Is there any logical reason the rail line couldn't run the inside edge of the Test Site? I see no reason to tie up more of Nevada's land with government projects when the edge of the Test Site is so near your proposed route.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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Person ID	Document ID	Comment ID	Comment	Response
37	EA0024	58	Moving the waste through the I95 and Goldfield corridor will prohibit any mining growth that we as local resident need.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
37	EA0024	59	It seems to me that the railway should be kept on the test site land as they are already no good to us.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
37	EA0024	60	I have concerns about a railway. An established route is very vulnerable to terrorist attacks. A varying route makes more sense.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
63	EA0025	61	It seems that in the best interest of Goldfield and the miners and mining, why not put the Railroad on the West side of Hwy 95 thru or just on this side of the Malipies. This would cause no impact to the new mining rights on the East side of Goldfield or Hwy 95.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
56	EA0026	62	Why not bring the rails down past Goldfield on the West side? This would allow use of the land to the East without restrictions to use or mining.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	64	Livestock are free ranging over historic allotments amounting to many thousands of acres within a single perimeter fence, or no fences in some instances, separating use areas. Indigenous livestock are familiar with their range areas, critical feed areas, and the all important location of watering sources. Will rail corridors be fenced to exclude livestock. If fenced, how will livestock access traditional feed areas and water sources?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	65	It was reported that the train will be moving at a speed of 35 miles per hour and traversing the area only initially at one trip per week. If this is the maximum speed allowed through the test site, is it conceivable that the rail area may go unfenced once completed?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	66	If livestock losses do occur as a result of rail traffic, will the DOE compensate the livestock permittees for their losses?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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Person ID	Document ID	Comment ID	Comment	Response
28	EA0027	67	If the rail corridor is fenced, how wide will the easement be, will the livestock interests be able to have inputs as to fencing specifications for excluding livestock, and what measures will be offered as mitigation for forage loss within the easement area?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	68	Who will have responsibility for maintenance of any fencing projects that might become necessary as part of the proposed project?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	69	If the rail corridor is fenced, what provisions will be offered for livestock to access all parts of the permitted allotments and will watering facilities be strategically placed to assure that livestock do not have to travel unrealistic distances to water?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	70	Will DOE work with the permittees while outlining the final alignment of the rail route to avoid sensitive areas and accommodate routing most conducive to the animal grazing / handling needs?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	71	The project is planned to occur in the most and likely the most sensitive environment in the United States. Only limited science is available regarding revegetation techniques and successes in this environment. Linear disturbances are the most difficult to revegetate, even under the best of conditions. Numerous soil types will be crossed, supporting different vegetation and have different capabilities and limitations. How will the DOE approach revegetation of disturbed areas and what steps will be taken to absolutely minimize the amount of disturbance to the native plant community?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	72	Will the ranchers and other effected interests have the opportunity to review and have inputs to disturbance and proposed reclamation revegetation plans ?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	73	The curse of any land disturbance activity is ultimately the invasive weeds that have a propensity to establish on site and over time spread into the native plant community. What steps will be taken to	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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			assure consistent and effective control of invasive weed species?	
28	EA0027	74	Will there be a maintenance element in the plan to address invasive weed problems as soon as they arise?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	75	With respect to revegetation of soil disturbances, what assurances are there that these areas will in fact be successfully seeded and what are the species that will be considered for revegetation? Will the livestock permittees and Nevada research community (i.e. Dr. James Young, USDA-ARS) be afforded input and review opportunities for proposed treatments?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	76	Both wildlife and livestock can be drawn to the hazards of the rail corridor if the plants selected for reclamation have high palatability. Livestock can be fenced away from the tracks, but not wildlife. If livestock and/or wildlife concentrate grazing in a corridor due to highly palatable seeded plants, the plants may succumb to the grazing pressure unless fenced. [Access to highly palatable plant species discourages livestock from distributing across the allotment as is desired during the grazing season. Will these concerns be considered during the planning phase?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	77	Will security and/or maintenance roads be constructed and maintained along the rail route? If so, will additional facilities to house personnel and equipment be constructed off site near the rail route resulting in additional land disturbances? What will these disturbances amount to in acres and where will they be located?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	78	Will local livestock permittees and other public lands users (mining, rock hounding, hunting, prospecting, sightseeing, other multiple uses) have access to the proposed constructed roads and not encumbered in any way?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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28	EA0027	79	What kind of security will DOE implement along the rail corridor? What limitations will be placed on the livestock permittees and general public with respect to normal land user activity?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	80	Will the public continue to have access to existing roads along the proposed rail route?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	81	Many communities are remote or isolated in parts of rural Nevada. Will the railroad be made available to access for potential commercial (mining, agriculture, etc) uses by some of these rural communities, or used strictly for DOE purposes?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	84	What kind of security will DOE implement along the rail route?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	85	Will legitimate business and permitted individuals (ranchers, miners) have access to whatever wireless communication system DOE builds to service the entire route?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	86	DOE and BLM land withdrawal plans consider only federal lands, how will DOE protect the private lands, water developments, etc. within the proposed route?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	87	What mitigation is planned for impacts that will occur to nearby private lands and other holdings?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	88	As denoted in this preliminary list, there are numerous concerns and questions regarding the proposed rail route and its impact on our industry. While the permittees are not happy with the decision to construct the rail route through their allotments, they, as well as the N-4 State Grazing Board, are concerned that impacts be minimized and/or mitigated in a fair and equitable manner. The Board is therefore requesting cooperating agency status with DOE, so we can better coordinate and stay abreast of the project progress and issues that may arise with respect to the land resources and historic uses.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0027	89	We further would appreciate the opportunity to meet with you regarding DOE retaining the services of a	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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			mutually acceptable consultant familiar with the grazing allotments, vegetation issues, revegetation approaches in and environments, monitoring needs, access issues, and potential alternatives to mitigate forage losses to effected permittees.	
28	EA0027 & EA0028	90, 93	To be afforded every opportunity to participate and comment regarding the above listed concerns, the N-4 State Grazing Board is respectfully requesting that DOE hold all meetings regarding this project in at least the communities of Pioche, Ely, and Tonopah.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0028	91	The programs of the USDA US Fish & Wildlife Service in their Animal Damage Control division are essential to the health and well being of livestock and other wild animals. Will their operations be changed in any way to accommodate construction, operation, and/or maintenance of the proposed rail line? What mitigations will be implemented to upgrade the operations changed because of this project?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
28	EA0028	92	We appreciate the assistance we have been given to date and look forward to being part of this EIS process and mitigations because of the project. We renew our request for you to obtain the services of a consultant familiar with the grazing allotments, vegetation issues, revegetation approaches in arid environments, monitoring needs, access issues, and potential alternatives to mitigate forage losses to effected permittees.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
9, 68	EA0030 & EA0043	158, 201	<p>Pipe dream or sheer idiocy? Thursday, August 11, 2005 — Pahrump Mirror</p> <p>In mid June the "top officials" for the Yucca Mountain project met with potential bidders, state and local officials at a workshop to share practical implications of building the Yucca Mountain repository and the 320-mile railroad to transport nuclear waste over the Caliente corridor.</p>	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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			<p>The less than common sense approach by the DOE for nuclear waste transport facilities is the carrot that has been dangled before a number. of Lincoln, Nye and Esmeralda county leaders. First of all, building a railroad is a daunting task that takes engineering and construction techniques established over years of experience that must meet the standards of the rail operator or it's no go. Maybe the small business contractor will be fed scraps from the table but not the meat and potatoes.</p> <p>It's an absolute lack of common sense to propose, let alone survey and expend tax funds on, a totally unnecessary alignment excessive in length and over terrain rejected nearly 100 years ago by the Union Pacific Railroad. The proposal begs the question as to why such a long route to reach access to Yucca Mountain when portions of an old railroad right-of-way still exist over a route that would be, no more than 90 miles in length that will access the same destination.</p> <p>Much of the old Las Vegas & Tonopah Railroad roadbed is still apparent adjacent to U.S. Highway 95 between Amargosa Valley and Las Vegas. Senator Clark's rail line connecting the San Pedro, Los Angeles and Salt Lake road at its completion in 1906 provided regular train service from Las Vegas to Rhyolite. Indian Springs, the Nevada Test Site entry. the old town site of Amargosa near the junction of Highway 170 and 95, and the town of Amargosa Valley are along this corridor.</p> <p>I can hear the belly aching now about blocking Las Vegas' expansion to the north and with the tracking ("nerve") center at Apex joining their vehement objection to transporting nuclear waste through the</p>	

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			<p>city. I say let them cry their crocodile teats all they want. They have no more right to block this transport than any other highly populated community including a host of cities that are much more populated. If they really cannot tolerate the intrusion let's see this overrated tourist destination put their money where their mouth is and help solve the waste problem at its point of origin.</p> <p>Another alternative is the old T&T Railroad that is estimated at 120 miles from a Union Pacific junction at Borax southwest of Baker California. The original route of the T&T through Amargosa Canyon goes through Tecopa, Shoshone, Amargosa Valley to Rhyolite west of Beatty. It may not be the best route through the canyon, so are the surveyors possibly looking for an alternative rail route or are they planning a realignment of the State highway to go east of Dumont Dunes, probably skirt the west side of Pahrump Valley en-route to Yucca Mountain and NTS?</p> <p>Somehow county officials have been given another misconception about that 320 mile rail route. Discussions have be mentioned about meeting that transport of good and material could be shipped on the line by various private businesses. No one seems have any concept of how a railroad operates. In real life the railroad is only interested in volume, the number of carloads shipped per day or week and branch lines seldom have the quantity to even justify the expense of a siding. Maybe some future industry will be capable of generating the volume but it's around the bend for now.</p> <p>Perhaps the local labor force and economy will actually benefit from the construction of a rail line to serve the DOE but don't bet on it. Does anyone have</p>	

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			<p>an inkling of an idea where they can find the laborers to man many of the construction jobs from the limited workforce in any of these counties?</p> <p>There is no question that a number of topics need to be addressed at these meetings being held in Pahrump and elsewhere, with the additional meetings to be scheduled over, the next several years being essential if and when the repository is licensed and made operational. But someone had better be acquainted to the real world from now on.</p> <p>As I alluded in the title, some of the planning and enticements being discussed have fallen in the category of either being an expensive pipe dream or bear the marks of sheer idiocy. Take your pick.</p>	
44	EA0031	102	<p>The closer we are to the Goldfield 1 route (or the alternate West of that route) the closer we come to a positive economic benefit to the Highway 95 Corridor for the impacted counties. Shared use, interfacing with Highway 95, the airports (Tonopah and Goldfield) the turn of the century rail beds (T & G), the advantage of highway and truck support far incidents, closures, and maintenance and a readily accessible infrastructure for schools, local governmental services, road services, hospital and other emergency services essential to supporting interim storage serviced by trucking and permanent storage eventually serviced by the railroad. If this railroad is put to the east of Goldfield, a century from now they will wonder what vision or motives created this secluded, solitary railroad. Additionally, strategic positioning for mining and other economic development will be enhanced with the more westerly route!</p>	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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43	EA0032	108	The federal government has a trust responsibility to Tribes in the United States. The project has the ultimate potential for causing significant adverse impacts to the environment and public health and safety. In order for the government to move forward with the evaluation of the proposed site, it must conduct an open and transparent public review of these potential impacts, and it must consult with Tribes that may be impacted by the proposed project. Neither of these has occurred to date for the proposed Caliente Rail Corridor project.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
43	EA0032	114	The Tribe is particularly concerned about emergency response, and destruction of Native American cultural resources and sites.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
67	EA0033	116	Recently your agency has announced that they will NOT offer co-sharing of the railroad once it has been built. The is a tragedy for the economic development interests of the southern 2/3 of Nevada. The possibility to introduce new companies to rural Nevada has been taken away by your stingey use of the railroad that we, the people of the United States, must pay for but will be prohibited from using.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
67	EA0033	118	Moreover public access and continued historic uses will be seriously compromised by the building of this project right through the heart and the guts of Lincoln County, Nye County, and Esmeralda County. People and animals of all kinds will suffer because if this project becomes a reality. It will be a true environmental disaster.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
67	EA0033	119	Your project, whichever of the three routes you take leaving the UPRR mainline, will seriously change the way I do business. Physically the track could go right through the middle of my office building and the ranch where my business is located.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
24	EA0037	176	The EA does not address impacts that those of us private land owners will undergo because we are planning on moving away if this flawed project goes	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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			through.	
27	EA0040	185, 188	Please provide details of air flow patterns throughout the year, and identify who the populations are, and what important special status species or T&E species populations may be downwinders or likely to be contaminated in the event of a large rail accident here, or increased nuclear testing at the test site.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
27	EA0040	196	Will a barrier to wildlife be put into place?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
3	EA0041	198	I am concerned about the rail corridor circling the Nevada Gunnery Range used by the Nellis Air Force Base for training and the "Red Flag Days" training pilots from all over the world. I feel one serious accident and the Pentagon would move Nellis Air Force Base to another location. The economical loss to the State would be a catastrophic impact. Especially dangerous along the west side of the route along Amargosa Valley and Goldfield which is very close to the gunnery range.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
3	EA0041	199	I oppose the selection of the Meadow Valley Route as a connecting route. The property tax base that the County would loose is too great a loss for our County to absorb. It would not be fair for the majority of the households who are in their fifties and sixties who are planning for a permanent home for their retirement years to be pushed out.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
22	EA0048	259	And my last issue is that will an additional environmental review be conducted after the DOE evaluations prior to a decision on whether to place the rail corridor for transport of high level nuclear waste through Shoshone tribal lands?	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
66	EA0056	263	We believe that any access to Yucca Mt. should be allowed. We live within 7 miles of 2 nuclear power plants and have no qualms about living here. We would like to see the waste that is stored on site be moved to a permanent storage site.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

20.0 Rail Alignment EIS

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50	EA0062	333	<p>The EIS should be prepared by BLM, in cooperation with the Surface Transportation Board (STB), not DOE. BLM, as the federal agency charged with management and stewardship of public lands, is the federal agency that should be responsible for the conduct of NEPA analyses and the preparation of NEPA documentation supporting decisions dealing with the withdrawal of public lands and the uses of such lands by other federal agencies. The STB is the federal agency responsible for oversight of rail construction and rail operations. Legal briefs filed by the State of Nevada in the U.S. Circuit Court of Appeals for the District of Columbia address BLM and STB responsibilities and are available at: http://www.state.nv.us/nucwaste/news2005/pdfinvag050324nepa.pdf and at http://www.state.nv.us/nucwaste/news2005/pdf/nv050621doe.pdf</p> <p>They are hereby incorporated by reference as part of these comments. It is especially important that BLM and STB not abrogate their responsibilities in light of the critical importance of the withdrawal decision DOE is asking its sister agency to make with respect to DOE's proposed Caliente rail corridor land withdrawal application. STB is not a party to the draft EIS at all. As for BLM, simply signing on as a "cooperating agency" for an EA or EIS prepared by DOE is not sufficient. Expecting DOE to objectively and comprehensively assess the impacts of this action is like permitting the fox to report on the safety and security of the chicken coop.</p>	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
13	EA0064	347	<p>It has recently come to our attention that DOE may be considering a new alternative to the Caliente route that runs roughly parallel to the Esmeralda County border, but through Nye County. The Esmeralda County Commission hopes this is a false rumor but, for the record, we strongly oppose such</p>	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

20.0 Rail Alignment EIS

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			an option. We are hopeful that this is no more than a rumor - we have worked very closely with DOE and its contractors over the years and it is difficult to imagine that an option counter to the interests of Esmeralda County would be considered.	
13	EA0064	350	Our concern is very straightforward. We are concerned that we will end up with all of the negative impacts of having the railroad near our community (economic, perception based impacts, the need to be prepared for and to respond to incidents, etc...) without having the ability to take advantage of the various protections afforded us as an "affected unit of local government." A route that is just a few miles further away from our community is no safer - in fact the increase in response time creates greater risk.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
13	EA0064	351	Should the Department desire to "tweak" the original route, we urge that you work closely with the Commission, Citizen Advisory Council, and staff to identify other possible alternatives, including western routing options which have not to our knowledge been previously considered. We believe that by working together we can identify creative solutions that will mitigate impacts and create economic opportunity.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
33	EA0066	361	Basically Yucca Mountain project and the Caliente rail corridor is wiping my BLM permit out and also will ruin private land. The government is wasting a lot of money on this project when they actually could complete it in 100 miles and they are going out of their way 450 miles. I am totally against it.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
40	EA0067	363	I am very concerned about "safe" Interstate 10 shipments of radioactive waste to Yucca Mountain!	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
70	EA0069	412	Build the Railroad!!! Store the Stuff!	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
41	EA0072	415	I totally oppose your dumping atomic waste in Nevada or building a rail line anywhere for that	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

20.0 Rail Alignment EIS

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			purpose.	
62	EA0074	417	<p>1. The Caliente corridor is the least likely place to build a railroad. 2. 100 feet each side of railroad would take Highway 93, disconnected for 3 to 5 miles out from Caliente. 3. This railroad would involve private property rights. 4. It is too close to 3 towns. 5. The strip from below Panaea (illegible) across to Bennett Springs need gap, takes part of LC airport. The springs is a popular fishing area. 6. That part has a hilly rise of mountains and steep on the downside. 7. This railroad was mapped out to go up and down mountains! On your maps! No. 8 As an ex-railroad family of 3 generations and 106 years of service on M.P. this railroad would have the most expensive maintenance of any railroad in history. No. 8 Two of the best sites for the railroad would be a Apex (on MP) 30-miles north of Las Vegas. From there it would be level track to Yucca only 50-60 miles! The next best would be Carlin, Nev., turn south to Yucca on flat land, only 300 miles, less maintenance, less population.</p>	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
74	EA0075	421	<p>Given the extended timeframes for repository development, DOE should reconsider rail spur alternatives that are less expensive to construct, provide greater opportunities for beneficial development, and have fewer environmental constraints.</p> <p>The selection of the Caliente Corridor was driven largely by political expediency and the need to have a rail spur under construction to meet overly optimistic construction and operations timeframes for a repository. The Caliente route is the most expensive and lengthy option available to DOE. An objective evaluation of Nevada rail spurs alternatives was never conducted. Lander County has conducted three recent reviews of the Carlin rail spur focused</p>	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

20.0 Rail Alignment EIS

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			on potential environmental impacts, construction and design, and overall cost of the route. The information in these studies far exceeded information DOE collected for comparisons of rail spur alternatives in the original repository 'environmental impact statement. Lander County has submitted all of these reports to DOE-Office of Repository Development, and has even offered to meet with DOE management to review the reports and further discuss the Carlin Rail Spur alternative.	
46	EA0076	427	We further encourage DOE to consider, in its evaluation, the economic development potential and other benefits of making this railroad available for general use in these areas. Such efforts will result in a rail line and other needed infrastructure that will best meet the Yucca Mountain program needs as well as the needs of the affected jurisdictions, effectively considering the commercial and personal concerns of the affected individuals.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
55	EA0077	431	The EA does not adequately address the alternatives to the preferred corridor that may be considered. The U.S. Department of Energy (DOE) has discussed the possibility of changing proposed alignments or routes to reduce land use conflicts. Recently, DOE stated that sometime in 2006, possible land withdrawals would occur for those alternatives.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
55	EA0077	434	The DOE plans to ship waste using a "mostly rail" scenario, yet this EA does not address issues relating to the "some truck" shipments that may be required, nor does it address the potential for intermodal facilities that may be required connect to the proposed railroad within the land withdrawal area.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
45	EA0081	439	It is important that the DOE progress with this initiative in preparation for the rail line to be used for the transportation of spent nuclear fuel and high-level radioactive waste to Yucca Mountain, as	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

20.0 Rail Alignment EIS

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			provided under the Nuclear Waste Policy Act 1982, amended.	
31	EA0084	445	<p>We object to DOE's selection of the Caliente Rail Corridor because a rail line in that corridor would have significant negative impacts on cultural, socioeconomic, and wildlife resources. These impacts would be particularly profound in Garden Valley, Nevada where artist Michael Heizer has worked for over 35 years on a monumental sculpture, "City." This extraordinary artwork is acclaimed as one of the great masterpieces of our time, even in its unfinished state, and construction and operation of a rail line would fatally mar the view shed and destroy the viewing experience of this unique American cultural resource. Garden Valley was chosen by the artist for its remote location and natural beauty, and the scale, isolation, and emptiness offer a sense of timelessness that is essential to surround his artwork. It might be impossible to find in the entire United States such a confluence of majestic natural and manmade beauty as that represented by Garden Valley and the artwork within it, and its overall scenic qualities-combining desert, mountains, and cultural monuments-provide a rare cultural opportunity that should be protected and maintained as a public resource.</p> <p>Dia Art Foundation, as the primary conduit for funds towards the realization of "City," has been working with the DOE and Congress to find alternate alignments for the rail line. We urge the DOE to consider alternate alignments that avoid Garden Valley and "City".</p>	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

20.0 Rail Alignment EIS

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31	EA0084	446	DOE has suggested that they may consider alternative variations to the currently selected corridor. These variations were not identified in the Draft EA despite the fact that it, like an EIS, is intended to include any alternatives.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.
26	EA0085	424	The EA fails to mention or evaluate in any way the impact the Caliente Corridor would have on the Twin Springs Ranch and its grazing operation. It also fails to acknowledge that the Twin Springs Ranch is a water based allotment who's private property rights would be adversely affected during & after the construction of a railroad. This includes but is not limited to grazing & personal access to privately owned water.	Please see introductory paragraph under Section 20.0 Rail Alignment EIS.

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53	EA0002	5	Don't like the policy of increasing nuclear energy because of the problem regarding disposal.	<p>DOE appreciates the interest in the land withdrawal decision-making process. However, for clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>
53	EA0002	6	Other options should be explored; such as solar, hydroelectric, etc. Oil and uranium can't last forever; we should look into renewable energy.	<p>DOE appreciates the interest in the land withdrawal decision-making process. However, for clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Therefore, options such as solar and hydroelectric energy were not evaluated.</p> <p>The DOE Office of Energy Efficiency and Renewable Energy is leading the Nation's efforts in the study of alternative energy technologies, including geothermal, wind, solar, hydrogen, biomass, and hydropower. For more information on the office's activities, visit its Web site at http://www.eren.doe.gov or write to the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 28585.</p>

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53	EA0002	7	The current plan is short-sighted & stupid...Not a good thing. Whoever brought about the idea of Geologic Disposal should have waste dumped in their backyard.	<p>DOE appreciates the interest in the land withdrawal decision-making process. However, for clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The Nuclear Waste Policy Act of 1982 (NWPAA) established a process leading to a decision by the Secretary of Energy on whether to recommend that the President approve Yucca Mountain for development as a geologic repository. On July 23, 2002, the President signed into law (Pub. L. 107-200) a joint resolution of the U.S. House of Representatives and the U.S. Senate designating the Yucca Mountain site for development as a geologic repository.</p>
15	EA0003	8	Government should be moving towards safer systems for energy rather than nuclear energy (ex: solar, wind).	<p>For clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. The Nuclear Regulatory Commission, not the DOE, has authority over the Nation's nuclear power industry.</p> <p>The DOE Office of Energy Efficiency and Renewable Energy is leading the Nation's efforts in the study of alternative energy technologies, including geothermal, wind, solar, hydrogen, biomass, and hydropower. For more information on the office's activities, visit its Web site at http://www.eren.doe.gov or write to the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585.</p>
38	EA0005	15	Recently we spent some time in the Amargosa Valley. I was surprised how many people actually live in that area. I don't believe that the dump will ever be save. Our government hasn't	For clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the

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			done much for the people in Nevada except poison them with radiation, dangerous chemicals and metals, and now silicosis. And people can't even find out what poisoned them. It is too top secret.	<p>purpose of evaluating the land for a potential rail line.</p> <p>The NWPA established a process leading to a decision by the Secretary of Energy on whether to recommend that the President approve Yucca Mountain for development as a geologic repository. On July 23, 2002, the President signed into law (Pub. L. 107-200) a joint resolution of the U.S. House of Representatives and the U.S. Senate designating the Yucca Mountain site for development as a geologic repository.</p>
38	EA0005	16	What about the rumor that the best place was to put it in Texas where it is dry and they don't have earth quakes?	<p>For clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The NWPA established a process leading to a decision by the Secretary of Energy on whether to recommend that the President approve Yucca Mountain for development as a geologic repository. On July 23, 2002, the President signed into law (Pub. L. 107-200) a joint resolution of the U.S. House of Representatives and the U.S. Senate designating the Yucca Mountain site for development as a geologic repository.</p>
38	EA0005	17	I hate the idea because of past government bungling	<p>For clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The NWPA established a process leading to a decision by the Secretary of Energy on whether to recommend that the President approve Yucca Mountain for development as a geologic repository. On July 23, 2002, the President signed into law (Pub. L. 107-200) a joint resolution of the U.S. House of Representatives and the U.S. Senate designating the Yucca Mountain site for development as a geologic repository.</p>

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57	EA0007	21	It is very important to the country's continued energy security to have a diverse supply of electrical generation.	<p>For clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The DOE Office of Energy Efficiency and Renewable Energy is leading the Nation's efforts in the study of alternative energy technologies, including geothermal, wind, solar, hydrogen, biomass, and hydropower. For more information on the office's activities, visit its Web site at http://www.eren.doe.gov or write to the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 28585.</p>
54	EA0011	30	I do not support this rail access to Yucca Mountain. It seems to me the evidence is in - this facility was poorly designed with no consideration for "real science", no consideration for the actual storage containers to be used, and certainly no consideration for the underground water supplies providing water to such a large part of the region surrounding the site. I would support closing efforts of the facility, already hugely cost overrun, and just forget about the billions already spent.	<p>For clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>The NWPA established a process leading to a decision by the Secretary of Energy on whether to recommend that the President approve Yucca Mountain for development as a geologic repository. On July 23, 2002, the President signed into law (Pub. L. 107-200) a joint resolution of the U.S. House of Representatives and the U.S. Senate designating the Yucca Mountain site for development as a geologic repository.</p>
54	EA0011	31	Instead, look toward and accept scientific evidence and suggestions as to how to most effectively address the serious problem of not only safely storing nuclear waste products, but more importantly how best to "recycle" these products to an on-going usefulness of the by-products, and eventual total consumption of the waste products. Other nations are thus engaged - why not the U.S.?	<p>For clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. The storage of nuclear waste products and recycling are outside of the scope of the EA.</p> <p>Although the NWPA does not provide for alternatives</p>

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				<p>to geologic storage, Congress has separately directed the DOE to study accelerator transmutation for radioactive waste and to prepare a plan for developing that technology. Congress appropriated \$4 million to develop an accelerator transportation plan, which includes a science-based research program, a description of an operational transmutation system, and other information specifically requested by Congress. The DOE submitted the report, <i>A Roadmap for Developing Accelerator Transmutation of Waste Technology</i>, to Congress in 1999.</p> <p>In the accelerator transmutation process, long-lived radionuclides could be difficult to isolate and transmute. Moreover, even if a accelerator transmutation becomes a practical technology, a repository would still be an essential element of the nuclear fuel cycle because significant quantities of highly radioactive, long-lived materials would remain.</p>
25	EA0015	38	I have only one comment- the B.L.M and D.O.E are puppets of the U.S.A. abiding by their law respectfully- The public can comment but of no substance- its only a process. The EA's & EIS's are in that process- very narrowly viewed- due to the U.S.A.	Public review of the Draft EA provided interested parties with the opportunity to examine the assumptions, analyses, and conclusions, as well as the opportunity to provide input into how issues and concerns should be addressed in the Final EA. The process improves the quality of the EA and is crucial to the decision-making process.
2	EA0036	159	In light of public concern expressed over recently proposed changes to radiation safety standards by US EPA, and the ongoing Congressional probe into possible falsification of hydrological data concerning the Yucca Mountain Project, it seems premature to be considering transportation modalities for spent nuclear fuel and high-level radioactive waste to the Yucca Mountain Repository when, at present, it is not clear that its very establishment is in the public interest.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. The impacts and issues related to the rail line will be addressed and evaluated in an EIS currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>In passing the NWPA of 1982, Congress affirmed that</p>

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				the Federal Government is responsible for the permanent disposal of spent nuclear fuel and high-level radioactive waste. Issues regarding the NWPAs are outside the scope of the EA.
27	EA0040	184	We do not believe that necessary analysis has been conducted to determine that: 1) a rail corridor is needed, in contrast to on-site storage of waste at facilities where it is produced; or 2) Yucca Mountain is safe for storage.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. The impacts and issues related to the rail line will be addressed and evaluated in an EIS currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>In passing the NWPAs, Congress affirmed that the Federal Government is responsible for the permanent disposal of spent nuclear fuel and high-level radioactive waste. Issues regarding the NWPAs are outside the scope of the EA.</p>
27	EA0040	187	Plus, this corridor seems designed to take waste from the Nevada Test Site, and not deal with the national nuclear waste nightmare that has developed. It appears to indicate a massive upswing in nuclear waste at the Nevada test site may be planned. Is that the case? Or is this just the first step in a whole segmented series of rights-of-way to link a large nuclear waste railway— extending into Utah, California, Idaho, beyond???	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. The impacts and issues related to the rail line will be addressed and evaluated in an EIS currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>Issues regarding the nuclear waste at the Nevada Test Site are outside the scope of the EA.</p>

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27	EA0040	189	What else, besides shipping waste now stored is this linked to? Is this part of stepping up nuclear testing at the Nevada Test site, and endangering the health of millions of Americans.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>Issues regarding the nuclear testing at the Nevada Test Site are outside the scope of the EA.</p>
17	EA0042	200	I don't agree with anything that I have heard about shipping nuclear waste to Yucca Mountain through the Caliente Corridor. I have a problem with putting all of the nuclear waste in one place in these days of terrorism. Its like inviting a terrorist attack.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. The impacts and issues related to the rail line, including terrorism, will be addressed and evaluated in an EIS currently under preparation. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p> <p>In passing the NWP, Congress affirmed that the Federal Government is responsible for the permanent disposal of spent nuclear fuel and high-level radioactive waste. Issues regarding the NWP are outside the scope of the EA.</p>
59	EA0050	385	We're supportive of the repository in general. We're certainly supportive of choosing the county rail corridor, and we're very supportive of the siting of support facilities in our vicinity. We know that they can be handled and managed wisely and carefully, and we know that these shipments can occur safely and sanely.	<p>DOE appreciates the interest in the land withdrawal decision-making process. However, for clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the</p>

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				development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.
29	EA0057	264	As a matter of fiscal conservatism, it would not be prudent to spend funds at this time for a questionable project.	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Budget and policy decisions are outside the scope of the EA.
29	EA0057	265	The construction of the Yucca Mt. repository is unlikely to proceed because of a) fudged scientific report on the geology, b) significantly reduced appropriations, c) delays on the most optimist scenario until 2018, d) outstanding lawsuits.	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. In passing the NWPA, Congress affirmed that the Federal Government is responsible for the permanent disposal of spent nuclear fuel and high-level radioactive waste. Issues regarding the NWPA are outside the scope of the EA.
29	EA0057	266	Almost all DOE sites are contaminated and clean-up is not proceeding or if it is, the results have not been achieved as yet, therefore adding additional land to DOE's control provides little confidence that the DOE will be able to husband and protect the land from contamination or environmental abuse.	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Under the proposed withdrawal, the BLM would retain management responsibilities for the land.
29	EA0057	269	The utilities, which earlier supported Yucca Mt repository have now declared that storage in casks on site is preferred as long as the Government covers the cost. The rail connection is therefore not needed. This is also a more economic solution because the enormous transportation costs would be avoided. In addition the potential for a transportation accident would be avoided by	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. In passing the NWPA, Congress affirmed that the Federal Government is responsible for the permanent disposal of spent nuclear fuel and high-level

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			opting for storage onsite.	radioactive waste. Issues regarding the NWPAs and long-term storage are outside the scope of the EA.
29	EA0057	270	A cost benefit analysis must be completed to assess whether storage onsite is an economic benefit rather than shipment to Yucca Mt. before spending public money on building a rail connection to Yucca Mt.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>In passing the NWPAs, Congress affirmed that the Federal Government is responsible for the permanent disposal of spent nuclear fuel and high-level radioactive waste. Issues regarding the NWPAs and long-term storage are outside the scope of the EA.</p>
39	EA0070	413	No Yucca because leaks terror.	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>In passing the NWPAs, Congress affirmed that the Federal Government is responsible for the permanent disposal of spent nuclear fuel and high-level radioactive waste. Issues regarding the NWPAs and long-term storage are outside the scope of the EA.</p>
18	EA0073	416	The outside structures are the building maintenance concept that have a barracks employee living onsite and is of great interest sense. I am a building engineer & read blueprints & can draft them as well. It seems like there is a need further for a windowless hotel 800 room facility based on the NORAD concept & logistical commodities food repository as well, the alcove are also of great concern!	<p>The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the</p>

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				Rail Alignment EIS analyze different actions and impacts to the environment.
74	EA0075	420	The purpose and need for the action is to preclude certain types of future development that may interfere with the construction and development of a rail spur to Yucca Mountain. The purpose and need in the EA should be restated.	The scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. This protective measure is needed to enhance the safe, efficient, and uninterrupted evaluation of land identified for potential rail alignments.
46	EA0076	426	This record of experience should be given full consideration during DOE's evaluation. Used nuclear fuel has been shipped safely and securely for more than four decades in the United States and abroad. Following a rigorous regulatory regime, more than 3,000 used fuel shipments have been made in the United States and more than 70,000 metric tons of uranium has been shipped in other countries. Without exception, these shipments have been made safely and securely with no injuries occurring due to the radioactive nature of the cargo. Applying the same rigorous program for shipping to Yucca Mountain will continue this exemplary public safety record and DOE's recent decision to used dedicated trains for these shipments will provide additional assurances.	DOE appreciates the interest in the land withdrawal decision-making process. However, for clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.
58	EA0079	422	It is my belief through observation and study that the pumping of water at and for Yucca Mountain is drying up Oasis Valley and killing or threatening the habitat of species of water, land and air and the question of safety to the residence and traveler of Oasis Valley through Beatty and Amargosa Valley of Nevada and to Death Valley, California.	DOE appreciates the interest in the land withdrawal decision-making process. However, for clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line. Issues related to the placement, construction, operation, and maintenance of the proposed rail

21.0 Out of Scope

Person ID	Document ID	Comment ID	Comment	Response
				alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.
6	EA0083	442	<p>This is my public comment on the draft environmental assessment protecting the Caliente Corridor from new mining and development for the next 20 years.</p> <p>If the area is to be used for transport of radioactive waste to Yucca Mt. it would be dangerous to allow activity. If endangered species would be adversely effected, that is another reason to ban mining. It is my understanding that Yucca Mt. is unsuitable for a nuclear waste repository due to earthquake faults and the potential for flooding/flash floods. It is also unsuitable because it is Shoshone Indian land that the tribes have not signed off on. Therefore, I do ask that the land be not opened for mining. Thank you for allowing me the freedom to add my opinion to the public comments.</p>	<p>DOE appreciates the interest in the land withdrawal decision-making process. However, for clarity, the scope of the EA is to consider the impacts of withdrawing the identified land from surface entry and the location of new mining claims, subject to valid existing rights, for a period of 10 or 20 years, for the purpose of evaluating the land for a potential rail line.</p> <p>Issues related to the placement, construction, operation, and maintenance of the proposed rail alignment will be addressed in the DOE's Rail Alignment EIS, currently under preparation. Comments related to this EIS will be transmitted to the appropriate DOE manager and considered during the development of the draft document. The EA and the Rail Alignment EIS analyze different actions and impacts to the environment.</p>

APPENDIX C
NOTICE OF PROPOSED WITHDRAWAL (68 FR 74965)

preliminary issues concerning the 2004–05 migratory bird hunting regulations for discussion and review by the Flyway Councils at their March meetings.

In accordance with Departmental policy regarding meetings of the Service Regulations Committee attended by any person outside the Department, these meetings are open to public observation. Members of the public may submit written comments on the matters discussed to the Director.

Dated: December 2, 2003.

Paul R. Schmidt,
Assistant Director, Migratory Birds and State Programs, U.S. Fish and Wildlife Service.

[FR Doc. 03–31852 Filed 12–24–03; 8:45 am]
BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–03–840–1610–241A]

Canyons of the Ancients National Monument Advisory Committee Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Canyons of the Ancients National Monument (Monument) Advisory Committee (Committee), will meet as directed below.

DATES: Meetings will be held January 27th, February 17th, March 9th, March 30th, and April 13th, 2004 at the Anasazi Heritage Center in Dolores, Colorado at 9 a.m. The public comment period for each meeting will begin at approximately 2:30 p.m. and the meetings will adjourn at approximately 3:30 p.m.

FOR FURTHER INFORMATION CONTACT: LouAnn Jacobson, Monument Manager or Stephen Kandell, Monument Planner, Anasazi Heritage Center, 27501 Hwy

184, Dolores, Colorado 81323; Telephone (970) 882–5600.

SUPPLEMENTARY INFORMATION: The eleven member committee provides counsel and advice to the Secretary of the Interior, through the BLM, concerning development and implementation of a management plan developed in accordance with FLMPA, for public lands within the Monument. At these meetings, topics we plan to discuss include planning issues and management concerns, planning alternatives, partnerships, science and other issues as appropriate.

All meetings will be open to the public and will include a time set aside for public comment. Interested persons may make oral statements at the meetings or submit written statements at any meeting. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak.

Summary minutes of all Committee meetings will be maintained at the Anasazi Heritage Center in Dolores, Colorado. They are available for public inspection and reproduction during regular business hours within thirty (30) days of the meeting. In addition, minutes and other information concerning the Committee can be obtained from the Monument planning Web site at: <http://www.blm.gov/rmp/cann> which will be updated following each Committee meeting.

Dated: December 18, 2003.

Stephen J. Kandell,

Acting Manager, Canyons of the Ancients National Monument.

[FR Doc. 03–31842 Filed 12–24–03; 8:45 am]
BILLING CODE 4310–AG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ET; NVN–77880; 4–08807]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management has received a request from the Department of Energy to withdraw 308,600 acres of public land from surface entry and mining for a period of 20 years to evaluate the land for the potential construction, operation, and maintenance of a branch rail line for the transportation of spent nuclear fuel and high-level radioactive waste in the event the Nuclear Regulatory Commission authorizes a geologic repository at Yucca Mountain as provided for under the Nuclear Waste Policy Act of 1982, as amended. This notice segregates the land from surface entry and mining for up to 2 years while various studies and analyses are made to support a final decision on the withdrawal application.

DATES: Comments and requests for a meeting should be received on or before March 29, 2004.

ADDRESSES: Comments and meeting requests should be sent to the Nevada State Director, BLM, 1340 Financial Blvd., PO Box 12000, Reno, Nevada 89520–0006.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, 775–861–6532.

SUPPLEMENTARY INFORMATION: The Department of Energy has filed an application (NVN 77880) to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws and the mineral leasing laws, subject to valid existing rights:

Mount Diablo Meridian

A corridor one mile in width that contains a portion of, or are wholly encompassed within, the following sections:

10S 46E 01	1N 55E 24	2N 58E 03	3N 48E 35	4N 49.2E 35
10S 46E 02	1N 55E 25	2N 58E 04	3N 48E 36	4N 49.2E 36
10S 46E 12	1N 55E 26	2N 58E 05	3N 49E 02	4N 49E 24
10S 46E 13	1N 55E 27	2N 58E 07	3N 49E 03	4N 49E 25
10S 47E 06	1N 55E 28	2N 58E 08	3N 49E 04	4N 49E 26
10S 47E 07	1N 55E 29	2N 58E 09	3N 49E 05	4N 49E 33
10S 47E 08	1N 55E 30	2N 58E 13	3N 49E 07	4N 49E 34
10S 47E 09	1N 55E 31	2N 58E 17	3N 49E 08	4N 49E 35
10S 47E 15	1N 55E 32	2N 58E 18	3N 49E 09	4N 49E 36
10S 47E 16	1N 55E 33	2N 58E 19	3N 49E 10	4N 50E 30
10S 47E 17	1N 56E 01	2N 58E 20	3N 49E 17	4N 50E 31
10S 47E 18	1N 56E 02	2N 58E 21	3N 49E 18	4N 50E 32

10S 47E 21	1N 56E 09	2N 58E 22	3N 49E 19	4N 60E 20
10S 47E 22	1N 56E 10	2N 58E 23	3N 50E 02	4N 60E 21
10S 47E 23	1N 56E 11	2N 58E 24	3N 50E 03	4N 60E 22
10S 47E 26	1N 56E 12	2N 58E 25	3N 50E 04	4N 60E 23
10S 47E 27	1N 56E 13	2N 58E 26	3N 50E 10	4N 60E 24
10S 47E 28	1N 56E 14	2N 58E 27	3N 50E 11	4N 60E 25
10S 47E 34	1N 56E 15	2N 58E 28	3N 50E 14	4N 60E 26
10S 47E 35	1N 56E 16	2N 58E 29	3N 50E 15	4N 60E 27
11S 47E 01	1N 56E 17	2N 58E 30	3N 50E 22	4N 60E 28
11S 47E 02	1N 56E 18	2N 58E 31	3N 50E 23	4N 60E 29
11S 47E 03	1N 56E 19	2N 58E 32	3N 50E 24	4N 60E 31
11S 47E 11	1N 56E 20	2N 59E 02	3N 50E 25	4N 60E 32
11S 47E 12	1N 56E 21	2N 59E 03	3N 50E 26	4N 60E 33
11S 47E 13	1N 57E 03	2N 59E 04	3N 50E 35	4N 61E 19
11S 47E 14	1N 57E 04	2N 59E 08	3N 50E 36	4N 61E 20
11S 47E 24	1N 57E 05	2N 59E 09	3N 58E 24	4N 61E 28
11S 47E 25	1N 57E 06	2N 59E 10	3N 58E 25	4N 61E 29
11S 48E 07	1N 62E 01	2N 59E 16	3N 58E 26	4N 61E 30
11S 48E 08	1N 62E 12	2N 59E 17	3N 58E 33	4N 61E 32
11S 48E 09	1N 63E 06	2N 59E 18	3N 58E 34	4N 61E 33
11S 48E 10	1N 63E 07	2N 59E 19	3N 58E 35	4N 61E 34
11S 48E 11	1N 63E 08	2N 59E 20	3N 58E 36	4S 43E 01
11S 48E 14	1N 63E 17	2N 60E 01	3N 59E 12	4S 43E 02
11S 48E 15	1N 63E 18	2N 61E 06	3N 59E 13	4S 43E 03
11S 48E 16	1N 63E 19	2N 62E 01	3N 59E 14	4S 43E 10
11S 48E 17	1N 63E 20	2N 62E 02	3N 59E 19	4S 43E 11
11S 48E 18	1N 63E 21	2N 62E 03	3N 59E 20	4S 43E 12
11S 48E 19	1N 63E 26	2N 62E 04	3N 59E 21	4S 43E 14
11S 48E 20	1N 63E 27	2N 62E 05	3N 59E 22	4S 43E 15
11S 48E 21	1N 63E 28	2N 62E 10	3N 59E 23	4S 43E 22
11S 48E 22	1N 63E 29	2N 62E 11	3N 59E 24	4S 43E 23
11S 48E 27	1N 63E 30	2N 62E 12	3N 59E 25	4S 43E 26
11S 48E 28	1N 63E 32	2N 62E 13	3N 59E 26	4S 43E 27
11S 48E 29	1N 63E 33	2N 62E 14	3N 59E 27	4S 43E 28
11S 48E 30	1N 63E 34	2N 62E 15	3N 59E 28	4S 43E 33
11S 48E 31	1N 63E 35	2N 62E 24	3N 59E 29	4S 43E 34
11S 48E 32	1S 43E 01	2N 62E 25	3N 59E 30	4S 67E 01
11S 48E 33	1S 43E 02	2N 62E 36	3N 59E 33	4S 67E 02
11S 48E 34	1S 43E 03	2N 63E 07	3N 59E 34	4S 67E 04
12S 48E 02	1S 43E 04	2N 63E 18	3N 59E 35	4S 67E 05
12S 48E 03	1S 43E 09	2N 63E 19	3N 59E 36	4S 67E 06
12S 48E 04	1S 43E 10	2N 63E 30	3N 60E 05	4S 67E 07
12S 48E 05	1S 43E 11	2N 63E 31	3N 60E 06	4S 67E 08
12S 48E 06	1S 43E 12	2S 43E 03	3N 60E 07	4S 67E 09
12S 48E 09	1S 43E 13	2S 43E 04	3N 60E 08	4S 67E 12
12S 48E 10	1S 43E 14	2S 43E 09	3N 60E 18	4S 68E 06
12S 48E 11	1S 43E 15	2S 43E 10	3N 60E 19	4S 68E 07
12S 48E 13	1S 43E 16	2S 43E 15	3N 60E 20	4S 68E 08
12S 48E 14	1S 43E 21	2S 43E 16	3N 60E 21	4S 68E 17
12S 48E 15	1S 43E 22	2S 43E 20	3N 60E 22	4S 68E 18
12S 48E 23	1S 43E 23	2S 43E 21	3N 60E 25	5S 43E 03
12S 48E 24	1S 43E 24	2S 43E 22	3N 60E 26	5S 43E 04
12S 48E 25	1S 43E 25	2S 43E 27	3N 60E 27	5S 43E 05
12S 48E 26	1S 43E 27	2S 43E 28	3N 60E 28	5S 43E 08
12S 48E 35	1S 43E 28	2S 43E 29	3N 60E 29	5S 43E 09
12S 48E 36	1S 43E 33	2S 43E 32	3N 60E 30	5S 43E 15
12S 49E 31	1S 43E 34	2S 43E 33	3N 60E 31	5S 43E 16
13S 48E 09	1S 44E 18	2S 43E 34	3N 60E 34	5S 43E 17
13S 48E 10	1S 44E 19	2S 43E 35	3N 60E 35	5S 43E 21
13S 48E 14	1S 44E 29	2S 43E 36	3N 60E 36	5S 43E 22
13S 48E 15	1S 44E 30	2S 44E 04	3N 61E 02	5S 43E 27
13S 48E 16	1S 44E 31	2S 44E 05	3N 61E 03	5S 43E 28
13S 48E 22	1S 44E 32	2S 44E 06	3N 61E 04	5S 43E 33
13S 48E 23	1S 51.2E 06	2S 44E 08	3N 61E 09	5S 43E 34
13S 48E 24	1S 51.2E 07	2S 44E 09	3N 61E 10	5S 43E 35
13S 48E 25	1S 51.2E 08	2S 44E 16	3N 61E 11	6S 43E 01
13S 48E 26	1S 51.2E 17	2S 44E 17	3N 61E 12	6S 43E 02
13S 48E 36	1S 51.2E 18	2S 44E 20	3N 61E 13	6S 43E 03
13S 49E 13	1S 51.2E 19	2S 44E 21	3N 61E 14	6S 43E 10
13S 49E 14	1S 51.2E 20	2S 44E 22	3N 61E 22	6S 43E 11
13S 49E 19	1S 51.2E 28	2S 44E 27	3N 61E 23	6S 43E 12
13S 49E 22	1S 51.2E 29	2S 44E 28	3N 61E 24	6S 43E 13
13S 49E 23	1S 51.2E 30	2S 44E 32	3N 61E 25	6S 43E 14
13S 49E 24	1S 51.2E 31	2S 44E 33	3N 61E 26	6S 43E 15
13S 49E 25	1S 51.2E 32	2S 44E 34	3N 61E 27	6S 43E 23
13S 49E 26	1S 51.2E 33	2S 51.2E 04	3N 61E 28	6S 43E 24

13S 49E 27	1S 51E 01	2S 51.2E 05	3N 61E 29	6S 43E 25
13S 49E 29	1S 51E 02	2S 51.2E 06	3N 61E 30	6S 43E 26
13S 49E 30	1S 51E 03	2S 51.2E 07	3N 61E 31	6S 43E 27
13S 49E 31	1S 51E 10	2S 51.2E 08	3N 61E 32	6S 43E 34
13S 49E 32	1S 51E 11	2S 51.2E 09	3N 61E 33	6S 43E 35
13S 49E 33	1S 51E 12	2S 51.2E 16	3N 61E 34	6S 43E 36
13S 49E 34	1S 51E 13	2S 51.2E 17	3N 61E 35	6S 44E 06
13S 49E 35	1S 51E 14	2S 51.2E 18	3N 61E 36	6S 44E 07
13S 49E 36	1S 51E 24	2S 51.2E 20	3N 62E 18	6S 44E 08
13S 50E 30	1S 51E 25	2S 51.2E 21	3N 62E 19	6S 44E 15
13S 50E 31	1S 51E 36	2S 51E 01	3N 62E 20	6S 44E 16
14S 49E 01	1S 52E 31	2S 51E 12	3N 62E 28	6S 44E 17
14S 49E 02	1S 53E 25	2S 52E 06	3N 62E 29	6S 44E 18
14S 49E 03	1S 53E 35	2S 52E 07	3N 62E 30	6S 44E 20
14S 49E 04	1S 53E 36	2S 52E 08	3N 62E 31	6S 44E 21
14S 49E 05	1S 54E 01	2S 52E 11	3N 62E 32	6S 44E 22
14S 49E 08	1S 54E 10	2S 52E 12	3N 62E 33	6S 44E 27
14S 49E 09	1S 54E 11	2S 52E 13	3N 62E 34	6S 44E 28
14S 49E 10	1S 54E 12	2S 52E 14	3N 62E 35	6S 44E 31
14S 49E 11	1S 54E 13	2S 52E 15	3S 43E 01	6S 44E 33
14S 49E 12	1S 54E 14	2S 52E 16	3S 43E 02	6S 44E 34
14S 49E 15	1S 54E 15	2S 52E 17	3S 43E 03	7S 43E 01
14S 49E 16	1S 54E 16	2S 52E 18	3S 43E 04	7S 43E 02
14S 50E 06	1S 54E 20	2S 52E 19	3S 43E 10	7S 43E 03
1N 43E 23	1S 54E 21	2S 52E 20	3S 43E 11	7S 43E 11
1N 43E 24	1S 54E 22	2S 52E 21	3S 43E 12	7S 43E 12
1N 43E 25	1S 54E 23	2S 52E 22	3S 43E 13	7S 43E 13
1N 43E 26	1S 54E 28	2S 52E 23	3S 43E 14	7S 43E 14
1N 43E 27	1S 54E 29	2S 53E 01	3S 43E 15	7S 43E 24
1N 43E 34	1S 54E 30	2S 53E 02	3S 43E 22	7S 43E 25
1N 43E 35	1S 54E 31	2S 53E 03	3S 43E 23	7S 44E 03
1N 43E 36	1S 55E 05	2S 53E 07	3S 43E 24	7S 44E 04
1N 44E 19	1S 55E 06	2S 53E 08	3S 43E 25	7S 44E 05
1N 44E 20	1S 55E 07	2S 53E 09	3S 43E 26	7S 44E 06
1N 44E 21	1S 63E 01	2S 53E 10	3S 43E 27	7S 44E 07
1N 44E 22	1S 63E 02	2S 53E 11	3S 43E 34	7S 44E 08
1N 44E 23	1S 63E 11	2S 53E 15	3S 43E 35	7S 44E 09
1N 44E 24	1S 63E 12	2S 53E 16	3S 43E 36	7S 44E 10
1N 44E 25	1S 63E 13	2S 53E 17	3S 44E 04	7S 44E 14
1N 44E 26	1S 64E 07	2S 53E 18	3S 44E 05	7S 44E 15
1N 44E 27	1S 64E 15	2S 65E 01	3S 44E 07	7S 44E 16
1N 44E 28	1S 64E 16	2S 65E 02	3S 44E 08	7S 44E 17
1N 44E 29	1S 64E 17	2S 65E 03	3S 44E 09	7S 44E 18
1N 44E 30	1S 64E 18	2S 65E 11	3S 44E 17	7S 44E 19
1N 45E 19	1S 64E 19	2S 65E 12	3S 44E 18	7S 44E 21
1N 45E 20	1S 64E 20	2S 65E 13	3S 44E 19	7S 44E 22
1N 45E 25	1S 64E 21	2S 65E 14	3S 44E 20	7S 44E 23
1N 45E 26	1S 64E 22	2S 66E 01	3S 44E 30	7S 44E 25
1N 45E 27	1S 64E 23	2S 66E 02	3S 44E 31	7S 44E 26
1N 45E 28	1S 64E 24	2S 66E 03	3S 67E 01	7S 44E 27
1N 45E 29	1S 64E 25	2S 66E 04	3S 67E 02	7S 44E 29
1N 45E 30	1S 64E 26	2S 66E 05	3S 67E 03	7S 44E 30
1N 45E 32	1S 64E 27	2S 66E 07	3S 67E 10	7S 44E 31
1N 45E 33	1S 65E 19	2S 66E 08	3S 67E 11	7S 44E 32
1N 45E 34	1S 65E 20	2S 66E 09	3S 67E 12	7S 44E 33
1N 45E 35	1S 65E 27	2S 66E 10	3S 67E 13	7S 44E 35
1N 45E 36	1S 65E 28	2S 66E 11	3S 67E 14	7S 44E 36
1N 46E 25	1S 65E 29	2S 66E 12	3S 67E 15	8S 44E 01
1N 46E 26	1S 65E 30	2S 66E 13	3S 67E 16	8S 44E 02
1N 46E 27	1S 65E 32	2S 66E 14	3S 67E 21	8S 44E 03
1N 46E 28	1S 65E 33	2S 66E 16	3S 67E 22	8S 44E 04
1N 46E 29	1S 65E 34	2S 66E 17	3S 67E 23	8S 44E 05
1N 46E 30	1S 65E 35	2S 66E 18	3S 67E 24	8S 44E 09
1N 46E 31	2N 47E 25	2S 66E 20	3S 67E 25	8S 44E 10
1N 46E 32	2N 47E 35	2S 66E 24	3S 67E 27	8S 44E 11
1N 46E 33	2N 47E 36	2S 67E 07	3S 67E 28	8S 44E 12
1N 46E 34	2N 48E 02	2S 67E 08	3S 67E 29	8S 44E 13
1N 46E 35	2N 48E 03	2S 67E 09	3S 67E 32	8S 44E 14
1N 46E 36	2N 48E 04	2S 67E 14	3S 67E 33	8S 44E 15
1N 47E 01	2N 48E 08	2S 67E 15	3S 67E 35	8S 44E 16
1N 47E 02	2N 48E 09	2S 67E 16	3S 67E 36	8S 44E 22
1N 47E 03	2N 48E 10	2S 67E 17	3S 68E 01	8S 44E 23
1N 47E 10	2N 48E 16	2S 67E 18	3S 68E 12	8S 44E 24
1N 47E 11	2N 48E 17	2S 67E 19	3S 68E 19	8S 44E 25
1N 47E 12	2N 48E 18	2S 67E 20	3S 68E 30	8S 44E 26
1N 47E 14	2N 48E 19	2S 67E 21	3S 68E 31	8S 44E 36

1N 47E 15	2N 48E 20	2S 67E 22	3S 69E 03	8S 45E 06
1N 47E 16	2N 48E 21	2S 67E 23	3S 69E 04	8S 45E 07
1N 47E 20	2N 48E 29	2S 67E 24	3S 69E 05	8S 45E 18
1N 47E 21	2N 48E 30	2S 67E 25	3S 69E 06	8S 45E 19
1N 47E 22	2N 48E 31	2S 67E 26	3S 69E 07	8S 45E 20
1N 47E 28	2N 50E 01	2S 67E 29	3S 69E 08	8S 45E 28
1N 47E 29	2N 50E 02	2S 67E 30	3S 69E 09	8S 45E 29
1N 47E 30	2N 50E 11	2S 67E 35	3S 69E 10	8S 45E 30
1N 47E 31	2N 50E 12	2S 67E 36	3S 69E 11	8S 45E 31
1N 47E 32	2N 50E 13	2S 68E 19	3S 69E 13	8S 45E 32
1N 50E 01	2N 50E 14	2S 68E 23	3S 69E 14	8S 45E 33
1N 50E 12	2N 50E 24	2S 68E 25	3S 69E 15	9S 45E 02
1N 51E 05	2N 50E 25	2S 68E 26	3S 69E 22	9S 45E 03
1N 51E 06	2N 50E 36	2S 68E 27	3S 69E 23	9S 45E 04
1N 51E 07	2N 51E 18	2S 68E 28	3S 69E 24	9S 45E 05
1N 51E 08	2N 51E 19	2S 68E 29	3S 69E 25	9S 45E 06
1N 51E 16	2N 51E 30	2S 68E 30	3S 70E 08	9S 45E 09
1N 51E 17	2N 51E 31	2S 68E 31	3S 70E 09	9S 45E 10
1N 51E 18	2N 56E 36	2S 68E 32	3S 70E 10	9S 45E 11
1N 51E 19	2N 57E 13	2S 68E 33	3S 70E 11	9S 45E 12
1N 51E 20	2N 57E 14	2S 68E 34	3S 70E 12	9S 45E 13
1N 51E 21	2N 57E 22	2S 68E 35	3S 70E 13	9S 45E 14
1N 51E 22	2N 57E 23	2S 68E 36	3S 70E 14	9S 45E 24
1N 51E 26	2N 57E 24	2S 69E 30	3S 70E 15	9S 46E 07
1N 51E 27	2N 57E 25	2S 69E 31	3S 70E 16	9S 46E 17
1N 51E 28	2N 57E 26	2S 69E 32	3S 70E 17	9S 46E 18
1N 51E 29	2N 57E 27	2S 69E 33	3S 70E 18	9S 46E 19
1N 51E 33	2N 57E 28	3.2N 50E 33	3S 70E 19	9S 46E 20
1N 51E 34	2N 57E 29	3.2N 50E 34	3S 70E 20	9S 46E 21
1N 51E 35	2N 57E 31	3N 48E 13	3S 70E 22	9S 46E 22
1N 51E 36	2N 57E 32	3N 48E 23	3S 70E 23	9S 46E 26
1N 55E 13	2N 57E 33	3N 48E 24	3S 70E 24	9S 46E 27
1N 55E 14	2N 57E 34	3N 48E 25	4N 49.2E 25	9S 46E 28
1N 55E 21	2N 57E 35	3N 48E 26	4N 49.2E 26	9S 46E 29
1N 55E 22	2N 57E 36	3N 48E 27	4N 49.2E 27	9S 46E 33
1N 55E 23	2N 58E 02	3N 48E 34	4N 49.2E 34	9S 46E 34
				9S 46E 35
				9S 46E 36

The area described contains 308,600 acres in Clark, Esmeralda, Lincoln, and Nye Counties.

This withdrawal approximates the land encompassed by the Caliente rail corridor as described in the Department of Energy's Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, February 2002. The purpose of the withdrawal is to evaluate the land for the potential construction and operation of a branch rail line for the transportation of spent nuclear fuel and high-level radioactive waste in the event the Nuclear Regulatory Commission authorizes a geologic repository at Yucca Mountain as provided for under the Nuclear Waste Policy Act of 1982, as amended.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Nevada State Director of the Bureau of Land Management.

Notice is hereby given that there will be at least one public meeting in

connection with the proposed withdrawal to be announced at a later date. A notice of the time, place, and date will be published in the **Federal Register** and a local newspaper at least 30 days before the scheduled date of a meeting.

Comments, including names and street addresses of commenters, will be available for public review at the Nevada State Office, 1340 Financial Boulevard, Reno, Nevada, during regular business hours 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to hold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses will be made available for public inspection in their entirety.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from December 29, 2003, in accordance with 43 CFR 2310.2(a), the lands described in this notice will be segregated from surface

entry and mining, unless the application is denied or canceled, or the withdrawal is approved prior to that date. Other uses which may be permitted during this segregative period are rights-of-way, leases, and permits as long as they do not conflict with the proposed withdrawal.

Dated: December 19, 2003.

Margaret L. Jensen,
Deputy State Director, Natural Resources, Lands, and Planning.
[FR Doc. 03-31901 Filed 12-24-03; 8:45 am]
BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of an extension of a currently approved information collection (OMB Control Number 1010-0110).