

Final Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada (DOE/EIS-0369) (Rail Alignment EIS)

5.5 Nye County Viewpoint

The viewpoints of the City of Caliente, Esmeralda County, and Lincoln County are located in Chapter 7. The text in this section was provided by Nye County, and DOE has inserted their text verbatim in this Rail Alignment EIS and the Rail Corridor SEIS. Nye County has also provided its viewpoints on mitigation, which is located in Chapter 7 of this EIS.

This section presents the perspective of Nye County as a cooperating agency for the Rail Corridor SEIS and Rail Alignment EIS on the cumulative impacts of the proposed rail corridor and rail alignment. The discussion summarized herein is based on input provided by Nye County's ranching sector and the county's own analyses of the likely impacts of transportation-related activities. It includes a discussion on the region of influence, impacts of past and present actions, reasonably foreseeable future actions, direct impacts, indirect impacts, cumulative adverse impacts, and ends with the perspective of Nye County on mitigation measures.

As the situs county for the repository and associated facilities, Nye County would be the funnel through which all waste shipments would converge for disposal, regardless of the final mode or method of transportation, or the route selected. While Nye County supports the successful construction and safe operation of the repository and the associated transportation systems, it requires that necessary steps be taken to protect the long-term interests of the county and its residents.

Nye County prefers the mostly rail transport of waste and a phased construction schedule in which DOE would construct the rail line and upgrade roads in the vicinity of Yucca Mountain prior to the beginning of repository construction. Nye County also prefers a through-going route with shared use. From the Nye County perspective, impacts, both beneficial and adverse, associated with the proposed transportation alternatives would be cumulative. To remind the reader, according to Section 1508.7 of NEPA, "cumulative impacts" are impacts on the environment that result from incremental impacts of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Region of Influence – From the perspective of Nye County, the region of influence may include Nye County in its entirety as well as the region surrounding the county. The county recognizes that the region of influence considered for analysis of cumulative impacts will vary, depending upon which element of the affected environment is being evaluated, and should be based on the region in which impacts may reasonably be expected to occur. For physical setting, cultural resources, noise, and biological resources, for example, the region of influence may be limited to those areas that would be disturbed during construction, operation, and maintenance of the rail line, access roads, well pads, and ballast quarries. The region of influence for air quality includes all topographic basins through which the rail line would be routed. The region of influence for surface-water and groundwater resources includes any hydrographic basins where actions would be taken and any basins to which they are tributary. The region of influence for socioeconomic impacts includes all towns, private lands, grazing allotments, and public roads that would be affected as a result of construction and operation of the rail line, or that are in proximity to the rail line.

Impacts of Past and Present Actions – Past and present actions by federal, state, and local agencies and private entities in Nye County are categorized into four broad areas: 1) land withdrawals and designations; 2) construction and maintenance of the existing transportation networks; 3) grazing and wildlife management policies and actions; and 4) congressional mandates regarding land and resource uses.

To date, more than 2.6 million acres within Nye County have been withdrawn for various federal missions and more than 59,000 acres have been designated for conservation, wildlife, or preservation. These land withdrawals and designations have resulted in significant limitations on transportation routes because of the lack of public rights-of-way across withdrawn lands. For example, it is not possible for Nye County citizens in the southern part of the county to travel to the northern part of the county without traveling a circuitous route through Esmeralda County, or Clark and Lincoln Counties. Similarly, shipments of forage, mineral commodities, and common freight cost more to transport within the county because of the limited transportation corridors. In addition, a significant loss of productivity from the lands that have been withdrawn or designated for special protection has occurred because of mandated cessation of mining and grazing activities.

Past construction of roads, rail lines, and utility corridors has resulted in adverse impacts on land, water, air quality, cultural resources, rangeland sustainability, and wildlife. Significant land areas have been disturbed, air and water quality have been degraded, and large areas of natural habitat have been altered or destroyed. In such cases, however, the potential adverse impacts are frequently offset by the benefits (such as additional transportation routes and utility access) to the county and its residents.

Resource management, protection, and preservation mandates and management policies related to these mandates have resulted in adverse impacts through the imposition of restrictions on water, mineral entries, and ranching activities with a corresponding decrease in long-term productivity from those lands and losses of potential tax revenues. The implementation of a number of federal mandates, including the Endangered Species Act, Federal Land Policy and Management Act, National Wilderness Act, Public Rangelands Improvement Act, and the Wild and Free Roaming Horse and Burro Act have resulted in reductions in land open to grazing and direct competition for forage between cattle and feral species.

Reasonably Foreseeable Future Actions – Reasonably foreseeable future actions in Nye County include both federal and non-federal actions that are expected to occur by the year 2050. Federal actions include the construction of the transportation network for waste shipments to Yucca Mountain; the continued operations at the Nevada Test Site and the Nevada Test and Training Range; implementation of resource management and general management plans for national parks, wildlife refuges, and public lands; and construction, operation, and closure of a high-level nuclear waste repository at Yucca Mountain.

The identification of reasonably foreseeable actions by government and the private sector is based on estimates of future population, land development patterns, and the availability of additional natural resources. These include new restrictions on land use through the designation of new Areas of Critical Environmental Concern, additional designations of Wilderness lands, the development of one or more new mines, the construction of renewable energy projects, and the construction of new energy transmission lines. See Sections 5.2.1.3.1 and 5.3.1.3.2 for more information.

Direct Impacts – The direct impacts of the Proposed Action would include the disturbance of land for the construction and maintenance of the rail line and construction and maintenance of related access roads, increased traffic during construction and operation of the rail line, the spread of noxious weeds and invasive species, reductions in rangeland carrying capacity, and disturbances to cattle operations through fencing, disruption of existing ranch roads, and the elimination of some roads as viable routes for cattle movement. Other direct impacts would include the localized lowering of water levels in the vicinity of

water supply wells used for construction and operation of the rail line, increased livestock mortality rates, increased costs of transportation of forage and cattle, increased noise, impacts on air quality and visual resources, and degradation of surface-water quality.

Indirect Impacts – Indirect impacts would include decreased ranch revenues and associated taxes, the increased vulnerability of water supplies to any transportation-related accidents or sabotage events, decreased ranch values, and increased costs for noxious weed abatement. Other indirect impacts may include decreases in land values due to stigma associated with the wastes being transported and the proximity of the land to rail routes with their associated environmental impacts. Although Nye County does not perceive any stigma from the Proposed Action at this time, public perception and the stigma associated with nuclear waste transportation and disposal could attach to the county and affect property values as noted, adding to cumulative impacts from the Proposed Action.

Cumulative Adverse Impacts – The most important cumulative adverse impact from past federal actions related to land use and transportation would be the loss of additional land to the dedicated rights-of-way for the rail line and associated roads. More than 2 million acres of land in Nye County have been placed off-limits for grazing, new transportation routes, mining, and water resource development. The land required for the rail line would result in incremental increases in restrictions on transportation and resource development.

Nye County would incur significant increased costs in its battle to control noxious weeds and invasive species because of the large acreages of disturbed lands that would be incrementally added to those lands that have already been disturbed. Another major category of cumulative adverse impacts would be on the economic viability of the county's livestock industry. Increased operations costs and livestock mortality rates, coupled with decreases in range carrying capacity, livestock reproduction rates, and increased forage costs, could cripple some of the marginal ranching operations that are struggling to continue, and erode the profitability of more viable operations. This would be an adverse cumulative socioeconomic impact.

The last major category of adverse impacts would be a result of congressional mandates and federal policies with respect to land and resource use. Early federal policies led to the settlement and development of Nye County and the beneficial as well as adverse impacts resulting from mining, ranching, farming, and urbanization that followed the implementation of these policies. Later federal policies, aimed at environmental protection, led to significant constraints on the development of resources needed to sustain the economic viability of the county. Compliance with these more recent federal policies has resulted in reductions in employment in some sectors, increased costs for development of water and land resources, decreased tax revenues, and loss of long-term productivity for large areas within Nye County. The Proposed Action would result in further environmental degradation, impose additional constraints on resource utilization, and incrementally add to the significant adverse impacts that have already occurred.

Mitigation Measures – From Nye County's perspective, most impacts could be addressed and mitigated through implementation of various measures. Given the failure to adequately mitigate the significant adverse impacts of past and current federal actions and policies, it is imperative from Nye County's perspective that the Record of Decision for this Rail Alignment EIS clearly identify the full spectrum of appropriate mitigation measures, whether or not DOE has the jurisdictional authority for implementation of the mitigating measures. Identification and implementation of such measures could be facilitated through consultation and cooperation between the county and DOE as part of an adaptive management program. With a memorandum of understanding/consultation and cooperation agreement, Nye County will assist DOE in the identification of environmental and socioeconomic impacts and their significance, and then cooperatively plan and develop effective mitigation measures. Some mitigation measures need to be started several years before the repository and rail construction and operations start (for example, road

construction and worker training programs). As the situs jurisdiction for the Yucca Mountain Project, including the repository and a substantial portion of either of the proposed rail lines, Nye County has a tremendous stake in the NEPA process and will continue to participate as a cooperating agency to protect the safety, environmental values, and economic well-being of the residents of Nye County.