

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)

7.4.4 NYE COUNTY VIEWPOINT

This section presents the viewpoint of Nye County on the Proposed Action as a cooperating agency for the Rail Corridor SEIS and Rail Alignment EIS, and the situs county of the Yucca Mountain Repository.

As discussed in the Nye County perspective on cumulative impacts presented in Section 5.5, the county believes that the majority of the direct, indirect, and cumulative impacts of past and ongoing federal actions, as well as those incremental impacts that can be reasonably expected to occur if the Proposed Action were implemented, can be effectively mitigated. 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 mitigation measures.

Nye County believes that DOE's evaluation in this Rail Alignment EIS of potential impacts from the Proposed Action has been adequately rigorous. Because of differences in perspective between DOE and Nye County, however, coupled with uncertainty about future conditions, the county believes that the conclusions about potential impacts presented in this Rail Alignment EIS should be continuously assessed and evaluated through an appropriate monitoring program.

Nye County believes that the most prudent course of action, should the Proposed Action be implemented, would be to include an aggressive and comprehensive program of environmental monitoring, including monitoring of socioeconomic factors. Nye County is a local jurisdiction significantly affected by the Proposed Action and is a cooperating agency in the preparation of this Rail Alignment EIS. Nye County's view is that there is mutual benefit for the federal and local government in partnering to monitor, assess, and evaluate conditions at and around the Nevada rail alignment before and as activities related to rail construction and operations take place. In this way, Nye County can assist DOE in the identification of any potential impacts, whether significant or not, and cooperatively develop effective and efficient mitigations, as appropriate, through ongoing adaptive management.

The Council on Environmental Quality's NEPA Task Force, in *Modernizing NEPA Implementation* (2003), recommended the use of an adaptive management approach (predict, mitigate, implement, monitor, and adapt). DOE can take action with an adaptive management plan in place to account for unanticipated changes in local conditions or subsequent information that might affect the original environmental and socioeconomic conclusions that were presented in this Rail Alignment EIS. Using the recommended adaptive management approach, DOE would be able to make cost-saving adjustments when the Proposed Action and mitigation strategies are implemented. The ability to adjust when necessary, and to have a strategy in place for such adjustments, would provide management flexibility when constraints and opportunities are encountered.

The adaptive management plan would be designed and implemented as part of the Proposed Action. As indicated by its title, the plan is meant to be "adaptive." The plan would be modified, if necessary, to address inefficiencies in approach or changes in environmental and socioeconomic conditions. Monitoring data collected as part of the planned activities would be analyzed and reviewed regularly to ensure early detection of potential issues.

The initial adaptive management plan would be based on the existing environmental conditions described in this Rail Alignment EIS and the current knowledge of resources in the vicinity of the proposed rail alignment. The initial plan would be focused on the establishment of environmental and socioeconomic baseline conditions and management of the monitoring and mitigation activities associated with the rail line. It would specifically address the management of monitoring and mitigation activities associated with construction, operation, and maintenance of the rail line and related access roads and facilities, while recognizing the need for identification of non-rail/transportation-related environmental and socioeconomic stressors that could exacerbate potential rail/transportation-related impacts.

Nye County proposes to constructively engage DOE to assist in identifying the resource areas that it believes will be susceptible to further impacts. Such identification would be based on the county's perspective on cumulative impacts as presented in Section 5.5, and on the results of DOE's analyses presented in the body and appendices of this Rail Alignment EIS. Nye County believes that such mutual consultation and cooperation should be documented through formal agreements. Nye County also believes that it would be beneficial to both DOE and the county if the adaptive management approaches for both rail and repository activities within Nye County were integrated.