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07-10-08 County Sends Letter to Surface Transportation Board

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County Sends Letter to Surface Transportation Board



Photo by Dave Maxwell

Dr. Mike Baughman at JCCIAC meeting.

By Dave Maxwell, Staff Writer

Dr. Mike Baughman, of Intertech Services in Carson City, reported at the July meeting of the Joint City/County Impact Alleviation Committee in Pioche. He stated that the Surface Transportation Board is “probably the most likely entity to get some of the mitigation measures parties may be concerned about imposed as conditions to granting the certificate,” issued to the Department of Energy (DOE) to build a railroad to the proposed nuclear waste repository at Yucca Mountain.

On June 3, 2008, the DOE filed an 8,647 page license application with the Nuclear Regulatory Commission (NRC) to build the disposal site.

On July 11, both the DOE final Environmental Impact Statements for the Yucca Mountain site and the preferred Rail Corridor and Alignment will be entered into the Federal Registry detailing the plans. This starts a 30-day public comment period required by the National Environmental Policy Act before the DOE can issue a Record of Decision, which they expect to do as early as August 12, 2008. That decision will state exactly where the DOE wants to build the railroad through the state of Nevada, which includes the Caliente Corridor. DOE then hopes to start the licensing process in September 2008.

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The DOE must also apply for a right-of-way permit for the rail alignment with the Bureau of Land Management as well as file for a Certificate of Public Conveyance and Necessity from the Surface Transportation Board (STB), to build its proposed 336-mile railroad across Lincoln County. The certificate from the STB would also allow the railroad to be a shared-use line involving commercial traffic.

It is through the Surface Transportation Board that Dr. Baughman feels is the best way for Lincoln County and the other interested parties to have many issues of concern addressed up front.

He said in May 2008, 25-30 parties, including Lincoln County, the N4 Grazing Board, City of Caliente, a number of environmental groups, the state of California, and several private ranchers filed notice with the STB to participate in the process. Parties have until July 15 to submit comments on the DOE's application for Certificate of Public Conveyance and Necessity. Lincoln County Commissioners made their comments in a letter approved at their regular July 7 meeting and submitted it to STB Secretary Ann Quinlan in Washington, D.C.

Dr. Baughman said the letter basically identifies eight or nine topical land areas and explains how this project might impact land use and offers a number of prospected mitigation measures as conditions to granting the certificate. Some 30 allotments in Lincoln County and 12 in Nye and Esmeralda Counties stand to be impacted by the DOE railroad to Yucca Mountain. Dr. Baughman noted the STB historically has been very good about imposing conditions as a stipulation for granting the certificate.

He said the letter "draws heavily on comments made to the draft EIS and also draws on, and references the variety of impact studies the County has done over the past number years. But it is focused almost entirely on mitigation measures." Baughman said the letter was written in such a way that the STB could lift out the recommended mitigation measures "almost verbatim and put as a condition to granting the Certificate of Public Conveyance to the DOE."

Baughman said the STB also has the authority to require the DOE to negotiate agreements with affected parties on mitigation measures and review them for approval.

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