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December 12, 2006

VIA FACSIMILE: 1.800.967.0739

Mr. M. Lee Bishop, EIS Document Manager  
Office of Logistics Management  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
1551 Hillshire Drive, M/S 011  
Las Vegas, NV 89134

Dear Mr. Bishop,

On behalf of Dia Art Foundation, thank you for the opportunity to comment on the Department of Energy's (DOE) notice of intent to supplement the "Final Environmental Impact Statement for the Alignment, Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nye County, Nevada." We would also like to note our appreciation of the DOE's decision to expand the scope of the EIS to include study of the Mina Rail Corridor in addition to the Caliente Rail Corridor.

As stated in previously submitted comments to DOE, Dia objects to the DOE's selection of the Caliente Rail Corridor as a transportation route to Yucca Mountain. Construction and operation of a rail line would have considerable negative impacts on cultural, socioeconomic, and wildlife resources, particularly in remote Garden Valley where *City*, a monumental artwork by the internationally-renowned artist Michael Heizer is located. *City* is acclaimed as one of the great masterpieces of our time, even in its unfinished state, and the experience of the artwork is inextricably linked to the majestic valley which surrounds it. The site was chosen over thirty years ago for its remote location and natural beauty, qualities which lend a sense of timelessness to the sculpture project which is as essential as its geometric elements. Moreover, the overall scenic qualities of Garden Valley's exemplary Basin and Range topography have been noted by the Bureau of Land Management through a Visual Resource Management designation, and this confluence of natural and cultural resource is unparalleled within the United States.

For these reasons, Dia opposes any of the four Caliente Corridor alignments which pass through Water Gap and Garden Valley within near proximity to *City* (as identified in the NOI and the DOE maps). Construction and operation of a proposed rail line along any or all of these proposed alternatives would result in unacceptable visual and aural impacts on *City*, as well as profound ecological damage to the delicate desert environment. These impacts could not be mitigated, and they would permanently debase this important American resource and undercut future cultural and economic opportunity for both Lincoln County and the State of Nevada.

We support the DOE's decision to expand the scope of the EIS to include the Mina Rail Corridor not only because it preserves City and Garden Valley, but also because there are demonstrable economic and ecological advantages to the Mina route. Its north-south trajectory is not only shorter, but it also follows valley floors and existing rail tracks and roadways, thus vastly reducing both taxpayer cost and ecological disruption.

We urge the DOE to continue its comprehensive study of the Mina Rail Corridor as a feasible and sensible alternative to the Caliente Rail Corridor. Moreover, we see the supplemental EIS as an opportunity for the DOE to correct omissions from early studies regarding the significant negative impacts that the Caliente Corridor would have on City and Garden Valley, unique cultural and natural resources of national and international significance.

Thank you in advance for your thoughtful consideration of our concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Raicovich".

Laura Raicovich  
Deputy Director