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RRR000674

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

January 10, 2008

Dear Mr. Lee

We are writing to submit comments to the Department of Energy (DOE) regarding the "Draft 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-0369D" during the public comment period (due date 01/10/08).

1 [The Caliente Rail Corridor would be routed directly through Garden Valley where we live and continue to build a large sculpture project known as "City". The sculpture is briefly mentioned in the above mentioned EIS as an 'Area of Controversy' (p. S-67) within the Caliente Corridor and has been addressed by considering *Garden Valley Alternative Segments 1, 2, 3 and 8*. We consistently continue to strongly object to any rail line being built anywhere in Garden Valley. The Department of Energy is ignoring our responses and inputs.

As stated in the past, "City" has been built in Garden Valley because of the isolation and pristine properties of the area. This project began 35 years before the DOE decided to attempt to appropriate land here. The sculpture would be permanently marred by the regular sounds of train service, the visual presence of the rail line and utility corridor, parallel roads, well-heads and all the resulting potential development therewith resulting from these 'improvements'. If the Caliente Corridor can not be eliminated as an option from the Rail Alignment study, it continues to be our preference that Garden Valley be completely avoided within the Caliente Rail Corridor. This option has not been undertaken and could easily be achieved if the DOE elected to do so.] ... continued

2 [Additionally, we feel the DOE has disregarded all our past efforts and many letters, ignoring our specific request not to run the Caliente Rail Corridor through Garden Valley

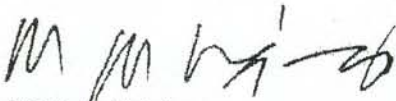
and consider an alternative. We feel that the DOE is ignoring the intent of the EIS process and is oblivious to public comment and its democratic purpose. ] ... continued

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Continued [Persons representing the Triple Aught Foundation (established to handle construction and future maintenance of "City") and Dia Art Foundation (a New York based, non-profit art organization) have contributed time and energy to work with the DOE in order to combat the forced entry of this rail line in Garden Valley. After years of work, the feeble attempt made by the DOE to circumvent the project and property by making Garden Valley Alternative Segments 1, 2, 3 and 8, which basically amount to moving the rail line around our property to the north side from the south side by the amount of a few miles, is an absurd insult. It remains the same distance from our property fence to the north as it had been previously to the south (1 1/4 miles). ] [It is also an insult to the supposed democratic process that the Department of Energy pretends to engage in, having never intending to listen to our specific requests or to recognize the broad public support for this important cultural contribution, nationally and world wide. ]

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Continued [Do not suppose we are appreciative of your supposed efforts to work with us by presenting Garden Valley Alternative Segments 1, 2, 3 and 8. It has always been and continues to be the Department of Energy's intent to run the Caliente Rail Corridor directly through Garden Valley, despite the objection of its occupants while making a mockery of the public comment processes required by Federal Law.

As previously stated, we do not want the Caliente Rail Corridor to run anywhere through Garden Valley. We will not compromise our position. We do promise an unrelenting public exposure through national media. ]

Very truly yours,

  
Michael Heizer  
President

  
Mary Heizer  
Vice President