

**Gallagher, Carol**

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**From:** Skip Canfield <scanfield@lands.nv.gov>  
**Sent:** Tuesday, October 20, 2015 1:26 PM  
**To:** Gallagher, Carol  
**Cc:** Skip Canfield  
**Subject:** [External\_Sender] State Agency Comments E2016-014 Nuclear Regulatory Commission DEIS - Supplement - Yucca Mountain Repository Groundwater and Surface Water Impacts  
**Attachments:** E2016-014 NDEP (Nuclear Regulatory Commission DEIS - Supplement - Yucca Mountain Repository Groundwater and Surface Water Impacts).pdf; E2016-014 SHPO (Nuclear Regulatory Commission DEIS - Supplement - Yucca Mountain Repository Groundwater and Surface Water Impacts).pdf

Hello Carol:

The Nevada State Clearinghouse received the attached comments regarding this DEIS supplement;  
<https://www.federalregister.gov/articles/2015/08/21/2015-20638/departement-of-energy-yucca-mountain-nye-county-nevada>

This is the official State of Nevada response.

Skip Canfield  
Nevada State Clearinghouse  
State Land Use Planning Agency

*Nevada Division of State Lands  
Department of Conservation and Natural Resources  
901 South Stewart Street, Suite 5003  
Carson City, NV 89701  
775-684-2723  
<http://clearinghouse.nv.gov>  
[www.lands.nv.gov](http://www.lands.nv.gov)*

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SUNSI Review Complete  
Template = ADM - 013  
E-RIDS= ADM-03  
Add= C. Penido (CBA)

DATE: September 2, 2015  
TO: Nevada State Clearinghouse, DCNR  
FROM: Nevada Division of Environmental Protection, Bureau of Water Pollution Control  
SUBJECT: State Clearinghouse Comments for E2016-014 (Nuclear Regulatory Commission DEIS - Supplement - Yucca Mountain Repository Groundwater and Surface Water Impacts)

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Disclaimer: The Nevada Division of Environmental Protection (NDEP), Bureau of Water Pollution Control (BWPC) does not have authority for projects occurring on Tribal Lands.

The NDEP, BWPC has received the aforementioned State Clearinghouse item and offers the following comments:

The project may be subject to BWPC permitting. Permits are required for discharges to surface waters and groundwater's of the State (Nevada Administrative Code NAC 445A.228). BWPC permits include, but are not limited to, the following:

- Stormwater Industrial General Permit
- De Minimis Discharge General Permit
- Pesticide General Permit
- Drainage Well General Permit
- Temporary Permit for Discharges to Groundwater's of the State
- Working in Waters Permit
- Wastewater Discharge Permits
- Underground Injection Control Permits
- Onsite Sewage Disposal System Permits
- Holding Tank Permits

Please note that discharge permits must be issued from this Division before construction of any treatment works (Nevada Revised Statute 445A.585).

For more information on BWPC Permitting, please visit our website at:  
<http://ndep.nv.gov/bwpc/index.htm>.

Additionally, the applicant is responsible for all other permits that may be required, which may include, but not be limited to:

- |                                   |   |
|-----------------------------------|---|
| • Dam Safety Permits              | - Division of Water Resources           |
| • Well Permits                    | - Division of Water Resources           |
| • 401 Water Quality Certification | - NDEP                                  |
| • 404 Permits                     | - U.S. Army Corps of Engineers          |
| • Air Permits                     | - NDEP                                  |
| • Health Permits                  | - Local Health or State Health Division |
| • Local Permits                   | - Local Government                      |

Thank you for the information and the opportunity to comment.

## Skip Canfield

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**From:** Julie Ernstein  
**Sent:** Monday, October 19, 2015 6:40 PM  
**To:** Skip Canfield  
**Subject:** RE: Nevada State Clearinghouse Notice E2016-014 (Nuclear Regulatory Commission DEIS - Supplement - Yucca Mountain Repository Groundwater and Surface Water Impacts)

Dear Skip,

I have read the U.S. Nuclear Regulatory Commission (NRC) *Supplement to the U.S. Department of Energy's Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County: Draft Report for Comment* (NU REG-2184) with interest and care.

This Draft EIS Supplement was prepared by the NRC to address what were considered two areas of the Department of Energy's Supplement to its Final EIS, dated June 2008, that warranted further analysis:

1. potential impacts on groundwater
2. potential impacts from groundwater discharges.

Section 3.3 (Historic and Cultural Resources) of the Draft EIS Supplement notes:

"As stated in Section 2.3.2, historic and cultural resources may be located in or around current surface discharge areas, described in section 2.3.3, or in paleospring discharge areas (and potential future discharge locations), described in Section 2.3.4."

In addition, the Draft EIS Supplement is quick to acknowledge that the Programmatic Agreement (PA) in place to govern project-related compliance under the National Historic Preservation Act (NHPA), is limited in scope to the repository site and the surrounding controlled area (i.e., the Project Operator-Controlled Area). That Agreement Document, titled *Programmatic Agreement among the United States Department of Energy Office of Civilian Radioactive Waste Management, the Nevada State Historic Preservation Office[r], and the Advisory Council on Historic Preservation for Licensing and Development of a Nuclear Waste Repository at Yucca Mountain, Nye County, Nevada*, was executed in 2009 with a 10 year duration clause. Section 3.3.3 (DOE's Programmatic Agreement [2009]) of the Draft EIS Supplement notes that "The programmatic agreement further states that impacts from activities that support the repository, but which occur outside of the Operator-Controlled Area, are outside the scope of the agreement and would need to be considered separately" (p. 3-34). Thus, the expanded area covered by the Draft EIS Supplement, is larger than the area covered by the PA. In addition, the area covered by the Draft EIS Supplement expands beyond the confines of Nevada to include lands located in the state of California and therefore not subject to the authority of the above-named PA or required to consult with the Nevada SHPO for obvious reasons. Stated slightly differently, the Draft EIS Supplement speaks to neither short-term project effects nor the 1,000,000-year modeling of potential project effects to historic properties outside the bounds covered by the PA.

Another item of note regarding cultural resources/historic preservation concern is the fact that there is no consideration of potential effects to cultural resources (i.e., items of material culture of either organic or inorganic composition) resting within affected soils outside the Operator-Controlled Area and subject to interaction with radioactive and non-radioactive materials in either the pumping locations or potentially affected at surface discharge locations. The discussion of public health effects in chapter 5, Summary of Environmental Consequences, does not take into account the handling and intensive investigation (and potential protective protocols warranted by same) for archaeologists, material culture experts, material scientists, conservators, and others such as traditional artisans extracting organic and inorganic materials from affected soils and discharge areas who might have far greater short-term exposure to potential radiological and non-radiological releases than individuals who simply reside in the area subject to passive

exposure. Such potential health consequences should be factored into estimates of potential increased risks of cancer or severe hereditary effects and further explored through Tribal and public consultation.

While the summary of environmental consequences are characterized throughout the document as small--defined on p. 5-1 of the Draft EIS Supplement as denoting the fact that "The environmental impacts are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource."--this does not speak to potential character-defining attributes that afford a historic property its significance and integrity of location, design, setting, materials, workmanship, feeling, and association. Moreover, items of traditional religious or cultural significance to Native American Tribes might even be perceived as being spiritually tainted by the introduction of such materials. While not known at this time, the SHPO raises the point to underscore the importance of meaningful and ongoing Tribal consultation. While framed as an Environmental Justice issue within the current document, the point that the Draft IES Supplement notes that "The NRC staff acknowledges the sensitivities and cultural practices of the Tmbisha Shoshone Tribe concerning the use and purity of springs in the Furnace Creek area" (p. 4-20) is encouraging.

Thank you for distributing this important document through the Clearinghouse and affording us the opportunity to comment. Should you have any questions regarding my comments, please do not hesitate to contact me directly.

Best,

Julie

Julie H. Ernstein, Ph.D., RPA  
Deputy SHPO  
State Historic Preservation Office  
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**From:** scanfield@lands.nv.gov [mailto:scanfield@lands.nv.gov]

**Sent:** Tuesday, August 25, 2015 9:24 AM

**To:** Alan Jenne; clytle@lincoln.nv.com; Brad Hardenbrook; James Morefield; cohn1@nv.doe.gov; Lowell Price; Mark Freese; Sandy Quilici; Tod.oppenborn@nellis.af.mil; zip.upham@navy.mil; Dave Marlow; Shimi.Mathew@nellis.af.mil; craig.mortimore@wildnevada.org; njboland.nev@gmail.com; Jennifer Crandell; 99abw.ccy@nellis.af.mil; whenderson@nvleague.org; dstapleton@nvnao.org; ddavis@unr.edu; munteanj@unr.edu; jprice@unr.edu; Rebecca Palmer; Mark Harris; ed.rybold@navy.mil; Sherry Rupert; dmouat@dri.edu; Alisanne Maffei; Bette Hartnett; mison@dot.state.nv.us; Warren Turkett; Michael Visher; Jim R. Balderson; Lindsey Lesmeister; Steve Foree; Mark Enders; John C. Tull; John Christopherson; Richard M. Perry; Kevin J. Hill; endacottsteve@charter.net; jered.mcdonald@lcb.state.nv.us; Moira Kolada; rwarnold@hotmail.com; lkryder@co.nye.nv.us; Julie Ernstein; cv ecchio@travelnevada.com; bob@intermountainrange.com; CAnderson@washoecounty.us; JEnglish@washoecounty.us; tmueller@dot.state.nv.us; Valerie King; Adele M. Basham; Skip Canfield; jolson@landercountynv.org; Tina Mudd; Kacey KC; janehfremman@fs.fed.us; JSouba@ci.fallon.nv.us; robert.turner.3@us.af.mil; Robert.rule@navy.mil; Alysa.Keller@lcb.state.nv.us; Cayenne Engel; larry.m.cruz.civ@mail.mil; Elizabeth A. Kingsland; charles.r.king104.civ@mail.mil; Matt Maples; Richard Martin; Elyse Randles; Tracy Kipke; Jennifer Newmark; Edmund Quaglieri; Kristin Szabo; douglas.m.mcelandowney.mil@mail.mil; Paul.Ryan@nv.usda.gov; Shirley DeCrona; Tim Rubald; Ian Kono; Lori Story; rharvey@forestry.nv.gov; Linebah@charter.net; michelle.langsdorf@nv.nacdnet.net; djohnston@dps.state.nv.us; bthompson@dot.state.nv.us; Richard Ewell; alisah@unr.edu; Michael "Bert" Bedeau; Karen Beckley; cturicz ek@puc.nv.gov; ryan@nevadac.org; mstewart@lcb.state.nv.us; sscholley@lcb.state.nv.us; JDHunter@washoecounty.us; simpsoncreekranch@gmail.com; Rachel@nhdo.com; wkdelong@gotsky.com; hbarccattle@earthlink.net; osboies@yahoo.com; estillranch@att.net; Madams@ag.nv.gov; WHowle@ag.nv.gov; deborah.stockdale@nellis.af.mil; eloisahopper@nellis.af.mil; lynn.haarklau@nellis.af.mil; jhardcas@unr.edu; Terry Rubald; Traci Pearl; chetelat@shndmail.org; Adam Roney; brenda@cwsd.org

**Subject:** Nevada State Clearinghouse Notice E2016-014 (Nuclear Regulatory Commission DEIS - Supplement - Yucca Mountain Repository Groundwater and Surface Water Impacts)



**NEVADA STATE CLEARINGHOUSE**

Department of Conservation and Natural Resources, Division of State Lands  
901 S. Stewart St., Ste. 5003, Carson City, Nevada 89701-5246  
(775) 684-2723 Fax (775) 684-2721

TRANSMISSION DATE: 08/25/2015

**Nevada State Clearinghouse Notice E2016-014**

**Project: Nuclear Regulatory Commission DEIS - Supplement - Yucca Mountain Repository Groundwater and Surface Water Impacts**

Follow the link below to find information concerning the above-mentioned project for your review and comment.

E2016-014 - <https://www.federalregister.gov/articles/2015/08/21/2015-20638/departement-of-energy-yucca-mountain-nye-county-nevada>

- **Please evaluate this project's effects on your agency's plans and programs and any other issues that you are aware of that might be pertinent to applicable laws and regulations.**
- **Please reply directly from this e-mail and attach your comments.**
- **Please submit your comments no later than Monday October 19th, 2015.**
- 

[Clearinghouse project archive](#)

Questions? Skip Canfield, Program Manager, (775) 684-2723 or [nevadaclearinghouse@lands.nv.gov](mailto:nevadaclearinghouse@lands.nv.gov)

No comment on this project  Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

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Requested By:

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Distribution:

- 99ABW Nellis  
- Division of Emergency Management  
- Intermountain Range  
Adam Roney - Public Utilities Commission  
Adele M. Basham - NDEP  
Alan Jenne - Department of Wildlife, Elko  
Alisa Huckle - UNR Library  
Alisanne Maffei - Department of Administration  
Alysa Keller - Legislative Counsel Bureau  
Bert Bedeau - Comstock Historic District Commission  
Bette Hartnett - State Energy Office  
Bill Thompson - Department of Transportation, Aviation  
Bob Roper - Nevada Division of Forestry  
Bob Turner - Nellis AFB  
Brenda Hunt - CWSD  
Cayenne Engel - Nevada Division of Forestry  
Chris Anderson - Washoe County Health Department  
Chuck King - Hawthorne Army Depot  
Claudia Vecchio - Nevada Commission on Tourism  
Cory Lytle - Lincoln County  
Craig Mortimore - Wild Nevada  
Cynthia Turiczek - Public Utilities Commission  
D. Bradford Hardenbrook - Department of Wildlife, Las Vegas  
Dagny Stapleton - NACO  
Dave Marlow -  
David David - UNR Bureau of Mines  
David Mouat - Desert Research Institute  
Deborah Stockdale - Nellis Air Force Base  
Denesa Johnston - Fire Marshal  
Ed Ryan - Smith and Mason Valleys Conservation District  
Ed Rybold - NAS Fallon  
Eddy Quaglieri - Division of Water Resources  
Elizabeth A. Harrison - Tahoe Resource Team - Division of State Lands  
Eloisa Hopper - Nellis Air Force Base  
Elyse Randles - State Land Office  
Ian Kono - Nevada Division of Water Resources  
J Crandell - Colorado River Commission of Nevada  
James D. Morefield - Natural Heritage Program  
James Llinebaugh - Grazing Board District N-3

Jane Freeman - US Forest Service  
Jeff Hardcastle - State Demographer  
Jennifer Newmark - NDOW - Wildlife Diversity  
Jered McDonald - Legislative Counsel Bureau  
Jim Balderson - NDEP  
Jim Baumann - Nevada State Grazing Boards - Central Committee  
Jim English - Washoe County  
Jim Olson - Lander County  
Jim Souba - City of Fallon Public Works  
John Christopherson - Nevada Division of Forestry  
John Delong - Nevada State Grazing Boards - Central Committee  
John Estill - Nevada State Grazing Boards - Central Committee  
John Muntean - UNR Bureau of Mines  
John Tull - NDOW  
Jon Price - UNR Bureau of Mines  
Julie Ernstein - State Historic Preservation Office  
Julie Hunter - Washoe County Health District  
Kacey KC - Sagebrush Ecosystem Technical Team  
Karen Beckley - State Health Division  
Kevin Hill - Nevada State Energy Office  
Kristin Szabo - Nevada Natural Heritage Program  
Larry Cruz - Hawthorne Army Depot  
Levi Kryder - Nye County  
Linda Cohn - National Nuclear Security Administration  
Lindsey Lesmeister - NDOW  
Lori M. Story - Attorney General  
Lowell Price - Commission on Minerals  
Lynn Haarklau - Nellis Air Force Base  
Major Doug McEldowney - Nevada National Guard  
Mark Enders - NDOW  
Mark Freese - Department of Wildlife  
Mark Harris, PE - Public Utilities Commission  
Marta Adams - Attorney General  
Matt Maples - NDOW  
Michael J. Stewart - Legislative Counsel Bureau  
Michael Visher - Division of Minerals  
Michelle Langsdorf - Grazing Board District N-3  
Mitch Ison - NDOT  
Moir Kolada - NDOW  
Nancy Boland - Esmeralda County  
Rachel Buzetti - Nevada State Grazing Boards - Central Committee  
Rebecca Palmer - State Historic Preservation Office  
Rich Harvey - Division of Forestry  
Rich Perry - Nevada Division of Minerals  
Richard Arnold - Nevada Indian Commission  
Richard Huntsberger - Nevada State Grazing Boards - Central Committee  
Rick Martin - Division of Emergency Management  
Robert Rule - NAS Fallon  
Rory Chetelat - Clark County  
Ryan McGinness - Washington Office  
Sandy Quilici - Department of Conservation & Natural Resources  
Sherry Rupert - Indian Commission  
Shimi Mathew - Nellis AFB  
Shirley DeCrona - Nevada Division of State Parks  
Skip Canfield - State Land Use Planning Agency  
Stephen Foree - NDOW  
Steve Boies - Nevada State Grazing Boards - Central Committee  
Steve Endacott - City of Fallon

Susan Scholley - Legislative Counsel Bureau  
Terry Rubald - Nevada Department of Taxation, Local Government, Centrally Assessed Property  
Tim Rubald - Conservation Districts  
Timothy Mueller - Department of Transportation  
Tina Mudd - Dept of Agriculture  
Tod Oppenborn - Nellis Air Force Base  
Traci Pearl - Office of Traffic Safety  
Tracy Kipke - NDOW  
Valerie King - NDEP  
Warren Turkett - Colorado River Commission of Nevada  
Wayne Howle - Attorney General  
Wes Henderson - Nevada League of Cities  
Zip Upham - NAS Fallon