

THE MENIL COLLECTION

RRR000683

January 3, 2007

Mr. M. Lee Bishop
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

via facsimile: 1.800.967.0739

Dear Mr. Bishop,

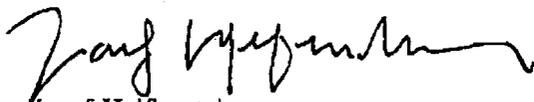
The Menil Foundation respectfully submits this comment on the Department of Energy's (DOE) "Draft Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada DOE/EIS-0369D."

[We have previously submitted (June 2004) comments to your office objecting to the selection of the Caliente Rail Corridor as a transportation route to Yucca Mountain. The property in Garden Valley is the site of artist Michael Heizer's most ambitious project to date, an earthwork entitled *City*, a monumental, and one of the most outstanding, modern sculptures ever undertaken. The proposed rail line will incontrovertibly and negatively diminish the Nevada Great Basin valley, chosen by Heizer for this work precisely because its remoteness afforded him the space to work directly in the landscape at a monumental scale; the silence and vast undisturbed environment is essential to the basic concept of this unprecedented and outstanding work of art. In addition to the visual impacts, construction and operation of a rail line would destroy the prevailing silence that is essential to the experience of the work. In summation, these impacts would simply and virtually destroy the sculpture, a cultural resource of national and international importance.

Construction and operation of any Garden Valley rail route, and particularly the preferred Garden Valley Alternate 1 which lies less than 1-1/2 miles from *City*, will have unacceptable visual and aural impacts on *City*, and impart profound ecological damage to the delicate desert environment. These impacts cannot be mitigated: the rail line will permanently debase this important American resource, and undercut future cultural and economic opportunity for both Lincoln County and the State of Nevada.

We are sorely aggrieved to see that these repeated concerns have been overlooked by the recommendation made in the recently received Draft EIS. The preference of Garden Valley Alternate 1 disregards the extraordinary cultural significance of *City*, internationally lauded even in its unfinished state, and we strongly urge the DOE to revisit alternative options.]

Sincerely,



Josef Helfenstein
Director