



**2013**

**Esmeralda County**

**Public Lands Policy Plan**

*Final 2013*



# 2013 Esmeralda County Public Lands Policy Plan

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## I. PLAN PURPOSE

The purpose of the Plan is to:

- **Detail Esmeralda County’s vision and strong policy voice concerning public lands and potential Congressional actions.**
- **Define Esmeralda County’s public land-related issues and needs in conjunction with the Esmeralda County Master Plan.**
- **Provide locally developed land management policies that enable the Federal land management agencies to better understand and respond in a positive fashion to the concerns and needs of Esmeralda County in a collaborative process.**
- **Increase the role Esmeralda County has in determining the management of the Federal lands by stating Esmeralda County’s position in an approved public document.**
- **Provide an opportunity to positively address Federal land use management issues directly and thereby offer a proactive alternative rather than an after-the-fact response.**
- **Encourage public comment and involvement.**

The initial Esmeralda County Public Lands Policy Plan (PLPP) was developed between 1983 and 1984 as part of a state-wide effort resulting from the passage of Senate Bill 40. Under SB40, the State Land Use Planning Agency section of the Nevada Division of State Lands (SLUPA) was directed by the 1983 State Legislature to:

**“Prepare, in cooperation with appropriate state agencies and local governments throughout the state, plans, or policy statements concerning the use of lands in Nevada, which are under Federal management.”**

The 20xx PLPP represents a review of existing and emerging public lands issues that are of importance to Esmeralda County when working with Federal agencies under the National Environmental Policy Act (NEPA) and other public processes.

Within the PLPP are descriptions of issues and opportunities relating to public lands and how best to work collaboratively with the Federal planning partners, most notably Bureau of Land Management (BLM), US Department of Energy (DOE), US Department of Defense (DOD), US Forest Service (USFS), US Bureau of Reclamation (BOR), US Fish and Wildlife Service (FWS), and the US Bureau of Indian Affairs (BIA).



- The PLPP enables the Federal land management agencies to better understand and respond to the concerns and needs of Esmeralda County.
- Planning, effective communication, and coordination by Nevada's state and local governments, in concert with Nevada citizens, can establish a set of policies for the proper use of these lands and to take advantage of the "consistency" language in Section 202(c)(9) of the Federal Land Policy and Management Act (FLPMA).
- Section 202(c)(9) governs BLM Planning and directs the BLM to give consideration to appropriate state, local, and tribal lands in the development of land use plans for public lands.
- The BLM is to provide for meaningful public involvement of state and local government officials in the development of land use plans, regulations and decisions for Federal lands.
- The BLM will review each Resource Management Plan (RMP) and proposed Federal action for consistency with the Esmeralda County PLPP and will attempt to make the RMPs and proposed actions compatible with the PLPP.

Forest Service Regulations for Land Management Planning and for implementing the National Environmental Policy Act (NEPA) requires that any Forest Service project proposal be reviewed for consistency with the PLPP.

The Forest Service is required to describe any inconsistencies and the extent to which the agency would reconcile its proposal with the PLPP. This consistency review is also provided for by the Council of Environmental Quality (CEQ) regulations (40 CFR 1506.2(d)) developed to implement NEPA.

## **II. PROCESS**

The following is a summary of the process followed to adopt the 20xx PLPP:

- The Esmeralda County Board of Commissioners (ECBoC), Esmeralda County Land Use Advisory Committee (ECLUAC), and interested citizens reviewed existing policies and issues with the assistance of the State Land Use Planning Agency starting in early 2009 during public meetings in Goldfield, Silver Peak, and Fish Lake Valley. A working draft was developed and presented in public meetings.
- The final Draft PLPP was presented at the Month, Day, 20xx County Commission hearing in Goldfield.
- The ECBoC held a public hearing on Month, Day 20xx and adopted the PLPP.



### III. POLICIES

This section is organized by major public land use topics and describes Esmeralda County's policies related to each issue. The policies are intended to help resolve the County's public land issues.

#### 1. Plan Implementation, Agency Coordination, and Local Voice

Agency coordination of planning is mandated by Federal laws.

- The Federal Land Policy and Management Act, 43 U.S. § 1701, declared the National Policy to be that "the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and state planning efforts." See 43 USC §1701 (a) (2).
- 43 U.S.C. § 1712 (c) sets forth the "criteria for development and revision of land use plans". Section 1712 (c) (9) refers to the coordinate status of a county that is engaging in land use planning, and requires that the "Secretary [of interior] shall coordinate the land use inventory, planning, and management activities... with the land use planning and management programs of other Federal departments and agencies and of the State and local governments within which the lands are located". This provision gives preference to those counties that are engaging in a land use planning program over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program.

Federal land management policies and procedures, land transactions, and their compatibility with the local Land Use goals are of critical importance to the County's citizens. As outlined in County existing ordinances, resolutions, and plans, the ECBoC and ECLUAC support a policy of multiple use that does not include designated wilderness areas (WA), wilderness study areas (WSA), Lands with Wilderness Characteristics (LWC), Wild Lands, or any such similar designation, of Federal managed lands. Such multiple use is for the best interests of the citizens of the County including recreational activities, production of revenue through commercial uses, good open access, privatizing of Federal managed lands, granting of land use rights, and other public purposes. In reviewing proposed land transactions and public land policies an adaptive management approach is used, with active ongoing local involvement.

The ECBoC and ECLUAC:

- Are active participants in reviewing proposed land transactions and public land policies;
- Seek status as a coordinating agency in NEPA processes; and
- Make every effort to continually review and update County planning documents to reflect the need for access to and uses of public lands.



- Policy 1-1:** All proposed actions on State and Federal managed lands shall be brought to the attention of the ECBoC and ECLUAC for purposes of review to determine if the state and Federal proposed actions are in conformance with this PLPP pursuant to NEPA requirements. The ECLUAC role is to recommend to the ECBoC appropriate action concerning such proposals.
- Policy 1-2:** Esmeralda County shall participate with State and Federal agencies on actions that affect public lands within the County. Studies concerning impacts of proposed actions affecting public lands should be conducted by professionals with the assistance of knowledgeable locals. The ECBoC requires that the ECBoC and the ECLUAC be notified by the Federal agencies before any studies sponsored by the Federal land management agencies are initiated, and that copies of resource studies should be provided as soon as available.
- Policy 1-3:** The ECBoC and ECLUAC emphasize consistency between this PLPP and all Federal land use plans that apply to Esmeralda County.
- Policy 1-4:** The voice of the citizens shall be expressed through the ECLUAC. The desires of the citizens shall be expressed by the ECBoC.
- Policy 1-5:** Land use for new projects shall be consistent with the desires of the County citizens and compatible with historical practices in the various districts of Esmeralda County. The ECBoC and ECLUAC shall review proposed land use projects for consistency with the common goals within each district.
- Policy 1-6:** Esmeralda County shall be justly compensated for the costs of providing services incurred as a result of Federal management decisions for or Federal requested assistance on the public lands, e.g., compensation for the cost of road repairs and public safety during Federal approved off-road races or additional public safety cost to equip for handling of hazardous waste incidents; fire suppression.
- Policy 1-7:** Esmeralda County shall be justly compensated for the costs of providing services incurred as a result of wildfires or other natural disasters that started on public lands but may threaten private land or structures.
- Policy 1-8:** Esmeralda County shall be compensated for lost economic opportunities and /or tax revenues as a result of Federal management decisions for the public lands. (Examples: Federal land withdrawal, restriction of development of renewable energy generation due to consideration for military operations.)



## 2. Management of Public Lands

**Policy 2-1:** Support Esmeralda County's concept of Multiple Use Management as an overriding philosophy for management of the public lands based on multiple use and sustainable yield concepts, and in a way that will conserve natural resources.

Esmeralda County defines "multiple use" as follows:

1. Public lands and associated resources are used in a combination that will best meet the needs of the citizens of the County.
2. Periodic adjustment to the multiple use of public lands and resources when needed to conform to changing needs and conditions.
3. When considering potential land use, all possible land uses should be evaluated and balanced.
4. A balanced and diverse multiple use of resources that takes into account the long term needs of the citizens of the County for renewable and non-renewable resources including but not limited to recreational areas, range, timber, energy, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historic areas.
5. The harmonious and coordinated management of public lands and their various resources without the permanent impairment of the productivity of the lands and the quality of the environment.
6. Designated wilderness areas (WA), wilderness study areas (WSA), Lands with Wilderness Characteristics (LWC), Wild Lands, or any such similar term, are not compatible with existing multiple uses of public lands in Esmeralda County.

**Policy 2-2:** Protect and preserve:

- The quality of the environment and wildlife habitat;
- Economic, cultural, scenic, historical, and archeological values.

**Policy 2-3:** Support coordination of public land use policies with all appropriate Federal, state, and local entities and the components of the Esmeralda County Master Plan.

## 3. Federal Land Transactions

The following are policies developed by Esmeralda County relating to the Federal land program. Included in Attachment A is a list of parcels generally identified by the County for local public purposes, for community expansion, and economic development. The list and the map provide a general description of the lands identified for disposal or non-disposal and are intended to be used as a guide for more detailed studies. Each parcel will need to be further reviewed at the time a specific transfer, e.g., acquisition, lease, use, action is proposed.



The lands identified in Attachment A represent the latest efforts by the BLM and County in developing an overall plan for transferring some public lands to the County or private sector. This is an on-going process and changes in the list should be expected as new information or needs develop in the future.

Esmeralda County recognizes that many of the policies described below are currently part of the BLM procedures for land transactions. However, the County believes the basic policies on land tenure need to be clearly expressed in this Plan to communicate County policies not only to the Federal agencies, but to the citizens of Esmeralda County as well.

The determination of which lands to privatize shall be jointly determined by the BLM and the ECBoC based on the following criteria:

1. Access to utilities, transportation, and county services.
2. Topographic qualities, e.g., how buildable, no flood zone, not in watershed or well head zones.
3. Lack of mineral potential, e.g., for mining.
4. Rehabilitation of mine sites to use for other economic purposes.
5. Proximity to existing private land (in fills).
6. Resolve encroachment or trespass.
7. Need for housing.
8. Need for economic expansion (including agriculture).
9. Availability of water, e.g., proposed usage will not exceed annual yield.

Esmeralda County has identified many parcels for public purposes and for economic development. The specific land transaction program is to be guided by the following policies:

**Policy 3-1:** Specially designated lands (e.g., National Recreation Areas, National Conservation Areas, Wildlife Refuges, Wilderness, State parks, etc.) are valuable assets to the State, the County, and the citizens. Within Esmeralda County, any new specially designated areas should be reviewed carefully in a public forum to determine if they are suitable and beneficial to our citizens.

**Policy 3-2:** Government agencies should not acquire additional private lands without first ensuring:

1. That private land is not disposed of unless the disposal clearly benefits the citizens of Esmeralda County;
2. That environmental and cultural values are protected;
3. That private property interests are protected or enhanced;
4. That socioeconomic impacts are duly considered;
5. That acquisitions in any form are fully compensated and proven to meet the highest public need;



6. That the local tax base is not negatively impacted;
7. That due process is guaranteed to all private parties involved in land use controversies, by means that do not demand or create a financial hardship; and
8. That the State and local government within those jurisdictions where the land is located be consulted in regard to the acquisition.

**Policy 3-3:** Isolated tracts of public lands, checkerboard areas, and public lands in rural townships where the majority of land is private should be identified for disposal. All public land easements and/or access should be retained for continued public use. The use of alternative access to accommodate land management through property may be employed if feasible and appropriate.

**Policy 3-4:** Increase opportunities for local economic development by selectively increasing the amount of County and privately owned land within the County. Esmeralda County's goal for land exchanges is to maintain a "no net loss" in private, County, or state acreage. Although the County supports exchanges that will increase economic development, the County is also concerned about any proposal that will reduce private, County, or state ownership unless the exchange is a clear benefit to the County.

1. Public lands within the municipal service areas of Goldfield, Silver Peak, Fish Lake Valley, Lida, and Goldpoint should continue to be made available for urban expansion through the Recreation and Public Purposes (R&PP) process. Sale and Exchange Provisions of the Federal Land Policy Management Act (FLPMA) and the Federal Land Transaction Facilitation Act (FLTFA – BACA Bill) should also be used to transfer lands in an expedited manner. These lands should be transferred only when local governments agree that the transfer is opportune and would not be a burden on local governments. Public lands to be used for the benefit of County citizens should be transferred to the County at no or minimal cost to the County.
2. Public lands should be made available as needed for state and local government purposes, e.g., airport, municipal water supplies, municipal sewage systems, landfills, gravel pits, emergency service facilities, cemeteries, schools, recreational uses. Any disposal areas identified for private disposal should also be available for public purposes disposal. Lands identified for public purposes should receive preference to disposal for private purposes. Public lands to be used for the benefit of County citizens should be transferred to the County at no or minimal cost to the County. Reference Attachment A for the map and itemized list, noting the list will be modified as applicable.
3. Before public lands are disposed of or leased, adverse impacts shall be considered. Adverse impacts include social and economic effects to Esmeralda



County citizens, environmental effects (air quality, water quantity/quality), and impacts on existing uses that include important wildlife habitat, key seasonal grazing rights, municipal watersheds, flood prone areas, public access, mineral potential, oil/natural gas potential, renewable or alternative energy potential, historical areas, and recreational use of the lands.

4. Esmeralda County encourages the BLM to improve the agency's land disposal procedures to determine ways, including changes in policy and regulations when appropriate, to expedite the disposal process. BLM's process can be "cost prohibitive" and time consuming when applied to small isolated land disposals. All appropriate authorities for land disposal under the BACA Bill should be used for maximum flexibility and for the payment of fees associated with appraisals and other administrative costs to expedite the process.
5. Public access to and through disposed or leased lands shall be retained through the recording of an easement and deed restriction or granting of Title V right of way to Esmeralda County where leasing is involved. Whenever public lands are disposed of or leased, existing public access to adjoining or nearby public lands shall be retained for multiple-use needs. The development of alternative routes of access may be necessary, but shall be acquired and guaranteed prior to the disposal and loss of any existing access and should be of equal value and public benefit.
6. The public as well as local and state governments should be involved in decisions related to public lands activities. Adequate (e.g., 90 days) public notice should be given to the County and the ECLUAC before the initiation of any Federal land transactions.

**Policy 3-5:** Public lands should be transferred to the private sector when suitable for active agricultural operations through either the Desert Land Act or the sale authority provided by FLPMA and the BACA Bill.

1. Preference should be given to existing land users or adjacent land owners through a direct sale or preferential bid, where possible.
2. The lands transferred for agricultural use requiring irrigation must have adequate water, as determined by the State Engineer.

**Policy 3-6:** Promote the increased use of, and adherence to, comprehensive planning among all government entities in Nevada.

1. The planning of corridors for the future transmission of energy, communications, and transportation should be in conjunction with the planning of other multiple



uses on public lands.

2. The County and the ECLUAC will review all public land withdrawals that include the potential for the transportation, storage, and disposal of all radioactive, hazardous, or toxic materials.

**Policy 3-7:** Leasing of public lands for economic development and public purposes is allowed within Federal law.

1. Land leased to Esmeralda County for county operated utilities should not be charged annual rental fees or should be designated to be conveyed to Esmeralda County.
2. A portion of rents or royalties from land leased for commercial endeavors should be paid directly to Esmeralda County to support the services and administrative costs associated with these lands. The citizens of the county are not be expected to subsidize commercial endeavors. Given the extremely high percentage of public land and limited population of the county, the pittance received when Payment in Lieu of Tax is made is not sufficient to cover the cost of providing minimal service on public land within the county and the citizens are already subject to economic injustice.
3. All leasing of public land for commercial purposes shall include a plan and funding to reclaim these lands at the end of the lease, abandonment, or failure to pay.

#### **4. Agriculture and Livestock Production**

Agricultural production is necessary to help maintain the historical, cultural, and economic viability of Esmeralda County. The pursuit and production of renewable agricultural resources are consistent with the long term heritage of Esmeralda County. This private industry benefits the County economically and culturally.

**Policy 4-1:** Preserve agricultural land and promote the continuation of agricultural pursuits.

**Policy 4-2:** Opportunities for agricultural development on public lands should continue.

**Policy 4-3:** Encourage agricultural use over residential development in designated areas.

**Policy 4-4:** Water rights associated with agricultural lands should be protected to prevent water from leaving the basin.



- Policy 4-5:** Grazing should utilize sound adaptive and allotment management practices. Esmeralda County supports the periodic updating of the Nevada Rangeland Monitoring Handbook to help establish proper levels of grazing.
- Policy 4-6:** Encourage agencies managing public lands to coordinate with the N-1 Grazing Board on all manners affecting livestock grazing on public lands within the County.
- Policy 4-7:** Range water rights and improvements such as those associated with seeps, springs, streams, lakes, and wells used by livestock and wildlife should be protected. Encourage cooperation between the public land management agencies and the grazing operator in protecting the riparian values of these water sources.
- Policy 4-8:** Esmeralda County requests public agency notification of all actions regarding permit renewals.

## 5. Forestry

Forestry products produced in Esmeralda County benefit the livelihood and well being of County citizens. Therefore, the policy of Esmeralda County is to protect forest resources and promote the continuation of a sustainable forest that will provide economic opportunity for Esmeralda County citizens. Forests in Esmeralda County include piñon, juniper, limber, bristlecone, mahogany, cottonwood, and other trees.

- Policy 5-1:** Promote multiple uses of public forest resources to realize sustainable and continuous provisions of timber, forage, firewood, wildlife, fisheries, recreation, and water.
- Policy 5-2:** Support the prompt salvage of forest losses due to fire, insect infestation, or other events.
- Policy 5-3:** Support the management of forests with ecological conditions for a diversity of vegetation communities. Native grass and shrub ecosystems, with no or few invasive species, are preferable to piñon/juniper monocultures.
- Policy 5-4:** Urge BLM and Forest Service to allow and promote thinning of selected areas. Thinning should be done in such a manner so that local citizens derive economic benefit.
- Policy 5-5:** Recognize the importance of maintaining a healthy forest and encourage activities that will retain and improve the vigor of these forests.



## 6. Wild Horses and Burros

Wild horses and burros are part of the landscape. However, an overabundance of either can be detrimental to the health of public lands, leading to suffering or death by starvation or thirst of the horses, burros, and other wildlife. Management must carefully balance needs of wild horses and burros against the needs of other multiple uses.

**Policy 6-1:** Manage wild horses and burros to reduce detrimental impacts on other multiple uses and pursue resource enhancement where needed to correct wild horse and burro caused damage.

**Policy 6-2:** Wild horse and burro herds should be managed at levels determined with public involvement and managed with consideration of the needs of other wildlife species and livestock grazing. The BLM and the State should work cooperatively on wild horse and burro management issues and ensure the management and maintenance of all public land improvements by the Federal agencies. BLM should prioritize establishing Appropriate Management Levels (AML) for the existing horse and burro management areas. The AML should be established to not jeopardize or excessively interfere with the economic viability of any private enterprise within Esmeralda County, and be coordinated with the BLM Resource Advisory Council. Sound science should be the basis for the determination of the AML for each designated area, based on the capability of the environment and potential impact on other public land uses and other species.

**Policy 6-3:** The BLM should take advantage of good forage years by emphasizing maintenance level captures on horse and burro management areas that have established AMLs. Maintenance of established AMLs reduces wild horse and burro suffering and is economical if herd numbers are kept in check periodically. Once herds greatly exceed the AMLs, capture and management is very expensive. Healthy wild horses and burros are less expensive to manage.

**Policy 6-4:** Wild horse and burro encroachment on private lands and water sources should be mitigated.

**Policy 6-5:** Encourage the BLM to increase the potential of the adoption program for wild horses and burros through an aggressive marketing program and strategic partnerships.

**Policy 6-6:** Educate Congress and the public on the impacts of wild horses and burros. Encourage legislation to allow greater flexibility for the disposal and adoption of wild horses and burros.

**Policy 6-7:** Establish areas where the public can view wild horses and burros.



**Policy 6-8:** Esmeralda County supports a strict policy of wild horse and burro population control to ensure the species do not interfere with the productivity of the ranching community, wildlife, other multiple use needs, and the safety of those who must travel on routes through Open Range.

## **7. Mineral and Geothermal Resources**

The development of Nevada's mineral resources is desirable and necessary to the economy of the nation, the state and particularly to Esmeralda County. Esmeralda County is currently the state's leading producer of lithium and is producing gold, silver, and other metals. The area is an active frontier for geothermal development; many exploratory wells have demonstrated significant energy potential. There is great unrealized potential for many forms of mineral mining. Sand, gravel, decorative rock, and other industrial minerals are abundant.

**Policy 7-1:** Encourage the careful development and production of Esmeralda County's metal, mineral, and geothermal resources while recognizing the need to protect the environment and ecologic resources. Esmeralda County recommends Federal and State agencies take into consideration the potential economic or social impact of any proposed land management changes or natural resource related plans to the minerals industry, and on the citizens. Any economic impacts to the mineral industry directly impacts County tax revenues and County supported programs, such as the Esmeralda County School District. Therefore, Federal and State agency plans or management recommendations shall include a minerals and industry economic, social, and environmental impact description.

**Policy 7-2:** Federal and State agencies shall notify the County Board of Commissioners of any actions, regulations, or permit applications which may impact the exploration, development, or extraction of minerals and associated industry opportunities on land within Esmeralda County. Esmeralda County as an interested, consulting, participating party, or local government will: review; comment on; participate in the formulation and approval of operating, mitigation, or reclamation plans of; hear and approve special use permits for; Federal or State actions or changes significant to minerals and industry opportunities in Esmeralda County.

**Policy 7-3:** Support State and Federal policies that encourage both large and small-scale mining and geothermal operations. Regulatory requirements, e.g., documentation, permitting, should be minimized and expedited in order to maintain the principles of the existing mining and leasing laws, including the Mining Law of 1872.

**Policy 7-4:** Metal, mineral, and geothermal operations should be consistent with best management practices for the protection of the environmental qualities and the multiple uses of public lands.



**Policy 7-5:** Federal land management and state agencies should continue to enforce existing reclamation standards to ensure there is no undue degradation of the public lands.

**Policy 7-6:** Geothermal, mine, and exploration sites reclamation standards should be consistent with the best possible post site use for each specific area. Specific reclamation standards should be developed for each property rather than using broad based generic standards.

**Policy 7-7:** Reclamation of geothermal, mine, or exploration sites should be coordinated with the Esmeralda County Commission. Options should be considered for post-mine use of buildings, access roads, water developments, and other infrastructure for further economic development by industry as well as historic and other uses pursuant to the Recreation and Public Purposes Act.

**Policy 7-8:** Support Federal and state regulators working closely with the small miner to ensure that permitting costs and complexity do not prevent the implementation of the small miner exemption. This exemption is for a small miner who holds ten claims or less. If the small miner chooses the exemption, \$100 of assessment work must be expended annually to hold the claim.

**Policy 7-9:** Federal, State, and County governments should cooperate in continuing to provide sources of sand, gravel, topsoil, rock, and other mineral materials for local communities. County, State, and Federal agencies should jointly plan for the efficient development and use of material sites for both the government agencies and the private sector.

## **8. Wilderness**

Esmeralda County is extremely concerned about, and is opposed to, the creation of wilderness (including Wilderness, Wilderness Study Area (WSA), Lands with Wilderness Characteristics (LWC), Wild Lands, or any such similar designation) within or crossing County boundaries. Esmeralda County Resolution 84-16 identifies that all areas of Esmeralda County are inappropriate and unsuitable for Wilderness Designation. There is one Congressionally-designated Wilderness Area, The Boundary Peak Wilderness, which is located in the White Mountains, and is part of the Inyo National Forest. The Boundary Peak Wilderness has an area of 10,000 acres.

There are four Wilderness Study Areas and one Instant Study Area in Esmeralda County:

- The Silver Peak Range Wilderness Study Area (WSA) is located about 10 miles west of Silver Peak. This WSA contains 33,900 acres. The BLM recommendation as shown on their website is that all 33,900 acres be released for uses other than wilderness.



- The Queer Mountain Wilderness Area is located along the California-Nevada border about twenty miles northwest of Beatty, Nevada and contains 81,550 acres. The BLM recommendation as shown on their website is for 42,650 acres to be designated as wilderness and 38,900 acres to be released for uses other than wilderness.
- The Grapevine Mountains Wilderness Study Area is also located along the California-Nevada border about twenty miles northwest of Beatty, Nevada. This WSA contains 66,800 acres; this area is located in both Esmeralda and Nye Counties. The BLM recommendation is 23,150 acres as wilderness and 43,650 acres as non-wilderness.
- The Pigeon Spring Wilderness Study Area is located about 12 miles west of Lida and contains 3,575 acres. The BLM recommendation is for all 3,575 acres to be released for uses other than wilderness.
- The Piñon-Joshua Instant Study Area is located about 12 miles southwest of Silver Peak and contains only 560 acres. The BLM recommendation is for all 560 acres to be released for uses other than wilderness.
- Esmeralda County believes in protecting the scenic, recreational, and ecological value of the land, but prefers to maintain these areas without the added restrictions placed upon lands once they are designated as wilderness or similar designation.
- No new wilderness or similar designation areas are appropriate in Esmeralda County.
- All public lands should remain open to multiple uses.

**Policy 8-1:** Esmeralda County supports multiple interests on public land. No new wilderness areas (Wilderness, Wilderness Study Area (WSA), Lands with Wilderness Characteristics (LWC), Wild Lands, or any such similar term) should be designated without the express approval of the ECBoc, who are elected to represent the interests of the citizens who live and work here.

**Policy 8-2:** All areas of Esmeralda County are considered inappropriate and unsuitable for wilderness (Wilderness, Wilderness Study Area (WSA), Lands with Wilderness Characteristics (LWC), Wild Lands, or any such similar term) designation and do not qualify as wilderness because they are not roadless, meaning these areas contain existing Esmeralda County roads, including all roads identified under the R.S.2477 statutes. Esmeralda County wants all Wilderness Study Areas to be revoked and returned to multiple use status.

**Policy 8-3:** Special areas in Esmeralda County should be protected from irresponsible OHV use. Provision for some areas where non-motorized users can experience and enjoy access to open public lands is important.

## **9. Wildlife**

There is a diversity of wildlife species in the County. Coordination of wildlife management policies with the County Commission by Federal and State wildlife and fisheries' agencies is encouraged.



**Policy 9-1:** A yearly update by Federal and State agencies should be provided to the County Commission to maintain an active and constructive dialogue regarding threatened and endangered species and potential listings of same.

**Policy 9-2:** Identification of habitat needs for wildlife species, such as adequate forage, water, ground-cover, migration corridors, should be by sound science, with local citizen involvement. The applicable Federal and State agencies should provide for those needs so, in time, appropriate wildlife population levels compatible with other multiple uses will be attained.

**Policy 9-3:** Support habitat restoration and preservation to improve wildlife habitat when balanced and compatible with other multiple uses.

**Policy 9-4:** Support hunting and fishing as recreational resources and as a multiple use of public lands. Esmeralda County endorses the State's programs to provide sustained levels of game species and fisheries.

**Policy 9-5:** Support NDOW's (Nevada Department of Wildlife) anti-poaching efforts, including Operation Game Thief, and the limiting of any activities that negatively affect wildlife.

## **10. Public Safety**

Esmeralda County encourages the safe passage of citizens and visitors on public lands and the safe usage of public land resources.

**Policy 10-1:** Any unfenced rights-of-way of public lands along Federal and State highways should be fenced to protect the traveling public and to reduce the loss of livestock. This fencing should be constructed under a cooperative effort between the BLM, US Forest Service, Nevada Department of Transportation, Nevada Department of Wildlife, Nevada Division of Forestry, private property owners, and those having permits for the use of public lands or public land resources.

**Policy 10-2:** Esmeralda County appreciates the presence of Federal law enforcement officers on public lands when necessary. The County requests that Federal law enforcement officers fully cooperate with the Esmeralda County Sheriff's Department, which is the lead law enforcement agency within Esmeralda County.

**Policy 10-3:** Esmeralda County supports cooperative training in areas of public safety such as Search & Rescue and hazardous materials. The US Forest Service and BLM should work with the County to ensure adequate personnel, training, and equipment to meet the demand for backcountry rescues.



**Policy 10-4:** Esmeralda County supports a full evaluation, including the involvement of the ECLUAC, of criteria listed in the Public Land Use Policy Plan concerning any public land and air space withdrawals intended for DOD or DOE use, including those withdrawals with potential for the transportation, storage, and disposal of any hazardous, toxic, or radioactive materials.

**Policy 10-5:** Abandoned mines should be properly fenced with proper signage through a cooperative agreement between Esmeralda County, BLM, the Nevada Division of Minerals, mining companies, and private landowners. Emphasis should be placed on those abandoned mines that are in close proximity to human activities.

**Policy 10-6:** Roads on public lands should be maintained for safe passage, prioritized by frequency and volume of use. Where road conditions are dangerous, signs and other public notifications should be utilized until the condition can be mitigated. Maintenance of County roads on Public Lands is the responsibility of Esmeralda County.

## 11. Air Quality

Air quality in Esmeralda County is one of the best in the nation and an important factor influencing the well-being of County citizens. Therefore, the goal of Esmeralda County is to maintain the air quality at or better than the existing level.

**Policy 11-1:** Air quality shall be maintained with a balanced approach that allows some commercial and population growth without a detriment to the social, aesthetic, cultural, economic, and ecological values of the County.

**Policy 11-2:** All non-renewable and renewable energy generation proposals shall attain the lowest feasible emissions, the highest feasible efficiencies, and the highest possible ratings using Best Available Control Technology.

**Policy 11-3:** All proposed new construction projects that require access to public land, including but not limited to energy transmission line corridors, communication line corridors, or water rights applications associated with any pipeline projects, should require comprehensive air quality measuring and monitoring programs, prior to, during, and after construction. If  $PM_{10}$  ( $\leq 10$ -micron particle size) levels significantly increase above historical levels or allowable limits, an immediate re-vegetation project is necessary to stabilize the surface of any areas (excluding service roads) where any vegetation was changed because of the project.

**Policy 11-4:** Air quality limits will be based on best available measurement and control methods stipulated by the Nevada Division of Environmental Protection. Esmeralda County's excellent air quality shall be maintained as an important



aspect of the quality of life of the citizens and visitors.

**Policy 11-5:** Particulate monitoring stations should be established by the Nevada Division of Environmental Protection to establish local ambient air quality. Natural wind-blown dust, including inorganic and organic particles, should be considered in establishing local ambient air quality baseline limits.

**Policy 11-6:** Greenhouse gases are considered a component of air quality; however, normal agricultural activities are not considered to impact air quality for the purposes of monitoring and control. New industrial sources of greenhouse gases shall be evaluated for impact on air quality.

**Policy 11-7:** When practical, agricultural fields that are to be abandoned should be re-vegetated with native species to prevent formation of potential dust bowls.

## **12. Cultural Resources**

Esmeralda County cultural resources include, but are not limited to:

- historic roads and trails
- railways and associated buildings or ruins
- wagon roads and associated buildings or ruins
- historic townships and mining camps
- cemeteries and isolated gravesites
- Paleo-Indian sites and artifacts
- quarries
- museums

**Policy 12-1:** Cultural resources located on public lands shall be managed in a way that allows for usages and improvements supported by the will of Esmeralda County citizens.

**Policy 12-2:** Cultural site studies shall be coordinated with local communities.

**Policy 12-3:** Cultural resources on private property belong to the owner(s) of the property, who may restrict access from public lands to that private property.

**Policy 12-4:** Tangible artifact remains and records of folk life and cultural heritage should be preserved locally, rather than removed to out-of-county or out-of-state sites.

## **13. Recreation and Open Space**

Esmeralda County enjoys many natural amenities that attract local residents and citizens as well as visitors. These resources should be protected and developed for the public's multiple use



benefit. Open space with full public access is critical to Esmeralda County's economic, historical, and cultural identity.

**Policy 13-1:** Conserve and protect scenic, historical, recreational, and open space resources for the benefit of the present and future generations through consultation with users, Local, State, and Federal governments. Esmeralda County recognizes that legal recreation in all forms is consistent with multiple uses of public lands. All resources utilized by the public should be conserved and Esmeralda County reserves the right for application under the Recreation and Public Purposes Act (R&PP) for all such resources.

**Policy 13-2:** Encourage sustainable recreational use in Esmeralda County with marketing efforts that describe the opportunities available and patronize county communities and businesses.

**Policy 13-3:** Promote "Eco-tour" and responsible Off-Highway-Vehicle (OHV) businesses in the County. The themes of the tours could vary from wildlife viewing, to visiting hot springs, historical sites, or riding motorcycles and driving four wheel vehicles. Encourage all governmental agencies to work in a cooperative effort to promote such uses, while protecting the resources from damage.

**Policy 13-4:** Public lands with value for concentrated recreational use (camp grounds, historic sites, wagon trails, etc.) should be identified, protected, and developed for recreational purposes.

**Policy 13-5:** Support hunting and fishing as recreational resources and as a multiple use of public lands. Esmeralda County endorses the State's programs to manage and conserve sustainable levels of game animals and fish.

## **14. Wetlands, Riparian Habitat, and Waters of Esmeralda County**

Wetlands, riparian habitat, and waters of Esmeralda County support the diverse populations of waterfowl, fisheries, wildlife, and plant communities appreciated by all public land users within the County.

**Policy 14-1:** Wetlands, riparian habitat, and waters of Esmeralda County should be protected from degradation. Degradation may result from over pumping of groundwater, destruction of vegetation for over-development or misplacement of recreational facilities, poorly planned land dispositions, unintentional misuse of riparian resources by public and private users, and other actions.

**Policy 14-2:** Wetlands, riparian habitat, and waters should be managed in a responsible and balanced manner with other resources.



**Policy 14-3:** Support a coordinated effort to preserve Wellhead Protection Areas and municipal watersheds from degradation through proactive ordinances and development controls, pursuant to the County's Wellhead Protection Program and Water Resource Policy (section 19).

## **15. Fire Management**

Fire is an integral component of the well-being of public lands. However, introduced factors have led to the dangerous potential for out of control wild fires that affect the economic and environmental well-being of the County.

**Policy 15-1:** Wildland-Urban Interface fire policies should be practiced. Defensible space should be a responsibility of Federal, state, and local agencies, as well as the private property owner.

**Policy 15-2:** Maintain local coordination between BLM, US Forest Service, Nevada Division of Forestry (NDF), and local volunteer fire departments to increase the effectiveness of fire suppression. The Federal agencies should take advantage of the skills and local knowledge of local citizens. This is particularly important when using out-of-area fire crews for fire fighting. Esmeralda County will aid in any way possible in suppression of wildfires that endanger the livelihoods and personal well-being of its citizens.

**Policy 15-3:** Encourage the development of mutual aid agreements between the local fire departments, NDF, and the Federal agencies. Esmeralda County supports the use of mutual aid agreements and encourages the Federal agencies to utilize and pay for local fire fighting resources if available.

**Policy 15-4:** Encourage the Federal agencies to continue the policy of contracting with Esmeralda County citizens for privately owned equipment suitable for fire fighting.

**Policy 15-5:** Encourage the Federal agencies to consider using livestock to reduce the fire hazard. There may be situations where livestock grazing can be effective in reducing the fire danger and will not result in environmental damage. Sheep and goats should be used wherever practical to reduce fuel loads.

**Policy 15-6:** Nevada Department of Transportation (NDOT) should mow and remove fire-hazard vegetation on all Federal and state highway rights-of-way as frequently as needed to reduce the potential for the spread of fires onto adjacent public and private lands.



**Policy 15-7:** All fire equipment should be cleaned to assure the equipment is “weed-free” before being dispatched to a fire.

**Policy 15-8:** Encourage the Federal agencies to develop and implement fire management practices to incorporate thinning, fire use areas, prescribed burns, and reseeding to restore natural flora, while reducing the impact of invasive species.

## **16. Noxious Weeds and Invasive Species**

Noxious weeds and invasive species in Esmeralda County are currently displacing diverse native plant species and commercial crops, which negatively impacts the County’s natural and economic resources. This threat to the biological diversity and ecosystem functionality will expand rapidly unless kept in check by constant vigilance and work to eliminate noxious weeds and invasive species.

Due to the broad range of management and ownership of public and private lands, an integrated comprehensive approach to cooperative noxious weed and invasive species management across all jurisdictional boundaries is essential. Negative impacts include low resale value of property, loss of wildlife and fisheries’ habitat, accelerated erosion, decreased water quality, degraded recreation opportunities, deadly effects to some animals and humans, reduced forage production for agriculture producers, increased cost of consumer goods, and disruption of productive ecosystems. Weeds currently identified at measurable levels include Russian knapweed, tamarack, Russian thistle, and white top.

Many strategies are critical in keeping Esmeralda County’s noxious weed and invasive species problem manageable. Paramount of these strategies is a high level of cooperation between the Esmeralda County Soil Conservation District, Esmeralda County Road Department, and the BLM. The Esmeralda County Soil Conservation District is monitoring, controlling, and providing education on noxious weeds and invasive species. The Esmeralda County Road Department is controlling weeds along the County’s extensive road system; with some funding from the state. Cooperative work with BLM results in weed surveys and weed control on public lands. Outreach to private land owners with noxious weeds and invasive species has resulted in increased awareness and control of noxious weeds and invasive species on private property.

Strategies for implementation of the following policies include active and financial support of all Countywide noxious weed treatment activities, establishing, implementing, and enforcing statutes relating to prevention measures, and actively lobbying for additional Federal and State funding for noxious weed and invasive species abatement.

**Policy 16-1:** Support cooperative weed management programs to control noxious weeds and invasive species, including instituting a re-vegetation program in areas where weeds are treated.



**Policy 16-2:** Support the education of off-highway-vehicle (OHV) operators about the hazard of transporting weeds from currently infested areas.

**Policy 16-3:** Surface disturbed areas in the County should be re-vegetated to prevent the establishment of invasive species.

**Policy 16-4:** Any projects or developments that disturb the land or allow weeds to increase shall include a comprehensive re-vegetation program.

**Policy 16-5:** Support the Nevada Weed Free Forage Certification program. Any hay being transported for feed on Esmeralda County public lands shall be from a certified weed free field.

**Policy 16-6:** Federal and State agencies should investigate and treat noxious weeds and invasive species as soon as they are detected on public lands in the County, before those noxious weeds and invasive species develop an infestation. Proactive treatment at first detection will cost much less than treatment of established populations.

## **17. Off-Highway-Vehicles (OHV's)**

The use of off-highway-vehicles (OHV's) for work and recreation has increased significantly over the past decades. OHV's provide economic and recreational benefits for County residents, but may have an environmental impact.

The districts within the County differ on specifics regarding OHV use within each district; therefore, refer to the District Policies (25, 26, and 27) for details.

**Policy 17-1:** There should be no regulations for Off-Highway-Vehicles (OHV's), except for permitted or commercial events. All commercial tours or events, including those requiring BLM permits, must be approved by Esmeralda County.

**Policy 17-2:** Encourage the "Tread Lightly" policy on public lands and discourage the pioneering of new trails.

**Policy 17-3:** Encourage and support the development of policies that will:

1. Provide for the safety of OHV users and non-users.
2. Prevent the environmental degradation of public lands, air, water, wildlife, and vegetation.
3. Provide for restoration of damaged lands.
4. Encourage that OHV's operated in or near residential areas do not cause excessive noise or dust, which impedes enjoyment of the area by residents.



5. Provide for the recreational enjoyment of both OHV users and non-users.

**Policy 17-4:** Esmeralda County opposes any OHV registration; however, if such registration is mandated by the State Legislature, the County expects that all funds generated through off-highway vehicle registration will:

1. Be administered with an emphasis on rural representation.
2. Provide for public safety and enforcement.
3. Provide for restoration and rehabilitation of damaged lands and trails.
4. Provide for maintenance for existing trails.
5. Pay for new trail and trail head construction.

## **18. Military Operations**

Esmeralda County fully supports our military and the need for well-trained and prepared armed forces.

**Policy 18-1:** Esmeralda County supports a collaborative dialogue with the Department of Defense on any planned training or other exercises in the County. Esmeralda County supports military training on appropriate public lands.

**Policy 18-2:** Esmeralda County opposes low-level flights of high-speed military aircraft in the Esmeralda County airspace.

## **19. Water Resources**

Water is fundamental to Esmeralda County's present and future. Esmeralda County's water resources are its most precious natural resource and are basic to all efforts to preserve the environment, resident lifestyles, and to meet the needs of area citizens by providing for their economic well-being and improving their quality of life.

Reference the Water Resource Plan of the County Master Plan for the details of water availability, usage, and County goals.

**Policy 19-1:** Promote the intent and policies of the Esmeralda County Water Resource Plan.

**Policy 19-2:** Ensure that all area land use plans include projections of water demand to support future land use and economic development needs.

**Policy 19-3:** Mandate that all proposals for development or land use requiring government approval include accurate projections of water demand, identify the proposed source of supply, and include the process, action, and compensation to mitigate current or future detrimental effects. The proposer/developer should bear the cost



of preparing these plans.

**Policy 19-4:** Approve development only where sufficient natural resources exist to support it.

**Policy 19-5:** Water supply planning and development must not adversely impact adjacent water users or other uses of water.

**Policy 19-6:** Support only those projects proposed for solar energy, and, or geothermal energy which use technologies that make the most efficient use of available water.

**Policy 19-7:** Research and develop possible water sources for future recreation potential.

**Policy 19-8:** That parties interested in purchasing lands in Esmeralda County nominated for disposal shall be notified that:

- Growth shall pay its own way. Developers are required to pay for and construct water facilities to serve proposed developments, and the facilities will be dedicated to Esmeralda County to own and operate. Likewise the water rights for the development shall also be provided by the developer, and dedicated to the County. Design, construction, and water right dedication rates shall be to Esmeralda County standards.
- To the maximum extent practical, new water facilities must integrate into existing and future County Systems.
- Esmeralda County shall have planning, design, construction oversight, plus operation and maintenance responsibility for all municipal water supply facilities.

**Policy 19-9:** Review the output of the Division of Water Planning's forecast models regarding Esmeralda County to ensure that they are compatible with Esmeralda County's demand forecasts and acceptable to the ECBoC.

**Policy 19-10:** Develop a conditional use permit process for all pipeline projects (excluding municipal, domestic, and agricultural pipelines within basins) including water transportation projects.

**Policy 19-11:** Develop a development agreement process for permitting projects which addresses mitigation of possible future effect on water quality, quantity, and existing users.

**Policy 19-12:** Review and respond to any applications involving interbasin transfer of water effecting Esmeralda County.

**Policy 19-13:** Investigate, develop, and implement other policies and mechanisms to ensure the availability of water supply for future Esmeralda County economic, community



development needs, preservation of environmental and habitat.

**Policy 19-14:** Established and granted state water rights shall continue to be recognized in support of state law. Water flow, even if originating on public land, even if originating in wilderness areas, shall be governed by the appropriate state laws. Water not currently under application shall not be granted to any Federal, state, or local agency or any private entity without the express concurrence and approval of the ECBoC.

## **20. Energy Resources**

The development of Esmeralda County energy resources is desirable and necessary to the economy of the state and the County. Esmeralda is a prime site for the development of renewable energy, e.g., geothermal, solar, wind, and alternative energy, e.g., coal gasification, biodiesel. Energy production, transmission, and distribution are vital components of Esmeralda County's economic future.

**Policy 20-1:** Energy production is encouraged as a vital economic component of the Esmeralda County economy. Renewable and alternative resources should be a priority and utilized in a manner that complements other environmental resources. Efforts should be undertaken to ensure a balance between renewable and alternative energy development and the protection of other resources and public access that make the County attractive to citizens and visitors.

**Policy 20-2:** The development and coordinated site determination of renewable and alternative energy generation is encouraged. Coordinated planning is needed to integrate related Federal, state, and local planning documents and processes, and expedite the permitting and evaluations needed for project approvals.

**Policy 20-3:** The development of corridors for energy transmission and distribution is encouraged. Coordinated planning is needed to integrate related Federal, State, and local planning documents and processes and expedite the obtaining the permits and rights-of-way for the corridors. Rights-of-way shall not interfere with public access.

**Policy 20-4:** Support state and Federal policies that encourage large and small-scale operations. Regulatory hurdles should be simple so that the economic development of renewable and alternative energy resources is rapid.

**Policy 20-5:** The installation of renewable energy generation facilities for public buildings, e.g., schools, community centers, government offices, is encouraged. The use of public funds, e.g., USDA, renewable energy grants or bonds, is encouraged to fund the implementation.



**Policy 20-6:** The installation of wind generators should take into consideration wind rights. Wind generators should be installed far enough away from property lines such that the wind stream energy is fully reconstituted when the wind crosses the property line. Wind generators should be installed far enough away from other structures to prevent the wind generator induced turbulence stress on those structures. An approximate guideline for “far enough away” is 10 turbine rotor (blade) diameters. Access to wind generator towers may be limited; however, these limitations shall not interfere with access to public lands.

**Policy 20-7:** The installation of water micro-turbine generators requires approval from the Nevada Department of Water Resources for non-consumptive water rights.

**Policy 20-8:** The installation of any utility-scale renewable energy facilities, e.g., solar thermal, geothermal, that use water, e.g., in cooling towers, shall take into account available water resources. Water usage shall not lower the water table. Where cooling towers are required, only dry cooling towers are acceptable. Wet cooling towers are not acceptable due to their inefficient use of the limited available ground water resources. Water usage shall employ the most efficient technology available, i.e., the minimum use of water to accomplish the necessary function. Even if water rights are available, regardless of the status of allocation vs. perennial yield per basin, water usage should be minimized in order to conserve the limited water resources.

**Policy 20-9:** Renewable and alternative energy producers, transmission and distribution line corridors, and other associated facilities on public or private lands are subject to County sales and property taxes, as approved by the ECBoC or regulated by State law.

## **21. Public Access**

Access to public lands is a critical component of the economic and recreational vitality of the County and multiple-use access is strongly encouraged. Esmeralda County is dedicated to the multiple-use concept, and strongly believes that, in order for the majority of users to be able to enjoy our public lands, a means for access is necessary. In 1993 the Esmeralda County Commission approved Resolution 93-009 ESMERALDA COUNTY PUBLIC ROADS. This resolution clearly presents Esmeralda County’s view on public and multiple-use access by stating in part “all ways, pathways, trails, roads, County highways, and similar public travel corridors across public lands in Esmeralda County, Nevada, whether established and maintained by usage or mechanical means, whether passable by foot, beast of burden, carts or wagons, or motorized vehicles of each and every sort, whether currently passable or impassable, that was established in the past, present or may be established in the future on public lands in Esmeralda County are hereby declared Esmeralda County Public Roads”.



### Public access on BLM lands

According to NRS 405.191 and 403.410 a “public road” is defined as follows:

1. A United States highway, a State highway, or a main, general, or minor County road, and any other way laid out or maintained by any governmental agency.
2. Any way which exists upon a right of way granted by Congress over public lands of the United States not reserved for public uses in chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C. § 932, commonly referred to as R.S. 2477), and accepted by general public use and enjoyment before, on or after July 1, 1979. Each board of county commissioners may locate and determine the width of such rights of way and locate, open for public use and establish thereon county roads or highways, but public use alone has been and is sufficient to evidence an acceptance of the grant of a public user right of way pursuant to former 43 U.S.C. § 932.
3. Any way which is shown upon any plat, subdivision, addition, parcel map, or record of survey of any county, city, town, or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance



as a public road or is reserved thereby for public road purposes or which is described by words of similar import.

**Policy 21-1:** Federal land management agencies should recognize and honor the valid and important rights Congress did not revoke from local governments to own and manage public roads and related rights-of-way.

**Policy 21-2:** The State definition of a “public road” (NRS 405.191, 403.410, and 244.155) should be used consistently throughout Nevada by all Federal, State, and local agencies. Road mapping should be coordinated with the US Forest Service and BLM.

**Policy 21-3:** Utilize R.S. 2477 rights-of-way to protect historical public access to public lands across private property.

**Policy 21-4:** Support access to mining claims by adhering to the rights claimed under R.S. 2477.

**Policy 21-5:** Optimize accessibility within the County and reduce the cost of movement between all communities by continued use of existing roads on public lands.

**Policy 21-6:** Support transportation of minerals and mining products over Federal, State, and County roads and highways, given that appropriate safety precautions guaranteeing public safety are implemented.

**Policy 21-7:** Recognize that any road on public land shown on a map, e.g., Gardner, Nevada Department of Transportation, prior to 1976 is considered an existing and valid R.S. 2477 rights-of-way now and for the future, even if the land is now private.

**Policy 21-8:** Federal agencies should allow access across Federal managed lands by granting rights-of-way, before requiring access across private lands.

## **22. Rights-of-Way**

Esmeralda County supports use of public lands for rights-of-way for multiple purposes. Rights-of-way are required within the County for such purposes as communication, energy, recreation, safety, and monitoring. Facilities for such purposes are often manned or frequently accessed; equipment for such purposes is often remotely sited and only rarely accessed for maintenance.

Communication rights-of-way may be needed for telephone landlines, cell phone towers, microwave towers, television/radio antennas and transmitters, other communication channels, and access to the sites required for the facilities and equipment.



Energy rights-of-way shall not obstruct public access and may include corridors for transmission and distribution lines, sites for energy generation, sites for transformers and breakers, and access to the sites for the required facilities and equipment.

Recreation rights-of-way may include trails, trailheads, recreation sites, special recreational events, and access to the designated sites.

Safety rights-of-way may include easements and other means to manage potentially damaging events such as wild fires or flash floods.

Monitoring rights-of-way may include sites for weather monitoring or other scientific data gathering and access to the equipment installed at the sites.

**Policy 22-1:** Support installation of communication, energy, recreation, safety, or monitoring facilities on Federal managed lands prior to the need for installation on private lands. Where feasible, such facilities should be near existing Federal, State, or County highways or roads.

**Policy 22-2:** Support installation of and access to necessary communication, energy, recreation, safety, or monitoring equipment on corridors across Federal managed lands, given that appropriate precautions are implemented to assure public safety and do not interfere with public access. Where feasible, these sites should use existing rights-of-way.

**Policy 22-3:** Federal land management agencies should work with Esmeralda County agencies to manage rights-of-way.

## **23. Yucca Mountain**

### **A. Introduction**

A proposed nuclear waste repository at Yucca Mountain, Nevada is of particular concern to citizens and public officials of Esmeralda County. Congress designated Yucca Mountain in adjacent Nye County as the sole location for a geologic repository to safely store the nation's high-level nuclear waste. The enabling legislation for these operations is governed under the Nuclear Waste Policy Act, as amended (DOE, 2004). The Department of Energy has submitted an application to construct and operate the facility to the Nuclear Regulatory Agency. If the project moves forward, spent nuclear fuel from nuclear power plants and the waste from defense activities will probably be transported by rail to Yucca Mountain in western Nye County.

Land use and land planning in Esmeralda County, particularly in and around Goldfield, will experience both opportunity and constraints involving the construction and operation of this rail line and facility. Safety, infrastructure improvements, and economic development are the



primary issues of interest and concern to Esmeralda County.

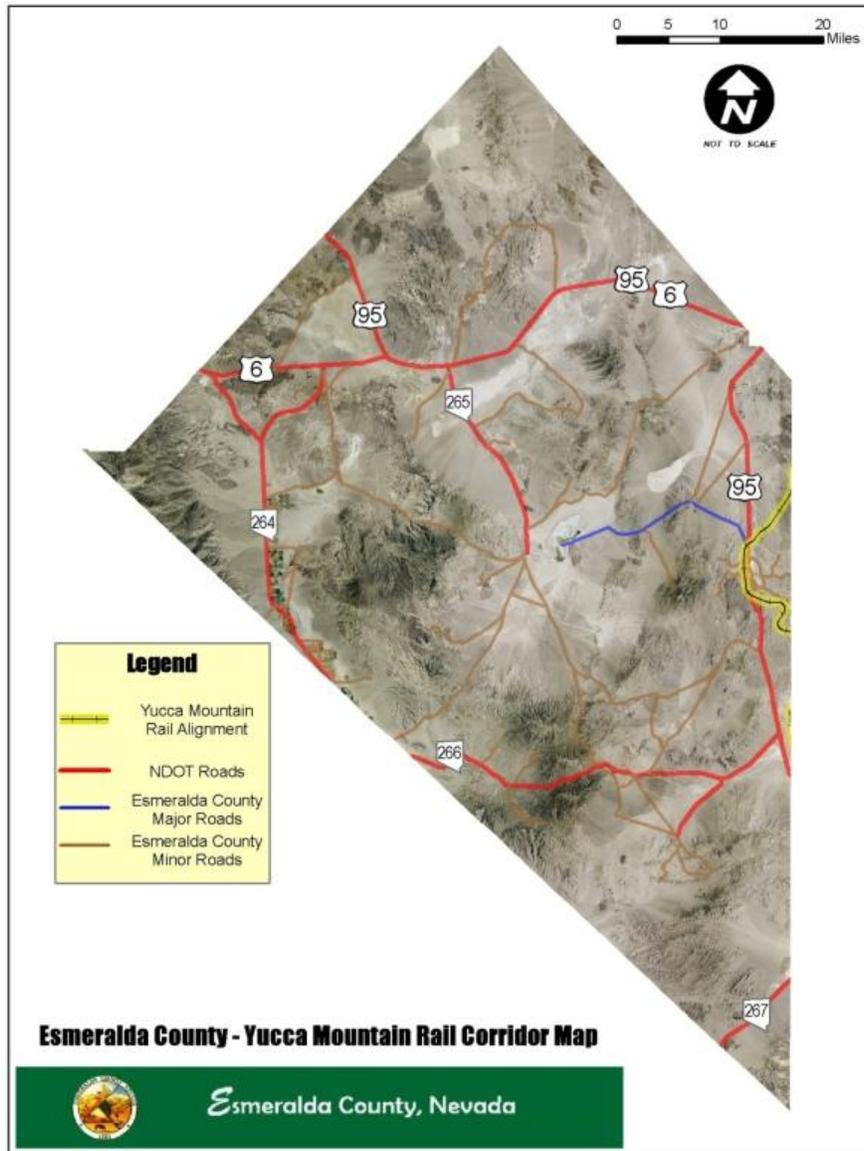
The Esmeralda County position relative to the operation of Yucca Mountain, and shipments of Spent Nuclear Fuel and other High-Level Nuclear Waste, is conditionally supportive. Regardless of whether Esmeralda County does or does not want this activity in and near the County, that decision will be a political decision based on national needs and political prerequisites. The decision to utilize Yucca Mountain as a geological repository is also codified in law. So long as the law of the land moves forward with preparations for operations at Yucca Mountain, Esmeralda County will plan and prepare accordingly.

Government officials in Esmeralda County are tasked with the protection and safety of County citizens. Construction and operation of the geologic repository would involve disruptions of normal County activities during construction and increases in local economic activity with the addition of a maintenance-of-way rail facility just north of Goldfield. Two rail-highway overpasses could be built to allow rail movements without disrupting highway traffic. During construction of these overpasses, normal traffic patterns may experience delays and disruption. Actual rail delivery of canisters to an operational repository will not involve highway delays.

The economic benefits to Esmeralda County, during construction and operations phases, are undeniable for this rural location (DOE, 2008). Construction activities could include 2,160 annual full-time jobs engaged during quarry activities and roadbed construction. 50 full-time positions could be based in the maintenance-of-way facility in Goldfield during operations at Yucca Mountain. Employment multipliers suggest additional growth in local service employment would accompany these new jobs.

The temporary addition of construction workers and the permanent addition of permanent employment maintenance and operations personnel for the rail line will be a welcome addition to the local economy, but will pose short-term housing problems. Similarly, the local school district will experience strains in the provision of service to an additional influx in families and students. An additional operational concern will be communication capability and interoperability. County funding of communications improvements is not an option.

If Yucca Mountain is approved and the facility and infrastructure improvements proceed, a growing demand for electrical energy from renewable resources could benefit from the infrastructure improvements from the ongoing activities at the geologic repository. Recent developments in economic recovery proposals that promise improvements to the US electricity transmission grid should include the capability in renewable energy generation in Nevada. The growth in the Federal presence from Yucca Mountain activities should require these infrastructure improvements and utilize power from local renewable energy generation.



The maintenance-of-way facility and shared-use concept proposed for the operation of the geologic repository includes the potential for an industrial spur from the rail line north of Goldfield. A transfer point for materials and products from the Chemetall-Foote lithium mine and other endeavors made feasible by cheaper transportation could form the anchor for an industrial park in this location. Planning in other areas of concern should keep this possible option in mind.

Safety in the operation of the rail line and repository will remain the responsibility of the Federal government. No portion of the proposed rail line has the emergency response or treatment capabilities to respond to accidents in operation. Some sort of regional emergency response



capability should be developed by the Federal government in cooperation with local government. Rural western communities and law enforcement are not prepared to thwart or respond to any terrorist act involving these materials. That capability must accompany the design, construction, and operation of the facility.

Rapid construction and infrastructure growth in remote western resource locations is well documented, with a rise in crime-rates so other responses to indigent populations are to be expected. While design and construction of the facility and rail infrastructure await the political decision to proceed or eliminate the project and remain a future possibility, land use planning for all other elements will be influenced by Yucca Mountain.

If the political decision is to terminate the Yucca Mountain facility, Esmeralda County will remain in need of economic development. Diversification of the local economy to include value-added finished products should be the planning focus for Esmeralda County regardless of the status of Yucca Mountain.

## References

DOE, 2004. *Nuclear Waste Policy Act (as amended)*. Office of Civilian Radioactive Waste Management. Washington D.C. Available on-line at [http://www.ocrwm.doe.gov/documents/nwpa/css/nwpa\\_2004.pdf](http://www.ocrwm.doe.gov/documents/nwpa/css/nwpa_2004.pdf)

DOE, 2008. *Final 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-0369*. Office of Civilian Radioactive Waste Management.

### B. Supplement

There has been much misinformation disseminated regarding the Yucca Mountain Repository and the physical properties and economic value of radioactive materials. Esmeralda County takes an objective view of Yucca Mountain using an economic, science, and engineering perspective.

While much of the language used in government legislation has deliberate negative connotations, Esmeralda County uses the following understanding of the issue.

Radioactive materials as elements or compounds exist in a wide range of types and concentrations in nature. Mankind, for a variety of purposes, including medical, research, and weapons, has concentrated natural deposits or created (through fission, fusion, or accelerators) larger than natural volumes of some radioactive materials.

Some volume of radioactive materials will have detrimental effects on living organisms and inorganic materials. Larger volumes of radioactive materials, properly contained, can be used for a variety of beneficial purposes, including medical, energy generation, and research. The critical



volume for containment depends on the properties of the specific isotope of the radioactive element.

Almost all radioactive materials can be re-cycled, especially high volume sources such as spent nuclear fuel rods and nuclear power plant accessories. Spent fuel rods can be re-cycled to provide sources for fresh fuel rods to continue generating electric energy from nuclear power plants. Although the USA has had a policy not to re-cycle, other countries have been re-cycling for decades, so safe and economically beneficial re-cycling technologies exist.

There are some radioactive materials for which the re-cycling technology is not cost-effective or there is little demand for the re-cycled radioactive materials. In those cases, storage is necessary until the technology and demand provide a means to obtain and use the materials.

Should Yucca Mountain become an active storage site, Esmeralda County is a logical location (based on geographical positioning and resources) to provide services to the proposed rail line transporting radioactive materials for storage.

In addition, some facilities for research into uses, properties, re-cycling technologies, and other possibilities for radioactive materials could be built near the rail line in Esmeralda County. Such facilities would provide a substantial tax base for the County, including high-level technical jobs for County citizens.

Although most radioactive materials are not nearly as dangerous as the many tons of chemicals that daily transit the USA, radioactive materials are inherently detrimental to human health. Therefore, substantial investment must be made in the County infrastructure to ensure there is no added risk to County citizens. "Added risk" is measured by assuring that any probable radiation exposure added to the natural background is still lower than other areas of the country that have naturally occurring high but livable background levels and below levels that are known to induce damage to human cells.

### C. Policies

**Policy 23-1:** Esmeralda County conditionally supports the development of the Yucca Mountain Repository with the associated economic benefits to the County.

**Policy 23-2:** Esmeralda County conditionally supports multiple uses for the proposed rail line used for the transportation of radioactive materials to Yucca Mountain, including transportation of ores from County mines or agricultural products.

**Policy 23-3:** Esmeralda County conditionally supports Federal funded development of emergency services and communication capabilities within the County to support the rail line and maintenance facility.



## 24. Habitat Conservation

Habitat conservation is important to preserve native wildlife species as well as the way of life in Esmeralda County. Without proper protection measures, species could be reduced to untenable levels. Proactive habitat conservation measures are more beneficial to the County than the possibility of drastic measures implemented by external-to-the-county organizations.

**Policy 24-1:** Promote proactive habitat conservation measures to improve the habitat of native beneficial species.

**Policy 24-2:** Habitat conservation measures shall consider the economic consequences of the conservation measures to be implemented.

**Policy 24-3:** Habitat conservation implementation may include the use of positive incentives for private landowners to increase the implementation of conservation measures.

**Policy 24-4:** State and Federal agencies should assist the County with implementing the above policies.

## 25. District 1

District 1 includes the County seat of Goldfield and the immediate surrounding area.

Policies:

**Policy 25-1:** Mining, ranching, tourism, and recreational activities are encouraged.

**Policy 25-2:** Water reservoirs may be constructed in the area to accommodate growth needs.

**Policy 25-3:** Historical preservation and restoration are encouraged. For additional information, reference the appendix of the Janis Report for the Historic District Goldfield and the Goldfield Historic District Walking Booklet, which identify historical properties and sites.

**Policy 25-4:** Rebuild one of the railroads connecting Las Vegas and Reno stopping at historical locations with additional spurs to new industrial or recreational areas. The railroad should be for multiple uses, including cargo, tourism, and passenger cars with restaurant, gaming, and retail use.

**Policy 25-5:** Develop the Goldfield Airstrip/Airport and industrial Park with adjoining town, railroad spur, possible water reservoir, raceway and other developments using the existing airstrip immediately northwest of the Silver Peak turn off from US95, (See Attachment Policy 25-5). The actual size of the developments may be



different than depicted (larger or smaller), depending on the availability of land, the economics, and the impacts of developing the area, and may be developed in stages. The area shall be developed using earth friendly green and renewable technologies; therefore, the recommended name for this area is Greenfield.

**Policy 25-6:** Develop a local fishing pond for Goldfield, which provides a recreational area, a habitat area, and wildlife viewing area.

**Policy 25-7:** Wild horses, wild burros, and range cattle should be kept outside of Goldfield by rebuilding and maintaining the fence around Goldfield.

**Policy 25-8:** Redevelop the small aircraft airstrip by Goldfield just west of US95 near the railroad depot site and the Goldfield cemetery, located by the turnoff from US95 to the Goldfield cemetery.

**Policy 25-9:** There should be disposal of Public Lands within the district to increase the tax base, create jobs, and provide housing for employees working in the County. Disposals should occur in increments to avoid over straining of County finances to provide infrastructure and detrimental consequences to the social and cultural structure of the County.

## **26. District 2**

District 2 of Esmeralda County occupies the entire center of Esmeralda County from the northern to southern border and includes precincts 2, 4, and 5. Population centers include the towns of Silver Peak, Gold Point, Lida, and areas adjacent to Tonopah.

**Policy 26-1:** Mining, ranching, tourism, recreational activities, and geothermal power are encouraged.

**Policy 26-2:** Water reservoirs may be constructed in the area to accommodate growth needs.

**Policy 26-3:** The land area that contains the Town of Goldpoint (nee Hornsilver) should be conveyed to Esmeralda County to resolve the longstanding “trespass” issue. Likewise any other encroachment or trespass issues such as the streets in the Town of Lida should belong to the County or existing adjacent land owners.

**Policy 26-4:** Agriculture including the keeping and breeding of livestock animals should be allowed in all areas.

**Policy 26-5:** Historical preservation and restoration are encouraged.

**Policy 26-6:** Encourage protection of existing ghost towns, historic mining sites, County



owned historic buildings, and public historic property.

**Policy 26-7:** Natural and historic scenery and landscapes should be protected.

**Policy 26-8:** No public lands shall be designated as Wilderness, Wilderness Study Area, Lands with Wilderness Characteristics (LWC), or Wild Lands.

**Policy 26-9:** There should be disposal of Public Lands within the district to increase the tax base, create jobs, and provide housing for employees working in the County. Disposals should occur in increments to avoid over straining of County finances to provide infrastructure and detrimental consequences to the social and cultural structure of the County.

**Policy 26-10:** Any land plans should designate the small pond and surrounding area outside Silver Peak known as Silver Lake as suitable for lease and conveyance to Esmeralda County as a recreation area.

**Policy 26-11:** Routing for motorized events and group rides should not interfere with access by residents to their home; or deter commercial activities, create air quality concerns in residential areas, or increase the danger of wildfires. Organizers of these events shall compensate the county for any cost associated with the event. Event routes shall avoid areas that are occupied or currently developed. Any commercial motorized event or large group rides shall be approved in advance by an official act of the County government, e.g., the Highway Commission.

## **27. District 3**

District 3 includes Fish Lake Valley and the village of Dyer in the western area of the County.

The majority of the citizens of District 3 are united behind the proposition that the public land policies should focus on limited growth in order to maintain the existing lifestyles. Any significant increase in population will further reduce the limited water resources. Most citizens support the existing BLM policy that the surrounding public lands are for multiple uses. Multiple uses include exploration, rock hounding, fishing, hunting, hiking, prospecting, cattle grazing, and other uses with no restrictions on access. The geothermal spring park in a remote area of the valley should be maintained for local use. Economic development that does not require significant additional population is encouraged. Examples include geothermal, solar, and wind renewable energy.

Policies:

**Policy 27-1:** BLM lands should not be transferred within Fish Lake Valley to developers or other entities for the purposes of private land ownership for housing.



**Policy 27-2:** BLM should consider land transfers that support existing farms, ranches, or mining activities. BLM should consider land transfers for renewable energy generation.

**Policy 27-3:** BLM should not consider land transfers with water rights that would further deplete the water resources in District 3.

**Policy 27-4:** BLM should make every effort to keep open access to all existing public roads and trails for continued use within District 3.

**Policy 27-5:** District 3 encourages responsible use of Off-Highway-Vehicles (OHV's) on existing roads, trails, paths, or RS2477 rights-of-way only. OHV use in so designated Special Recreation Management Areas is allowed.

**Policy 27-6:** All BLM land transfer plans should involve coordination with the County Commission and local citizens.



## **ATTACHMENT A**

### **Introduction**

BLM manages ~ 97% of the land area of Esmeralda County. This land can be used in many ways, for both public and private purposes. In order to provide the most benefit to the citizens of Esmeralda County, the following describes some opportunities for land use, including transfer to private ownership, transfer to County ownership, and retention for multiple-use.

Sale to private ownership means the BLM transfers appropriate areas to private persons, after authorization from the ECBoc to transfer the land ownership. Subsequent land usage shall be in accordance with the Master Plan.

Transfer to County ownership means the BLM transfers appropriate areas to the County for applicable public purposes, including resolution of trespass.

Retention for multiple use means the BLM retains management of the identified areas, which shall remain available for public use. All existing County roads and trails on public lands shall remain fully accessible.

Disposal areas are those BLM managed lands where the lands should be sold, transferred, or conveyed to private or County ownership. Non-disposal areas are those BLM managed lands where the lands should continue to be managed by the BLM and not transferred (with some minor exceptions to some of the areas identified as non-disposal).

### **Plan of Development for Disposal Areas**

(The index number, i.e., 1-19, identifies the specific area on the map on page 39. The number in parentheses after the area name identifies the disposal type, listed on page 38).

1. Blaire Junction (2-4).
  - a. Commercial services, e.g., RV park, in support of County star-gazing Park and geological features area.
  - b. Commercial services, e.g., motel, truck stop, for public travelers on US-95/6.
  - c. Limited residential use for commercial services employees.
2. Bonnie Claire (2-4).
  - a. Retirement community.
3. Coaldale (including current BLM disposal area) (1-6).
  - a. Truck parking area, outdoor activity staging area, and residential development.
  - b. Traveler's rest stop.
4. Columbus Salt Marsh (including current BLM disposal area) (1-6).
  - a. OHV staging area for off-road vehicle recreation.
5. Esmeralda County Energy Park (ECEP) (2, 3, 5, 6).
  - a. See attachment B (ECEP proposal).



6. Fish Lake Valley (1-2) only.
7. Fish Lake Valley Airport (1-4).
  - a. Airport for public use and heliport for emergency services.
8. Fish Lake Valley hot springs and wildlife refuge (2).
  - a. Wildlife viewing and wetlands preserve.
  - b. Overnight camping (not to exceed 72-hours).
9. General Thomas Hills (2-6).
  - a. Light industry and associated residential.
10. Goldfield, including current BLM disposal area (1-6).
  - a. Commercial activities on US-95 frontage.
  - b. Residential expansion.
11. Gold Point, including expanded current BLM disposal area (1-6).
  - a. Camping, hiking, viewing areas for historic Gold Point town site.
  - b. Retirement community.
12. Lida, including expanded current BLM disposal area (1-2) only.
  - a. Mining, industrial, and commercial applications and supporting residential.
13. Lida Junction (1-6).
  - a. Commercial services, e.g., motel, truck stop, restaurants, casino, rest area for travelers on US-95.14.
14. Millers, including expanded current BLM disposal area (1-6).
  - a. Mining, industrial, rest stop, and commercial applications and supporting residential.
15. Montezuma Observatories (2, 7).
  - a. Promotion of sites for astronomical observatories. The County seeks university participation.
16. Mount Jackson (2-6).
  - a. Residential area for employees of commercial services at Lida Junction.
  - b. Residential area for employees of the Energy Park.
  - c. Retail services, e.g., grocery stores, department stores.
17. Silver Lake (2).
  - a. Public Park for camping, fishing, and hunting.
18. Silver Peak (1-6)
  - a. Residential expansion.
  - b. Retail services, e.g., grocery stores, department stores.
19. Tonopah (1-6)
  - a. Industry and associated residential.
  - b. Retail services, e.g., grocery stores, department stores.



**Plan for Non-Disposal Areas**  
**Non-Disposal Areas for Preservation of Natural Resources**

1. Clayton Valley Sand Dunes
2. Clayton Valley Petroglyphs
3. Indian Springs

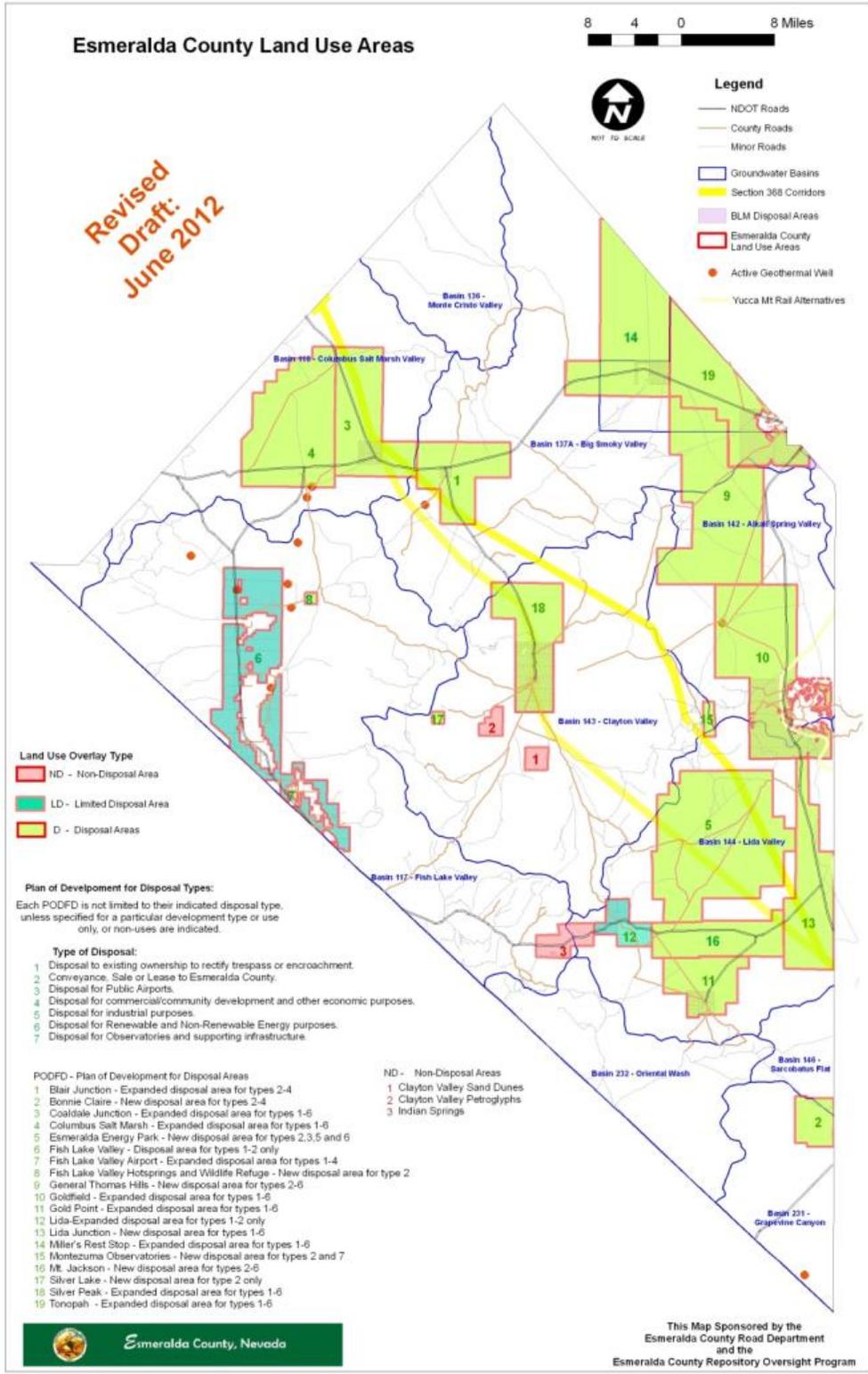
**Plan for Limited Disposal Areas**  
**Limited Disposal Only To Resolve Trespass or Encroachment Issues**

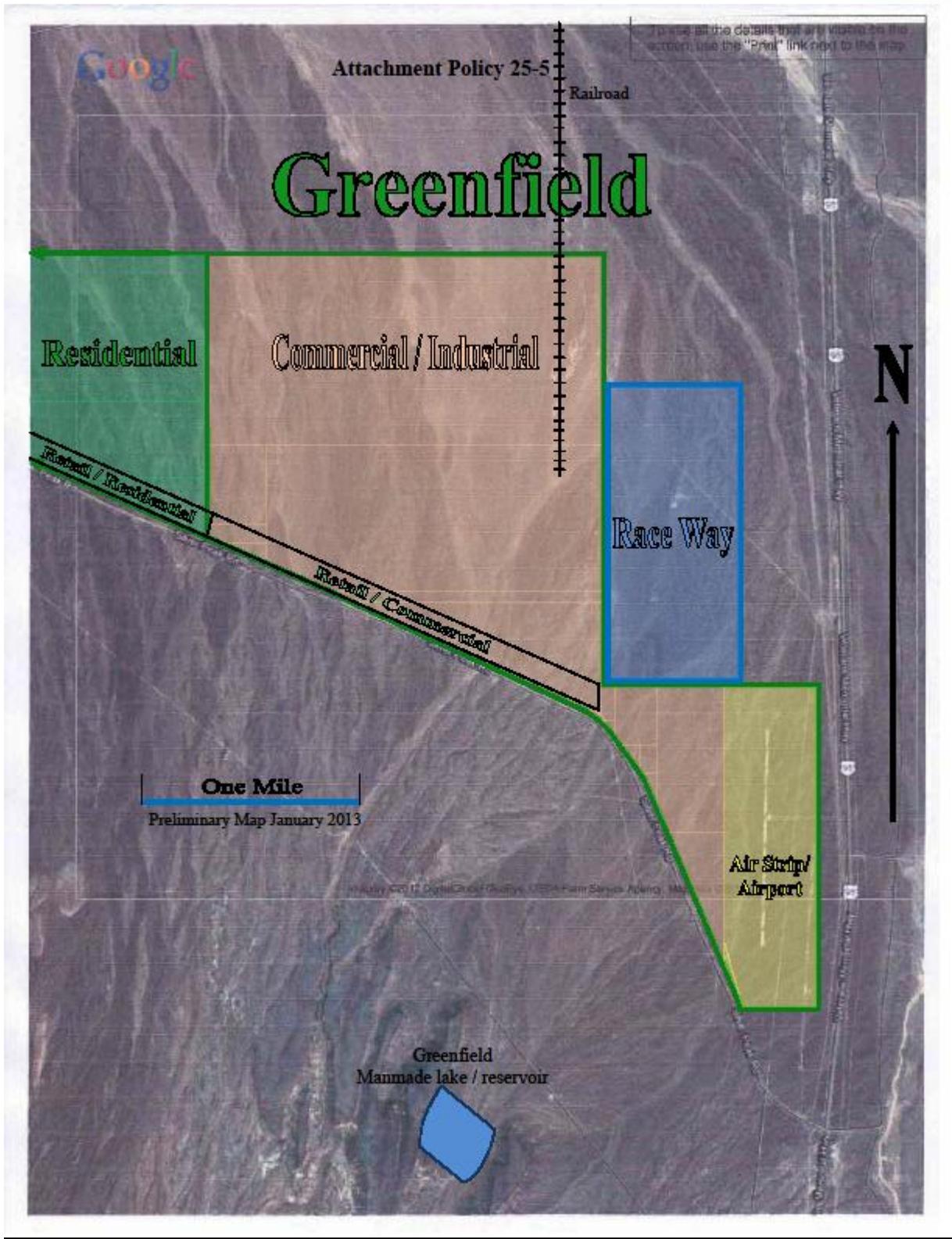
1. Fish Lake Valley region, only to existing owners or the County of those areas directly adjacent to private land to resolve potential trespass issues.
2. Lida region, only to existing owners or the County of those areas directly adjacent to private land to resolve potential trespass issues.

**Types of Disposal**

See key number (in parentheses) adjacent to listing of areas on the map (following page).

1. Disposal to existing ownership to rectify trespass or encroachment.
2. Conveyance, sale, or lease to Esmeralda County.
3. Disposal for Public Airports.
4. Disposal for commercial/community development and other economic purposes.
5. Disposal for industrial purposes.
6. Disposal for Renewable and Non-Renewable Energy purposes.
7. Disposal for Observatories and supporting infrastructure.







## **ATTACHMENT B**

### **Esmeralda County Energy Park Proposal**

#### **Background**

Esmeralda County Nevada is an ideal site for a variety of energy related activities. Several geologically stable locations exist that could support different types of energy related activities. There is a limited amount of water, so energy production that requires a large amount of non-recoverable water usage is not practical.

Esmeralda County occupies 3,589 square miles with a total population of less than 1,500. Although the population has grown in the last few years, compared to 15 years ago, the population is smaller, so limited population growth in specific areas can easily be accommodated. There are existing townships that could support an expanded population for energy related activities, including the County seat of Goldfield. Approximately 97% of the County land area is currently managed by the Federal Bureau of Land Management (BLM); however, significant portions of the BLM land are available for energy related industries.

Esmeralda County citizens strongly support some industrial and commercial growth in selected areas within the County. The Esmeralda County Land Use Advisory Committee (ECLUAC) has developed the Esmeralda County Master Plan, which includes the Public Lands Policy Plan (PLPP), which provides the basic framework for public lands policies and actions. The PLPP provides the inputs to BLM for land disposal for such usages and the supporting infrastructure.

While some infrastructure is already in place, e.g., roads, power transmission, some expansion of the existing infrastructure will be required. Depending on what industries actually occur, some additional infrastructure will be required. Such new and expansion infrastructure possibilities are already within the guidelines of the Master Plan and PLPP.

While there are few existing power transmission lines within Esmeralda County, the proposed Section 368 Energy Corridor for connecting the Las Vegas and Reno regions will pass through the proposed Energy Park. This line can provide power if necessary or transfer power from the proposed Energy Park.

The Esmeralda County Energy Park is proposed to be in the Lida Valley Basin. The existing roads will require some improvement, e.g., paving, to allow access that is more convenient. The proposed rail line to support the Yucca Mountain project could have additional spurs to access the Energy Park. The Energy Park has natural topological barriers that would ease security arrangements and would not be visible from existing state or Federal highways. There are no known major earthquake fault zones in the proposed Energy Park.

Reference the map in Attachment A to see the location of the proposed energy park and the



location of the proposed transmission corridors.

There are several existing air transport facilities that could be expanded to handle more frequent flights and larger aircraft.

## **Proposal**

There are a variety of energy projects that could be established in the Energy Park. These include:

1. Electricity generation:
  - 1.1. Photovoltaic (PV) modules or concentrated photovoltaic cells, based on single or dual-axis trackers should be used to power other activities.
  - 1.2. Wind turbines, mounted at higher elevations could provide additional power.
  - 1.3. Self-contained nuclear power reactors, such as the DOE SSTAR or the Hyperion Power Module.
  - 1.4. Concentrated solar thermal generators that use cooling towers with minimal water loss are possible.
  - 1.5. Geothermal generators.
2. Radioactive material processing and recycling:
  - 2.1. Generation of radioactive materials for medical purposes, e.g., bone scans.
  - 2.2. Generation of radioactive materials for industrial purposes, e.g., x-ray scans of welding.
  - 2.3. Generation of radioactive materials for research purposes, e.g., for energy, medical.
  - 2.4. Recycling of spent fuel rods from commercial reactors for re-use.
  - 2.5. Recycling of stored radioactive materials from weapons or weapons research for energy generation, medical, industrial, or research uses.
3. Energy related manufacturing or assembly:
  - 3.1. Manufacturing the canisters for the transport of radioactive materials.
  - 3.2. Assembly of renewable energy equipment, e.g., PV modules, solar collectors.

The Esmeralda County Energy Park is complementary with the proposed Yucca Mountain Project. Given that Yucca Mountain is significantly behind schedule, there is an increasing need for the temporary storage of radioactive materials, until such materials can be re-cycled and used. Yucca Mountain could readily be used to store materials, while waiting re-cycling. Since there has been a lack of re-cycling for more than 4 decades, a number of years will be required for storage until the materials currently in storage in various, potentially unsafe locations around the country, can be re-cycled and used. The Energy Park could have temporary, aboveground storage of some radioactive materials while re-cycling facilities are constructed.

Currently, there is a worldwide shortage of medical radioactive materials, see *Science News* Volume 176, Number 7. The shortage is primarily for technetium-99m (Tc-99m), which is used for cardiac stress tests, bone scans, and heart function scans. There is no commercial production facility in the USA for either TC-99m or the source material molybdenum-99. A reactor or



accelerator could be more readily built at the Esmeralda County Energy Park, since there are fewer barriers to new construction of radioactive material processing centers in Esmeralda County than any other (known) location in the USA. Esmeralda County has ready (compared to many other locations) access to sources of molybdenum.

The proposed rail line is a reasonable low-cost means of transporting raw materials to the Energy Park and finished products from the Energy Park. While Esmeralda County is relatively geographically isolated from major population centers, rail and air transportation can rapidly transport materials to other locations in the USA. This is critically important for radioactive materials used for medical reasons, as these materials have very short half-lives.

### **Summary**

Esmeralda County is an economically practical location to establish energy facilities that are opposed in urban or near-urban areas. While additional infrastructure is required, the cost of that infrastructure is trivial compared to the costs of litigation and other bureaucratic obstacles in populated areas.

Since the majority of the citizens in Esmeralda County are strongly in favor of some industrialization, such as the projects enumerated above, there will be no major local opposition to the establishment of such facilities. Additionally, many local citizens, who are un- or under-employed, would work at such facilities and would welcome a reasonable number of new citizens to the area.