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PFS Exhibit KK

Second Declaration of Jim Catlin for Petitioner
Southern Utah Wilderness Alliance (SUWA) (Dec. 8, 1998)

NUCLEAR REGULATORY COMMISSION

Docket No. _____ Official Exh. No. KK
In the matter of PFS
Staff _____ IDENTIFIED ✓
Applicant ✓ RECEIVED ✓
Intervenor _____ REJECTED _____
Other _____ WITHDRAWN _____
DATE 4/23/02 Witness _____
Clerk [Signature]

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

Private Fuel Storage, a Limited Liability
Company;

(Independent Spent Fuel Storage
Installation).

Docket No. 72-22
December 8, 1998

SECOND DECLARATION OF JIM CATLIN
FOR PETITIONER SOUTHERN UTAH WILDERNESS ALLIANCE (SUWA)

I, Jim Catlin, based on personal knowledge, declare as follows:

1. I am an adult citizen and resident of Salt Lake County, Utah. I was raised in Utah and have leaved there almost all of my life.

2. I have a PhD from the University of California, Berkeley in Natural Resource Management and Geographic Information Systems (GIS). I have been practicing in this field for 20 years.

3. I am a member in good standing of the Southern Utah Wilderness Alliance (SUWA), petitioner in this matter, and was one of the original members of the organization. I joined this organization in part, because of its work to identify and preserve public lands which process wilderness character from development.

4. The North Cedar Mountain roadless area possesses wilderness character. This area includes land at both higher and lower elevations. The latter, called benches or foothills, were purposefully included in the North Cedar Mountain roadless area. This is because the benches

also possess wilderness character and are important to preserving biodiversity as well as the wilderness character of the whole area. All references I have made and will make to the North Cedar Mountain roadless area are to the area identified on the map attached as exhibit 2 to SUWA's petition which includes both the benches and mountainous terrain within that roadless area.

5. Because one of the goals of the 1998 inventory process was to use wilderness designation as a means to protect biological diversity, Wilderness Act, 16 U.S.C.A. § 1131(3)(4), the technical review team, in consultation with biologists, gave priority to areas containing large elevation gradients, large complexes on contiguous roadless areas, and riparian areas. The bench section of the North Cedar Mountain roadless area represents an important elevation gradient and is part of the large elevation gradient of the entire roadless area. The North Cedar Mountain roadless area, as a whole, represents a large complex within a contiguous roadless area.

6. The construction and operation of the Low Rail Spur and the construction and maintenance of the fire buffer zone will irreversibly impair the wilderness character of the North Cedar Mountain roadless area, including its benches.

7. If constructed pursuant to the license amendment, the Low Rail Spur will significantly intrude into the North Cedar Mountain roadless area so that it will no longer be an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of [human] work substantially unnoticeable; . . ." Wilderness Act, 16 U.S.C.A. § 1131(c)(1). In addition, the operation of the rail spur will significantly intrude upon the area's currently "outstanding opportunities for solitude. . . ." *Id.*, § 1131(c)(2). Finally, the construction and

operation of the rail spur will have adverse impacts on the area's wildlife and plant life, values which are essential to the ecological health of the area. Id., § 1131(c)(4).

8. Although the proposed rail spur will be constructed on the bench of the area, its impacts will intrude well into the North Cedar Mountain roadless area and will harm the wilderness character of a large portion of the area. Impacts to recreational values, scenic values, ecosystem values and opportunities for solitude will be felt on the lands (within the North Cedar Mountains roadless area) immediately impacted by the proposed rail spur and will be felt within a large portion of the area, not just the smaller section over which the rail spur will traverse. This is because these impacts are not confined to the smaller area, but have far reaching effects.

9. An alternative alignment to the proposed rail spur that avoided the North Cedar Mountains roadless area, exhibit "2", and/or ran two miles to the east of the current alignment (avoiding sensitive wetlands, etc.) would have less impact on the wilderness character of the North Cedar Mountain roadless area as identified by exhibit "2" attached to SUWA's petition to intervene..

10. Members of SUWA frequently visit, use and enjoy the natural resources of the North Cedar Mountain roadless area, including its benches and including the section of this area that will be traversed by the proposed rail spur, for many health, recreational, scientific, spiritual, educational, aesthetic, and other purposes and will do so frequently in the future. Sometimes SUWA members visit these areas for days at a time or several times within a relatively short period of time and develop an ongoing and deep bond with the land and its wilderness character which they hope to cultivate in the future. SUWA members frequently enjoy and will, in the

future, with some frequency, enjoy hiking, camping, birdwatching, study, contemplation, solitude, photography, and other activities in and around the North Cedar Mountains roadless area including the exact tract of land — the bench of the North Cedar Mountains -- over which the proposed rail spur will traverse. SUWA and its members also participate in information gathering and dissemination, education and public outreach, commenting upon proposed government actions, and other activities relating to the management of and impacts on BLM lands, including the North Cedar Mountains and benches (including the exact tract of land over which the rail spur will travel) and other public lands and resources in the area managed by the BLM. These health, recreational, scientific, spiritual, educational, aesthetic, informational, and other interests will be directly affected and irreparably harmed by a decision to allow construction and operation of the Low Rail Spur and by other agency actions which may impact the North Cedar Mountains, including the exact tract of land — the bench of the North Cedar Mountains -- over which the proposed rail spur will traverse.

11. I have a personal interest in and have frequently visited, used and enjoyed the natural resources of the North Cedar Mountains and benches, including the section of this area that will be traversed by the proposed rail spur, for many health, recreational, scientific, spiritual, educational, aesthetic, and other purposes and will do so frequently in the future. I have visited these areas, including the exact tract of land within the North Cedar Mountains area that will be traversed by the proposed rail spur, and have developed an ongoing and deep bond with the land and its wilderness character which I will continue to cultivate in the future. I frequently enjoyed and will, in the future with some frequency, enjoy hiking, camping, birdwatching, study,

contemplation, solitude, photography, and other activities in and around the North Cedar Mountains roadless area, including the exact tract of land — the bench of the North Cedar Mountains -- over which the proposed rail spur will traverse. I will be personally harmed and my health, recreational, scientific, spiritual, educational, aesthetic, informational, and other interests will be directly affected and irreparably harmed by a decision to allow construction and operation of the Low Rail Spur and by other agency actions which may impact the North Cedar Mountains, including the exact tract of land — the bench of the North Cedar Mountains -- over which the proposed rail spur will traverse.

12. The North Cedar Mountains, including the exact tract — the bench area over which the rail spur will traverse will be harmed if the proposed rail spur is constructed and operated. The area will become developed and I will be unable to enjoy its relatively primitive nature. I will be able to feel the presence and hear the noise of the construction and operation of the proposed project well within the North Cedar Mountains roadless area and this will harm me, particularly when I spend long periods of time there. In addition, the construction and operation of the Low Rail Spur will threaten the ecological values of the North Cedar Mountains. If these values are harmed, I too will be harmed.

13. In determining the boundaries of North Cedar Mountain roadless area, the technical review team considered: 1) the need to preserve large roadless and relatively primitive areas to preserve biodiversity; 2) the need to prevent habitat fragmentation; 3) the need to take an ecosystem approach to land management; 4) the need to include, within large undeveloped areas, a gradient of elevations in order to protect biodiversity; and, 5) the importance of protecting the

bench areas or foothills in a basin and range to preserve biodiversity, access from basin to range and habitat for animals and plants that depend upon this transitional zone. For these and other reasons, we identified and included the benches of the area within the North Cedar Mountains roadless area.

14. If the proposed rail spur is constructed and operated on the benches of the North Cedar Mountains, these biodiversity values and goals will be harmed. I also will be harmed because I enjoy visiting the various elevation gradients and viewing the diversity of plants and animals that depend upon them. SUWA also will be harmed because the goals of the organization — protecting large tracts of land from development in order to meet these biodiversity principles — will be harmed.

15. I authorize SUWA to represent me in this proceeding (the matter of Private Fuel Storage, LLC before the Atomic Safety and Licensing Board) and otherwise act in this proceeding on my behalf.

I DECLARE, under penalty of perjury, that the foregoing is true and correct.

Executed on this December 9, 1998


JIM CATLIN