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**Office of the County Manager
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June 12, 2023

The Honorable Mark Amodei
U.S. House Representatives
104 Cannon House Office Building
Washington, DC 20515

Subject: Nye County Letter of Support for H.R. 3883 and H. Res. 478

Dear Congressman Amodei:

On behalf of Nye County, I am writing to express our strong support for H.R. 3883 and H. Res. 478 and to thank you for your leadership in this effort. Both these measures support the termination of the Bureau of Land Management's Public Land Order No. 7921 which withdrew over 22,000 acres of land in Nye County in the Railroad Valley at the request of NASA. Our opposition is based on three facts. First, the Public Land Order was issued despite the failure of NASA to allow Nye County to participate in the proceeding as a Cooperating Agency. Second, the Public Land Order eliminates the ability for the county and the private sector to develop new mineral resources—minerals that are critical to the nation's renewable energy future. Third, the withdrawal is unnecessary. NASA has operated for decades in the Railroad Valley. There is no evidence that anything has changed that requires NASA to now withdraw the land. Together, these points make an overwhelming case to pass both H. Res. 478 and H.R. 3883 to disapprove of Public Land Order No. 7921. I will discuss each of these points in more detail below.

1. NASA refused to allow Nye County to participate in the NEPA process as a Cooperation Agency.

There is a long-time precedent for Nevada local governments to participate in federal actions that would significantly impact the lands under their jurisdiction. Nye County formally requested to become a cooperating agency in a letter dated July 20, 2021. Quite frankly we expected the request to be granted quickly, given that NASA has been operating in Railroad Valley for decades with the cooperation and support of the county. As a cooperating agency, Nye County would have had access to all the relevant information developed for the withdrawal. More importantly, the county would have helped assess the mineral potential in Railroad Valley. NASA denied the request made in the letter and again denied the county's subsequent requests made in public meetings. Even more disturbing, NASA also denied the request made by Congressmen Amodei and Horsford and Senators Rosen and Cortez Masto. There was simply no need for NASA to run roughshod over the county and its Congressional representatives. The request made by the county to be a cooperating

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agency was a very reasonable request, and its denial was patently unreasonable. It also severely damaged the working relationship between NASA and the county.

2. Public Land Order No. 7921 ends the opportunity for the county and the private sector to develop new mineral resources.

Public Land Order No. 7921 is subject to existing valid mining rights; however, the PLO also eliminates the ability to develop new mineral resources. A Bureau of Land Management (BLM) study released in May 2022 identified the potential existence of three highly critical minerals in the Railroad Valley. They are barite, lithium, and magnesium. The demand for these minerals is exploding as they are essential to the growth of the renewable energy sectors. Specifically, lithium is used in the production of batteries for electronic vehicles. The US does not produce nearly enough lithium to meet its needs. The country cannot afford to take a very promising source of minerals off the table.

3. Public Land Order No. 7921 is unnecessary.

Nye County was surprised when NASA applied for the withdrawal. NASA has been operating successfully in Railroad Valley for decades. Due to the topography and geology of Railroad Valley, NASA has used the land to calibrate its satellites. To the best of our knowledge, there has never been a problem. The county always supported NASA in its operations. As part of the withdrawal process, the county asked NASA on several occasions what had changed that required a massive land withdrawal at this time. It never got an answer. However, to reassure NASA that the county wanted to support it, the county offered to enact zoning legislation to minimize any impacts on NASA of any future mineral development. The county has always been a good partner of NASA. NASA failed to make the case that it needed the withdrawal was needed.

Withdrawing 22,684 acres is not a minor action on the part of the federal government. Before it is done, it is essential that the local governments and communities be involved in the process so that they can protect the interests of their residents. NASA failed to do this, and the BLM's approval of the request was also improper. For that reason, we strongly support both H. Res. 478 and H.R. 3883.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Sutton", is written over a horizontal line.

Tim Sutton
Nye County Manager

TS/jr