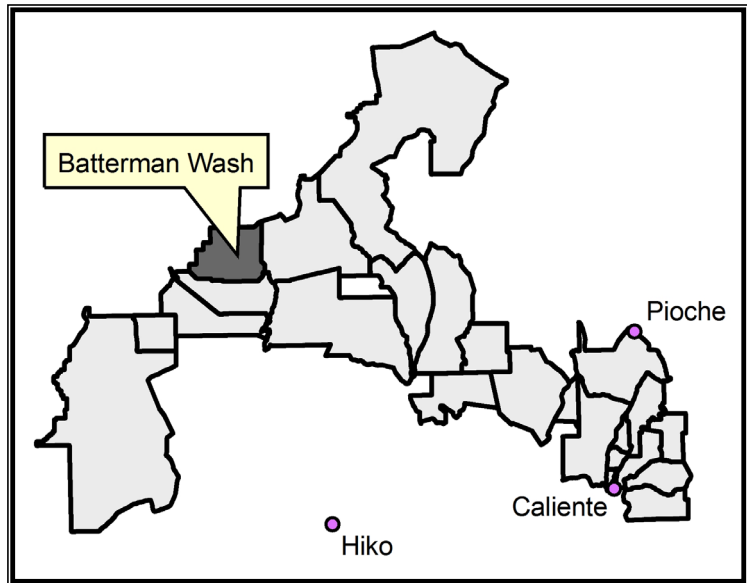


15.0 BATTERMAN WASH ALLOTMENT

Permittee: Gracian Uhalde
Contact: Gracian Uhalde
City/State: Ely, Nevada

Base Property: Land



15.1 ALLOTMENT DESCRIPTION

The Batterman Wash Allotment is located in north Garden Valley bound on the west by the Quinn Canyon Range and on the east by the Golden Gate Range. The Batterman Wash Allotment is one of a complex of six held by the Permittee within a 30 square mile area. The analysis of this allotment will include discussion of the entire complex.

The Cherry Creek Ranch is located on the west end of the Batterman Wash Allotment extending west along Cherry Creek into the national forest. The Ranch serves as the headquarters for the six-allotment complex and the hub for the entire operation including the trailing, trucking and water hauling.

Gracian Uhalde did not discuss on-site mitigation with the interview team, as he felt there were no mitigation actions that would compensate for the damage caused by the proposed rail alignment. However, Mr. Uhalde did propose an alternate route that would follow Highway 93 from Caliente west to Highway 375, and then across the Nevada Test and Training Range to Yucca Mountain. The alternate route would avoid most of the disruption to the 32 grazing allotments, and all of the associated private property rights.

Note: An impact and mitigation tally was derived by RCI similar to other allotments in order to avoid a gap in the data.

Table 15.1: Batterman Wash Allotment Details

ALLOTMENT ACRES		GRAZING PERMIT					
Public	Private	Number/Type of Livestock		Season of Use	AUMs		
					Total	Active	Suspended
41,035	440	Uhalde	887 Sheep	12/01 – 04/15	793	793	0
		Uhalde	243 Cattle	11/15 – 03/31	1,095	1,095	0
		Uhalde	80 Cattle	04/01 – 06/15	200	200	0

Table 15.2: Peripheral Uhalde Held Allotment Details

Allotment Name	GRAZING PERMIT			
	Number/Type of Livestock	Season of Use	Total AUMs	
Worthington Mt.	Uhalde	3,200 Sheep	12/15 – 04/10	2,462
	Uhalde	659 Cattle	01/13 – 05/31	3,176
West Timber Mt.	Uhalde	822 Sheep	12/01 – 04/15	736
South Coal Valley	Uhalde	1,517 Sheep	12/01 – 04/15	1,357
Black Bluff	Uhalde	293 Sheep	12/01 – 04/15	262
Murphy Gap	Uhalde	735 Sheep	12/01 – 04/15	657
			Total	10,738

15.1.1 Grazing System

Sheep utilize this allotment during the winter months, and are herded throughout the entire area. The sheep are moved further north for the spring, summer and fall grazing seasons. Cattle utilize this allotment during the winter and spring. Cattle are distributed throughout the allotment using established water sources, water hauling and seasonal precipitation. Some cattle are moved north for summer and fall grazing while others summer in the nearby National Forest or private property.

15.1.2 Stockwaters and Water Rights

Stockwaters within the allotment are comprised of a mix of wells, troughs, tanks and ponds. Creeks and sloughs also serve as an important component of the stockwater on the allotment. The stockwaters are all vested, certified, or permitted under Nevada State Water Law, and they are considered private property rights.

15.1.3 Existing Fencing

The southern boundary of the allotment is fenced. No other impacted segments of the allotment have boundary fencing or interior pasture fencing.

15.2 PROPOSED RAILROAD ALIGNMENT – DOE PROPOSED ROUTE GARDEN VALLEY ALTERNATIVE 3

The DOE Proposed Garden Valley Alternative 3 would enter the allotment from the east running west for a short length before turning southwesterly, and exit the allotment to the south. The alignment would cut directly across the middle of the southern portion of the allotment.

Rail Length Within Allotment: 9.42 miles
1,000' Construction Right-of-Way Area: 1,142 acres

15.2.1 Fencing Preference for Proposed Rail Alignment

The Permittee has declined to declare a fencing preference. As such, the following analysis will be conducted as if there were no fence.

15.2.2 Impacts and Mitigation

15.2.2.1 Base Property

No direct impacts to the base property are anticipated; see Section 15.2.2.8 for other impacts.

15.2.2.2 Grazing System

Because the six-allotment complex is so integrated, with sheep and cattle trailing routes, trucking routes, and water hauling routes the impacts are as great or greater on the other five associated allotments (See Figure 15.2). Gracian Uhalde is adamant that there is no possible onsite mitigation that can keep the grazing operation in business. Therefore he has discusses impacts, but has declined to discuss mitigation options.

The proposed alignment would have a profound impact on livestock trailing, hauling, and water hauling. Trailing and semi truck hauling operations would have to cross the proposed alignment within the Batterman Wash Allotment as well as the Cottonwood Allotment when moving livestock north-south and east-west to and from the Batterman Wash Allotment. Water hauling semis would have to cross the proposed alignment within the Batterman Wash Allotment when traveling east-west from the water source at the Cherry Creek Ranch to various water hauls within Batterman Wash as well as other allotments to the east.

15.2.2.3 Existing Fence and Capital Improvements

The proposed alignment would cross the allotment fence on the southern boundary.

15.2.2.4 Stockwaters and Associated Infrastructure

The proposed alignment would be within 4-miles of one well, and four ponds. In addition, the proposed rail would cross the slough, Cherry Creek, and Sand Creek.

15.2.2.5 Road and Trails

The proposed alignment would cross two roads and two trail. The roads are critical for stock and water hauling as discussed in Section 15.3.2.2.

15.2.2.6 Vegetation and Forage

A permanent loss of forage would occur within the railway footprint. Other concerns include the temporary loss of forage due to construction activities and railway operations. There is also the potential for long-term loss of desirable forage within disturbed areas due to difficulty of rehabilitation, establishment of noxious or invasive weeds, and fires resulting from railway operations. Any or all of these issues could cause a reduction in AUMs.

15.2.2.7 Loss of Livestock

The proposed rail would pose a threat to livestock while grazing within Batterman Wash, and during trailing.

15.2.2.8 Other Impacts and Mitigations

The proposed alignment would create an intangible loss of solitude, tranquility, and visual resources. There would also be impacts to valuable private property rights including land at the Cherry Creek Ranch, and water rights throughout the allotment. Gracian Uhalde, like his father and grandfather before him, has spent his life building and developing the Cherry Creek Ranch Grazing Complex for his four sons. Three of the sons are in their twenties, living on and working the ranch, and one is still in college. They believe the proposed alignment would destroy the livestock operation, and their dream and put them out of business.

Pursuant to his review of the draft report, Mr. Uhalde submitted an “Open Letter to DOE Officials” with the request that the letter with three attachments be included in the analysis of the Batterman Wash Allotment. As requested, the letter and attachments follow.

15.3 PROPOSED RAILROAD ALIGNMENT – DOE PROPOSED ROUTE GARDEN VALLEY ALTERNATIVE 1

The DOE Proposed Garden Valley Alternative 1 would enter the allotment from the east running southwesterly, and exit the allotment to the south. The alignment would isolate the southeast corner from the bulk of the allotment.

Rail Length Within Allotment: 5.42 miles
1,000' Construction Right-of-Way Area: 657 acres

15.3.1 Fencing Preference for Proposed Rail Alignment

The Permittee has declined to declare a fencing preference. As such, the following analysis will be conducted as if there were no fence.

15.3.2 Impacts and Mitigation

15.3.2.1 Base Property

No direct impacts to the base property are anticipated; see Section 15.2.2.8 for other impacts.

15.3.2.2 Grazing System

See Section 15.2.2.2.

15.3.2.3 Existing Fence and Capital Improvements

See Section 15.2.2.2.

15.3.2.4 Stockwaters and Associated Infrastructure

The proposed alignment would be within 4-miles of one well, and two ponds. One of the ponds, Slough Pond, would likely be within the proposed right-of-way (ROW). In addition, the proposed rail would cross the slough, Cherry Creek, and Sand Creek.

15.3.2.5 Road and Trails

The proposed alignment would cross one road and one trail. The road is critical for stock and water hauling as discussed in Section 15.3.2.2.

15.3.2.6 Vegetation and Forage

A permanent loss of forage would occur within the railway footprint. Other concerns include the temporary loss of forage due to construction activities and railway operations. There is also the potential for long-term loss of desirable forage within disturbed areas due to difficulty of rehabilitation, establishment of noxious or invasive weeds, and fires resulting from railway operations. Any or all of these issues could cause a reduction in AUMs.

15.3.2.7 Loss of Livestock

See Section 15.2.2.7.

15.3.2.8 Other Impacts and Mitigations

See Section 15.2.2.8.

**15.4 PROPOSED RAILROAD ALIGNMENT – DOE PROPOSED ROUTE GARDEN VALLEY
ALTERNATIVES 2 AND 8**

The DOE Proposed Garden Valley Alternatives 2 and 8 would not enter the Batterman Wash Allotment; however, it would have profound effects on the overall grazing operations of the 6-allotment complex.

Rail Length Within Allotment: 0 miles
1,000' Construction Right-of-Way Area: 0 acres

15.4.1 Fencing Preference for Proposed Rail Alignment

The Permittee has declined to declare a fencing preference. As such, the following analysis will be conducted as if there were no fence.

15.4.2 Impacts and Mitigation

15.4.2.1 Base Property

No direct impacts to the base property would be anticipated, see Section 15.2.2.8 for other impacts.

15.4.2.2 Grazing System

See Section 15.2.2.2.

15.4.2.3 Existing Fence and Capital Improvements

No direct impacts would be anticipated within the Batterman Wash Allotment.

15.4.2.4 Stockwaters and Associated Infrastructure

No direct impacts would be anticipated within the Batterman Wash Allotment.

15.4.2.5 Road and Trails

No direct impacts would be anticipated within the Batterman Wash Allotment.

15.4.2.6 Vegetation and Forage

No direct impacts would be anticipated within the Batterman Wash Allotment.

15.4.2.7 Loss of Livestock

No direct impacts would be anticipated within the Batterman Wash Allotment.

15.4.2.8 Other Impacts and Mitigations

Profound impacts would be expected on the overall Uhalde livestock operation due to impacts on ranch operations, particularly within Water Gap. The Water Gap is a highly congested focal point in the community with many uses and much traffic converging in one narrow gap in the mountain range. Cherry Creek drains through the gap. Several ranchers trail their livestock through the gap. Livestock hauling trucks and water hauling trucks use this area frequently. There is a constant stream of automobile and pickup truck traffic by hunters, recreationists, sightseers,

ranchers, and government agencies. There is also an allotment boundary fence in Water Gap. The existing used conditions would make it extremely difficult to design a railroad passage while still allowing for all of the other uses. An alignment through Water Gap would affect livestock trailing and hauling, as well as water hauling operations that frequently use the Gap.

Table 15.3: Batterman Wash Allotment Impacted Features

Impacted Features	DOE Proposed Route - Garden Valley Alt. 3	DOE Proposed Route Garden Valley Alt. 1	DOE Proposed Route Garden Valley Alt. 2 & 8	Lincoln County Cottontail Pass Alternative
Base Property (land)	0	0	0	0
Base Property (water within 4 miles)	0	0	0	0
Base Property (water within 1 mile)	0	0	0	0
Base Property (pipeline crossings)	0	0	0	0
Existing Fencing (ea)	1	1	0	0
Capital Improvements	0	0	0	0
Stockwaters within 4 miles	5	3	0	0
Stockwaters within 1 mile	4	4	0	0
Creeks (ea)	3	3	0	0
Pipelines (ea)	0	0	0	0
Roads (ea)	2	1	0	0
Trails (ea)	2	1	0	0
ROW Acreage	1,142	657	-	-
Other: Water Haul Crossing	1	1	1	1
Other: Livestock Trailing	2	2	2	2
Other: Livestock Hauling	2	2	2	2
Other: Water Gap	0	0	1	0

Note: An impact and mitigation tally was derived by RCI similar to other allotments in order to avoid a gap in the data.

Table 15.4: Batterman Wash Allotment Mitigation Summary

Proposed Mitigation Units	DOE Proposed Route - Garden Valley Alt. 3	DOE Proposed Route - Garden Valley Alt. 1	DOE Proposed Route Garden Valley Alt. 2 & 8	Lincoln County Cottontail Pass Alternative
Fence Construction (miles)	0	0	0	0
Fence Removal	0	0	0	0
Gates (ea)	1	1	0	0
Railroad Cattleguards (ea)	1	1	0	0
Road Cattleguards (ea)	1	1	0	0
Grazing Management Plan	1	1	1	1
Corral Relocation	0	0	0	0
Chute Relocation	0	0	0	0
Wells (ea)	0	0	0	0
Troughs (ea)	0	0	0	0
Springs (ea)	0	0	0	0
Creek Crossings (ea)	3	3	0	0
Unspecified Stockwaters (ea)	1	1	0	0
Pipeline Crossings (ea)	0	0	0	0
Pipeline Construction (miles)	0	0	0	0
Road Crossings (ea)	2	1	0	0
Trail Crossings (ea)	2	2	0	0
Sheep Crossings (ea)	3	6	0	0
Cattle Crossings (ea)	0	0	0	0
Underpasses (ea)	0	0	0	0

Note: In order to avoid a gap in data, RCI estimated the mitigation units.

Figure 15.1: Batterman Wash Allotment

INSERT 11X17 FIGURE
15.1 Batterman Wash.pdf

Figure 15.2: Uhalde Operation Allotment Complex

INSERT 11X17 FIGURE
15.2 Uhalde.pdf