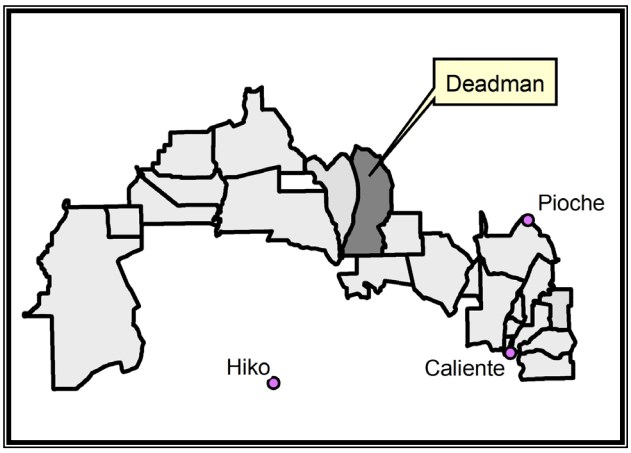
10.0 DEADMAN USE AREA – WILSON CREEK ALLOTMENT

Permittee: Blue Diamond Oil Corporation
Contact: Gary Sprouse
City/State: Ely, Nevada

Permittee: Southern Nevada Water Authority
Contact: Joe Guild
City/State: Ely, Nevada

Base Property: Land



10.1 ALLOTMENT DESCRIPTION

The Deadman Use Area is part of the larger Wilson Creek Allotment. The area is located east of State Route 318, approximately 28 miles north of Hiko. The eastern boundary is the ridge top of the North Pahroc Range with the western boundary being the White River Valley along SR 318.

Table 10.1: Deadman Use Area – Wilson Creek Allotment Details

ALLOTMENT ACRES		GRAZING PERMIT					
Public	Private	Number/Type of Livestock		Season of Use	AUMs		
					Total	Active	Suspended
42,373	0	Blue Diamond Oil Co	106 Cattle	03/01 – 03/31 01/01 – 02/28	314	314	823
		Blue Diamond Oil Co	1,391 Sheep	03/01 – 04/10 11/01 – 02/28	1,473	1,473	
		SNWA	879 Sheep	12/01 – 02/15	445	445	0

10.1.1 Grazing System

Blue Diamond Oil Company is permitted for winter and spring use with cattle and sheep, while El Tejon Cattle Company is permitted for winter use with sheep. Sheep are herded throughout the use area. Both cattle and sheep use is regulated by water distribution.

10.1.2 Stockwaters and Water Rights

Water hauling is the primary means of stockwater in this area. Water is piped from a spring on the east slope of Timber Mountain on the west side of State Route 318, and piped under the highway to a storage tank within the use area (Map Reference 1). Water is hauled from the tank to various ponds and troughs throughout the unit. Several springs on the eastern boundary of the allotment are also used for stockwater. Seasonal runoff is also used in the area by a series of collector ponds and reservoirs. Both Deadman Spring (Map Reference 2) and Black Rock Spring (Map Reference 3), located on the common boundary with the Thorley Use Area, are also used for stockwater.

10.1.3 Existing Fencing

The only fencing in or around the Deadman Use Area is along State Route 318. The right-of-way (ROW) of the highway is fenced, but no other portions of the allotment are.

10.2 PROPOSED RAILROAD ALIGNMENT – DOE PROPOSED ROUTE

The DOE proposed alignment would enter the Deadman Use Area from the east, and travel north by northwest across the allotment exiting the western edge of the area as it crosses State Route 318.

Rail Length Within Allotment: 8.47 miles
1,000' Construction Right-of-Way Area: 1,027 acres

10.2.1 Fencing Preference for Proposed Rail Alignment

Both Permittees prefer the rail be fenced.

10.2.2 Impacts and Mitigation

10.2.2.1 Base Property

No impacts to the base property are anticipated.

10.2.2.2 Grazing System

The allotment does not have any interior pasture fences. Livestock distribution is regulated through the distribution of water or by herding. The proposed alignment would cut the allotment in two segments and restrict free movement of both cattle and sheep. It would also create a narrow strip of land (0.25-0.5 miles wide) between the rail and State Route 318 (Map Reference 4). This would greatly disturb grazing patterns within a critical forage area.

In order to maintain grazing access at least six sheep crossings would have to be installed. The Permittees prefer underpasses, as long as they are constructed in such a manner as to allow sheep use. If underpasses are not an option, they would require 100' wide earthen ramps over the tracks with approaches not to exceed twelve percent grades, space at 1-mile intervals. The Permittees request their participation in determining the location of the crossings. Due to the level of changes within the allotment and the alteration of the current grazing system, a new grazing management plan may need to be developed.

10.2.2.3 Existing Fence and Capital Improvements

The proposed alignment would cross the highway ROW fence on the west side of the allotment.

The integrity of the highway ROW fence would have to be maintained. This would include an in-rail cattleguard, a roadway cattleguard, and a gate.

10.2.2.4 Stockwaters and Associated Infrastructure

The proposed alignment would pass within a mile of Deadman Spring, and even closer to Black Rock Spring. The alignment also passes very near an existing water haul pond located immediately east of State Route 318.

All stockwaters located within a mile of the proposed alignment would need to be relocated. In the case of the springs this would likely entail development, piping and locating a new trough. Any mitigations measures would need to be conducted with input from the Permittee, and BLM.

10.2.2.5 Road and Trails

The proposed alignment would cross one county road and three dirt roads that serve as access ways for the allotment.

All road crossings will need to be equipped with approach ramps that do not exceed six percent, and allow passage of water trucks and ranch equipment. Each crossing will require a cattleguard and gate on either side of the track for a total of six of each.

10.2.2.6 Vegetation and Forage

A permanent loss of forage would occur within the railway footprint as well as within the fenced ROW. 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. The areas within the White River Valley are extremely critical feed areas because of the white sage found in these areas.

Mitigation must include compensation for lost AUMs due to construction and/or operation of the railway. This includes deferred or suspend AUMs resulting from wildland fires caused by railway operations. Disturbed areas should be kept to a minimum, successfully revegetated to a predetermined condition, and managed for noxious weeds. It should be the responsibility of the rail operator to control noxious or invasive weed infestations for the life of the rail.

10.2.2.7 Loss of Livestock

The Permittees expressed concern over the potential loss of livestock due to train collision, even with a fenced ROW.

The Permittee should be reimbursed for any loss of livestock due to railway operations. It shall be the responsibility of the railway operator to maintain all ROW fencing and associated structures.

10.2.2.8 Other Impacts and Mitigations

Both Permittees feel that an alignment that runs as near as possible to State Route 318 would be preferred. This would still result in lost forage, but would disrupt the overall grazing system less by preventing the isolation of strips of key forage. Overall impacts and mitigation required for an alternate alignment of this nature would be similar to the DOE proposed route, but would have less impact from an operational standpoint.

Table 10.2: Deadman Use Area – Wilson Creek Allotment Impacted Features

Impacted Features	DOE Proposed Route	Mitigatory Route
Base Property (land)	0	0
Base Property (water within 4 miles)	0	0
Base Property (water within 1 mile)	0	0
Base Property (pipeline crossings)	0	0
Existing Fencing (ea)	1	1
Capital Improvements	0	0
Stockwaters within 4 miles	5	5
Stockwaters within 1 mile	4	4
Creeks (ea)	0	0
Pipelines (ea)	0	0
Roads (ea)	1	1
Trails (ea)	3	3
ROW Acreage	1,027	0

Table 10.3: Deadman Use Area – Wilson Creek Allotment Mitigation Summary

Proposed Mitigation Units	DOE Proposed Route	Mitigatory Route
Fence Construction (miles)	17	0
Fence Removal	0	0
Gates (ea)	21	18
Railroad Cattleguards (ea)	1	1
Road Cattleguards (ea)	15	7
Grazing Management Plan	1	1
Corral Relocation	0	0
Chute Relocation	0	0
Wells (ea)	0	0
Troughs (ea)	0	0
Springs (ea)	0	0
Creek Crossings (ea)	0	0
Unspecified Stockwaters (ea)	3	3
Pipeline Crossings (ea)	0	0
Pipeline Construction (miles)	1.5	1.5
Road Crossings (ea)	3	3
Trail Crossings (ea)	1	1
Sheep Crossings (ea)	0	0
Cattle Crossings (ea)	0	0
Underpasses (ea)	6	4

Figure 10.1: Deadman Use Area – Wilson Creek Allotment

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10.1 Deadman.pdf