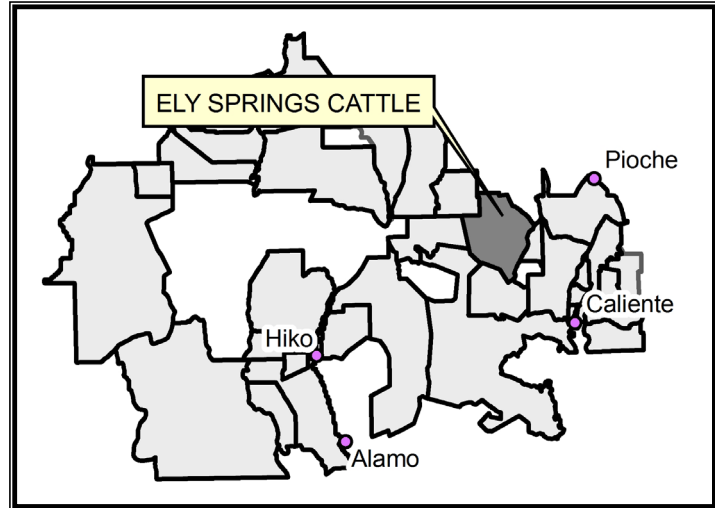


7.0 ELY SPRINGS CATTLE ALLOTMENT

Permittee: Laird Whipple
Contact: Laird Whipple
City/State: Panaca, Nevada

Base Property: Water - Ely Spring



7.1 ALLOTMENT DESCRIPTION

The Ely Springs Allotment is located on the east side of Dry Lake Valley, approximately 14 miles west of Panaca. It encompasses the northern portion of the Burnt Springs Range, and is bound to the east by the Black Canyon Range and to the north by the Ely Springs Range. Ely Springs proper is situated in the north-central portion of the allotment.

Table 7.1: Ely Springs Cattle Allotment Details

ALLOTMENT ACRES		GRAZING PERMIT					
Public	Private	Number/Type of Livestock		Season of Use	AUMs		
					Total	Active	Suspended
57,240	606	Whipple	354 Cattle	03/01 – 02/28	4,848	4,248	600

7.1.1 Grazing System

Grazing in this allotment is year-round. A four pasture rotational system has been established to provide rest to forage species in given pastures at specific parts of the year. Two smaller holding pastures are also situated in the northern portion of the allotment. All pastures are completely enclosed either by fencing or a combination of fencing and geographical barriers.

The Permittee also holds a grazing permit on the adjacent Ely Springs Sheep Allotment for 259 cattle and 1,805 AUMs, 600 of which are currently suspended. A recently completed grazing management plan has combined the Ely Springs Cattle and Sheep Allotments, allowing for an expanded rotational grazing system.

7.1.2 Stockwaters and Water Rights

The allotment is watered by a system of pipelines and stockwater tanks. All water for this system originates at the base property for this allotment, Ely Springs. All water rights are certified, and commingled. This means that the delivery point of the water can be changed. There are also several dirt ponds located within the allotment. Coyote Wash runs parallel to the west side of the allotment and fills two of these ponds.

7.1.3 Existing Fencing

The allotment is entirely fenced with several exceptions on the eastern boundary. The unfenced portions of the Burnt Springs Range, "The Bluffs" and the Black Canyon Range are inaccessible by cattle due to steep topography.

7.2 PROPOSED RAILROAD ALIGNMENT – DOE PROPOSED ROUTE

This allotment would be impacted by both the Department of Energy proposed route and the Lincoln County Short Route. The impacts and requested mitigation for the Lincoln County Short Route can be found in Chapter 25. The DOE proposed route runs across the entire length of the Ely Springs Cattle Allotment. The route cuts across the center of the allotment from the middle of the eastern boundary to the northeastern corner of the allotment.

Rail Length Within Allotment: 11.46 miles
1,000' Construction Right-of-Way Area: 1,389 acres

7.2.1 Fencing Preference for Proposed Rail Alignment

The Permittee is opposed to fencing the rail as long as train speeds are kept under 40 mph. If train speeds were to exceed 40 mph the Permittee would like to complete a new evaluation.

7.2.2 Impacts and Mitigation

7.2.2.1 Base Property

Although Ely Springs itself would not be directly impacted by the propose line, the water delivery system from the base property would be disturbed. A system of existing pipelines delivers water from Ely Springs to the southern portion of the allotment. Water rights from the spring are certified and commingled, so moving the point of delivery in the future could be greatly impacted for the southern portion of the allotment.

Mitigation needs to include continuation of water delivery during construction and following installation of the rail. A protective conduit for all pipelines needs to be provided, and a maintenance agreement established. A protocol for having to cross the rail for future changes in point of delivery would also have to be established.

7.2.2.2 Grazing System

The proposed alignment would cross three of the four established pastures. In each of these three cases the rail would subdivide the pastures, and Section off several very small portions of those pastures. The rail would also hamper free movement of cattle within each of the pastures, and alter cattle behavior. This would result in the need for additional manpower in order to condition cattle for several years until they become accustomed to the rail.

As mitigation, the Permittee would request eleven cattle crossings consisting of earthen ramps with approaches not to exceed 25 percent grade. The Permittee would like to participate in determining the locations of the cattle crossings after the centerline of the right-of-way (ROW) is staked. The alterations to the allotment would also likely require revisions to the recently completed BLM Grazing Management Plan.

7.2.2.3 Existing Fence and Capital Improvements

The proposed alignment would cross a fence upon entering and exiting the allotment. In addition, two interior pasture fences would be crossed.

Mitigation for fence crossings would require two in-rail cattleguards at either end of the allotment as well as two in-rail cattleguards at the interior pasture fences. Roadway cattleguards and gates would also be required in these four locations as well as gates (the eastern boundary fence impacts and mitigations have already been tabulated in the Black Canyon Allotment Analysis).

7.2.2.4 Stockwaters and Associated Infrastructure

Pipelines originating at Ely Springs provide water distribution to the allotment. The proposed alignment would cross these existing pipelines in five different locations. The proposed alignment would also cross three different sub-drainages of the Coyote Wash, which is used as a source of stockwater. The proposed alignment would pass within 4 miles of eleven different stockwater sources with Pastures 1, 2, and 4. Those stockwaters within Pasture 3 were disregarded as they are on the opposite side of an allotment fence. Of the eleven stockwaters within 4 miles in Pastures 1, 2, and 4 seven are would be within one mile of the proposed alignment.

In order to mitigate these impacts, all existing pipes should be encased in large diameter steel or RCP pipes at crossing locations. Culverts should be installed in the three sub-drainages of the Coyote Wash (Map Reference 1), and sized appropriately to pass peak flows. It is imperative that water delivery from the existing pipelines and Coyote Wash is not interrupted during construction or operation of the rail. Due to the pasture arrangement it would be difficult or impractical to move all 7 stockwaters within 1 mile of the proposed rail. However, the Permittee requests at least 3 new troughs be installed and connected to the existing pipeline network. This would require approximately 1.5 miles of pipeline.

7.2.2.5 Road and Trails

The proposed alignment crosses a County Road in three locations, and parallels it for one stretch. The alignment would also cross three trails.

The County Road will require three road crossings with approaches not to exceed six percent grade, the road would also have to be realigned for about 1.5 miles. The trail crossings will require crossings as well with approaches not to exceed twelve percent.

7.2.2.6 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.

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. Inside the 1,834 acres of ROW, there will be a permanent displacement of forage

from the railroad pad, service road, road crossings, and cattle crossings. There will also be a loss of forage caused by construction activities, which may be temporary if the area can be, and is, rehabilitated and reseeded. Outside the ROW, there will be forage depletion from road construction, staging areas, material borrow areas, worker camps, and other construction related activities that will be partially permanent, and partially temporary to the extent the areas can be, and are, rehabilitated and reseeded. The loss of forage could result in a BLM Grazing Permit reduction.

7.2.2.7 Loss of Livestock

The proposed alignment would pose a risk of livestock death due to train collisions.

The Permittee should be reimbursed for any loss of livestock due to railway operations.

7.2.2.8 Other Impacts and Mitigations

Currently a fiber optics line runs across the allotment. The Permittee expressed concern over the potential impacts or damage to the line during construction of the rail.

The Permittee proposed two mitigatory route options that would reduce the overall impacts to the current cattle management system. The routes are labeled A1 and A2 on the attached map. Route A1 would enter the allotment from the Black Canyon Allotment about 2.25 miles north of the proposed DOE route. After entering the allotment the alignment would travel north and adjacent to an existing road following the eastern edge of, and then curving around the north tip of "The Bluffs". The alignment would then break south to the pasture fence that separates the northern two pastures from the southern two pastures. It would follow the pasture fence to the western portion of the allotment before breaking north to meet up with the proposed DOE alignment. The A1 alignment would result in a change in alignment within the Black Canyon Allotment. Route A2 would enter the allotment approximately 0.25 miles north of the proposed DOE alignment, trending north along the western toe of "The Bluffs" until it reaches the east-west pasture fence that it would follow east across the allotment before breaking north the re-join the DOE proposed alignment. Impacts and mitigation alternative for the mitigatory routes would be very similar to those discussed for the DOE proposed alignment. As such, they are not discussed, but rather simply summarized in the following tables.

Table 7.2: Ely Springs Cattle Allotment Impacted Features

Impacted Features	DOE Proposed Route	Proposed Mitigatory Route A1	Proposed Mitigatory Route A2
Base Property (land)	0	0	0
Base Property (water within 4 miles)	11	11	11
Base Property (water within 1 mile)	7	7	7
Base Property (pipeline crossings)	5	5	5
Existing Fencing (ea)	3	2	3
Capital Improvements	0	1	1
Stockwaters within 4 miles	12	12	12
Stockwaters within 1 mile	7	6	6
Creeks (ea)	3	2	2
Pipelines (ea)	5	4	4
Roads (ea)	3	3	3
Trails (ea)	3	4	4
ROW Acreage	1,389	-	-

Table 7.3: Ely Springs Cattle Allotment Mitigation Summary

Proposed Mitigation Units	DOE Proposed Route	Proposed Mitigatory Route A1	Proposed Mitigatory Route A2
Fence Construction (miles)	0	0	0
Fence Removal	0	0	0
Gates (ea)	3	5	7
Railroad Cattleguards (ea)	3	2	3
Road Cattleguards (ea)	3	2	3
Grazing Management Plan	1	1	1
Corral Relocation	0	1	1
Chute Relocation	0	0	0
Wells (ea)	0	0	0
Troughs (ea)	3	2	2
Springs (ea)	0	0	0
Creek Crossings (ea)	3	2	2
Unspecified Stockwaters (ea)	0	0	0
Pipeline Crossings (ea)	5	4	4
Pipeline Construction (miles)	1.5	5.5	5.5
Road Crossings (ea)	3	3	3
Trail Crossings (ea)	3	4	4
Road / Trail Realignment (miles)	2.5	0	0
Sheep Crossings (ea)	0	0	0
Cattle Crossings (ea)	5	6	6
Underpasses (ea)	0	0	0

Figure 7.1: Ely Springs Cattle Allotment

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7.1 Ely Springs.pdf