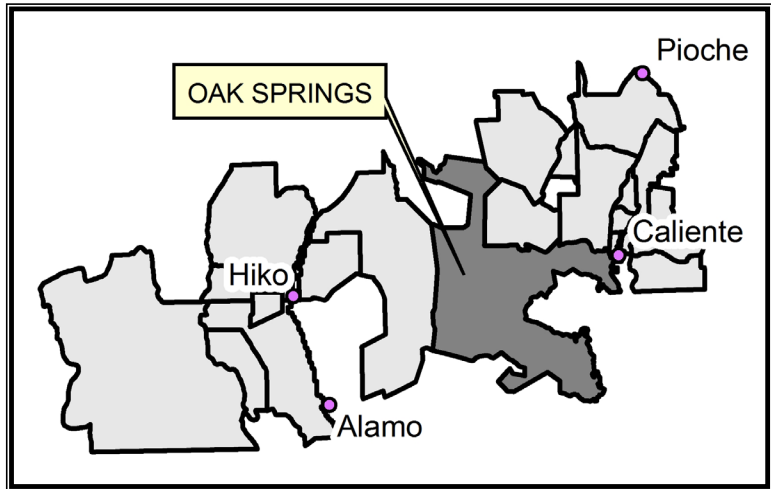


22.0 OAK SPRINGS ALLOTMENT

Permittee: Delamar Valley Cattle
Contact: Merlin Flake
City/State: Ely, Nevada

Base Property: Water



22.1 ALLOTMENT DESCRIPTION

The majority of the Oak Springs Allotment is located on the north end of the Delamar Valley south of US Highway 93 with a portion of the allotment extending southeast into the Delamar Mountains. A panhandle of the allotment extends north of US 93 into Dry Lake Valley and into the North Pahroc Range to the northwest.

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Table 22.1: Oak Springs Cattle Allotment Details

ALLOTMENT ACRES		GRAZING PERMIT					
Public	Private	Number/Type of Livestock		Season of Use	AUMs		
					Total	Active	Suspended
196,525	1,421	Delamar Valley Cattle	773 Cattle	03/01 – 02/28	14,997	9,268	5,729

22.1.1 Grazing System

Fall-calving, and dry cows are run on this allotment year-round. A rotational system is employed on this allotment in conjunction with concurrent use on the adjacent Cliff Springs Allotment. The allotment is divided into four pastures. Pasture 1 North (1N), and 1 South (1S) are north of US 93 while Pastures 2 and 3 are located to the south of US 93. Cattle are typically rotated on 40-day cycles.

22.1.2 Stockwaters and Water Rights

The base property classification is 100 percent “Water” under authority of the Taylor Grazing Act. The grazing privileges in this allotment are thus attached to the various privately owned water rights within the allotment. The base property classification adds a level of value and importance to the waters and water rights beyond the level of private property rights under State Law. The consequences of adversely affecting the stockwaters is greater than if Delamar Valley Livestock (DVL) had only a water right on them. Stockwater is distributed throughout the allotment by a system of improved springs, networked pipelines and troughs. The stockwaters are all vested, certified or permitted under Nevada State Water Law, and they are considered private property rights. Additionally, the water rights within the Oak Springs Allotment are commingled with those in the Cliff Springs Allotment on the eastern portion of Oak Springs. That is to say both the Cliff and Oak Springs Allotments constitute the same point of use.

22.1.3 Existing Fencing

The majority of the boundary of the allotment is fenced, with the exception of those areas which are impassible by cattle. The interior of the allotment is also fenced along pasture boundaries. US 93, which separates Pasture 1S from Pasture 2, is fenced as well.

22.2 PROPOSED RAILROAD ALIGNMENT – LINCOLN COUNTY SHORT ROUTE

The Lincoln County Short Route would run wholly through Pasture 1S running primarily east-west. The proposed alignment runs parallel to US 93 on the north side of the highway.

Rail Length Within Allotment: 8.03 miles
1,000' Construction Right-of-Way Area: 973 acres

22.2.1 Fencing Preference for Proposed Rail Alignment

The Permittee indicated no fencing preference for the rail. The default analysis in this case is to analyze the impacts and mitigations assuming no fencing along the rail.

22.2.2 Impacts and Mitigation

22.2.2.1 Base Property

As stated in Section 22.1.2, the base property for this allotment is water. The water sources that constitute the base property are within 4 miles of the track, and the water distribution pipelines from these sources, and the stockwaters they serve are directly affected by the alignment.

See Section 22.2.2.4 for proposed mitigation.

22.2.2.2 Grazing System

The proposed alignment would be wholly within Pasture 1S of the allotment. For the most part the rail will have little effect on cattle movement, as US 93 is already fenced. The only area where movement may be affected is on the east side of Pasture 1S; however, according to the Permittee little use occurs in this area.

No mitigation would be requested if the rail alignment remains as is shown.

22.2.2.3 Existing Fence and Capital Improvements

The proposed alignment would cross a fence upon entering and exiting the allotment, and run parallel to US 93 which is fenced.

Each of the two fence crossings will require in-rail cattleguards as well as a roadway cattleguard and a gate for the service road (impacts and mitigations for the eastern boundary fence have already been tabulated in the Cliff Springs analysis). The integrity of the fence along US 93 would have to be maintained.

22.2.2.4 Stockwaters and Associated Infrastructure

The proposed alignment would cross a pipeline, which conveys water from springs in the Delamar Range south of US 93 to stockwater troughs in Pasture 1S. Delamar Valley Livestock continues to improve and provide new water sources throughout the allotment. In addition, eight stockwaters are located within four miles of the proposed alignment. Of

those, none are located within a mile of the track, and four will not suffer any ill effects from the rail as they are on the south side of US 93.

The pipeline crossing would need to be protected to provide continuous flows throughout construction and operation of the rail. Delamar Valley Livestock needs to be able to access the pipeline on either side of the rail, and feel that it is the rail operator's responsibility to maintain the pipeline within the right-of-way (ROW). A system needs to be worked out to allow for future pipeline crossings in the event that DVL needs to cross the rail for a new water development.

22.2.2.5 Road and Trails

The proposed alignment would run along US 93 running east-west, and a small portion of the existing power line road running north-south. The alignment would cross three roads as it passes through the allotment. All three roads are critical for access and cattle hauling.

Access would need to be maintained along the existing power line road. In addition, each of the three road crossings would need to be maintained with earthen approaches not to exceed six percent. The integrity of the fence along US 93 would have to be maintained with 3 cattleguards and gates.

22.2.2.6 Vegetation and Forage

Inside the 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. The Permittee indicated concern over the potential loss of white sage, a critical forage, along the alignment. The Permittee also raised concerns over noxious weeds in disturbed areas, specifically Halogeton and Russian thistle.

The exact amount of forage loss cannot be determined until construction is completed. Minimum mitigation entails keeping disturbance to the least amount possible during construction. The Permittee indicated a need for all disturbed areas to be reseeded, and any weed outbreaks to be sprayed and managed by the rail operator.

22.2.2.7 Loss of Livestock

The Permittee felt that a rail line would result in the loss of cattle due to collision.

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

22.2.2.8 Other Impacts and Mitigations

The Lincoln County Land Act designated parcels of land throughout the County for disposal. One of these parcels lies within the Oak Springs Allotment on the eastern portion along US 93. Once this parcel is sold and becomes private property, there would be a new suite of impacts not addressed within this report.

Table 22.2: Oak Springs Allotment Impacted Features

Impacted Features	Lincoln County Short Route
Base Property (land)	0
Base Property (water within 4 miles)	4
Base Property (water within 1 mile)	0
Base Property (pipeline crossings)	1
Existing Fencing (ea)	1
Capital Improvements	0
Stockwaters within 4 miles	4
Stockwaters within 1 mile	0
Creeks (ea)	0
Pipelines (ea)	1
Roads (ea)	3
Trails (ea)	0
ROW Acreage	973

Table 22.3: Oak Springs Allotment Mitigation Summary

Proposed Mitigation Units	Lincoln County Short Route
Fence Construction (miles)	0
Fence Removal	0
Gates (ea)	4
Railroad Cattleguards (ea)	1
Road Cattleguards (ea)	4
Grazing Management Plan	1
Corral Relocation	0
Chute Relocation	0
Wells (ea)	0
Troughs (ea)	0
Springs (ea)	0
Creek Crossings (ea)	0
Unspecified Stockwaters (ea)	0
Pipeline Crossings (ea)	1
Pipeline Construction (miles)	0
Road Crossings (ea)	3
Trail Crossings (ea)	0
Sheep Crossings (ea)	0
Cattle Crossings (ea)	0
Underpasses (ea)	0

Figure 22.1: Oaks Springs Allotment

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22.1 Oaks Springs.pdf