

4 ANNA FALLINI: My name is Anna Fallini. [ I'm here 1  
5 today representing the business aspect of the Twin Springs  
6 Ranch. A really quick history for those of you who don't  
7 know who I am. I'm the fourth generation. Our ranch has  
8 been existing in central Nevada for over 140 years. The  
9 railroad, Caliente Route, runs directly through our  
10 business and -- and through 17 of our privately owned water  
11 rights.

12 I want to kind of talk about the very  
13 beginning of how this all started happening with our  
14 business. First of all, we get an article, a newspaper  
15 article from Caliente that's telling us that this  
16 railroad is going to be coming through our allotment.  
17 That's going to be impacting our business.

18 Well, we hadn't been notified by DOE. We  
19 weren't part of the NEPA process at that time. As a  
20 result, we took the responsible route so that we could  
21 appreciate and completely understand how this was going  
22 to impact our business.

23 We spent tens of thousands of dollars  
24 preparing, with the use of our attorneys and our private  
25 range consultants who are very familiar with our  
1 operation, basically our own EIS. This was all based on  
2 the initial EIS.]

3 I have a few notes here. I'm not real  
4 organized what I was going to say. I didn't realize the  
5 format of this meeting until last night. So bear with  
6 me in trying to follow what I'm saying here.

7 [ A couple of things that happened. When we got  
8 that initial EIS, one of the criteria for selecting the  
9 Caliente Railroad as opposed to the other routes was  
10 that there was few land conflicts.

11 Well, I'm sorry. One of the reasons given was  
12 the lack of land use conflicts. As you'll see in the  
13 EIS produced by our attorneys, this is a complete  
14 misnomer. There's not a lack of land use conflicts but,  
15 rather, a lack of DOE's responsibility to interview and  
16 fully understand the business of the land users affected  
17 by this railroad.

18 The next EIS does acknowledge some conflicts  
19 but simplifies the impacts. For example, they focus on  
20 a small percentage of AUM loss and ignore other major  
21 effects such as foliage utilization change during  
22 construction.

23 This is not to say that the reduction of the  
24 AUMs are not significant. They are. I'm merely saying  
25 that they take one aspect of conflict and make it  
1 simplified and make it seem to be a minimal impact,  
2 while there are many, many aspects that affect us.

3 Okay, had DOE done their correct job in  
4 following NEPA process in the beginning, they would have  
5 realized that these conflicts exist. Not only do they  
6 exist in part, but they exist in a manner that would be  
7 detrimental to the Twin Springs Ranch as an operating  
8 business.

9 I don't have a lot of time to speak right now,  
10 so I'm only going to mention a handful of these impacts

11 that the railroad would have on the Twin Springs Ranch  
12 during construction and then after construction during  
13 the operating time of the railroad.

14           The cattle on the Twin Springs Ranch have  
15 minimal exposure to humans and equipment, and over time  
16 and under these conditions, the cattle have established  
17 patterns that are critical to the continuing operation  
18 of our business, patterns of travel to foliage sites,  
19 patterns of travel to water, and patterns to seasonal  
20 migration.

21           When these cows are suddenly exposed to a  
22 construction crew, their equipment, and all the noise  
23 that's associated with it, the disturbances, these  
24 patterns are going to be severely altered. Cows that  
25 would normally travel north to graze are going to travel  
1 south, because within their path to the normal grazing  
2 there's a construction operation going on.

3           The result of these pattern changes will  
4 result in area of uses of foliage and will cause heavier  
5 utilization than normal. This is very significant  
6 because the Twin Springs Ranch has a legally binding  
7 agreement with the Bureau of Land Management that says  
8 only a certain percentage of foliage can be used at any  
9 point on the allotment at any given time.

10           When this delicate cycle of grazing is  
11 disturbed by DOE's construction, the BLM are not going  
12 to come to DOE and say, "Whoa, stop your construction,  
13 we're using too much foliage." They are going to come

14 to us and say, "You take every single one of your cows  
15 off of this area."

16           You know why? Because that's what's in the  
17 agreement. It doesn't say in the agreement if it's  
18 caused by DOE that it's not going to have to happen.  
19 They don't care. If that happens, we're the ones that  
20 are going to be impacted.

21           This impact, by the way, was neither -- we  
22 mentioned this to DOE in part and in whole depending on  
23 who we were speaking to and in the form that they were  
24 speaking, and none of this is mentioned in this new EIS.

25           The negative impact of this railroad route to  
1 the Twin Springs Ranch would also last far beyond the  
2 construction phase. One such impact would be the  
3 reduction in AUMs, which I had mentioned earlier.

4           The most current EIS recognizes there will be  
5 a reduction that will occur. They don't recognize the  
6 impact it will have on the business. Let me give you a  
7 simple example. It takes 12 AUMs to keep one cow on the  
8 range year round.

9           For each one of these -- for each set of these  
10 12 AUMs reduced on the ranch, reduction of annual income  
11 between \$600 and \$700 will occur. So a mere reduction  
12 of 120 AUMs, which may seem like a small and  
13 insignificant amount, becomes very significant when you  
14 consider an income loss annually of \$7,000.

15           And with virtually no reduction to operating  
16 cost as this reduction occurs, this is going to make a  
17 tight operating budget for a small business almost

18 impossible. My husband mentioned to me earlier that  
19 that doesn't seem very significant. Well, let me kind  
20 of explain it real quick to you, and it may seem more  
21 significant.

22 Let's say next year we bring in \$200,000 from  
23 our cow sales. Our operating costs could easily come to  
24 \$160,000, leaving \$40,000 for us to split to live off of  
25 between two families. The operating costs after they  
1 take away our AUMs are going to remain the same. Guess  
2 what? What do we have left to split between these  
3 families? We have \$33,000. Because \$160,000 is going  
4 to have to go back into that business. That's pretty  
5 significant.

6 I could go on and on today about hundreds of  
7 issues that are going to impact our ranch, you know,  
8 issues concerning water, issues concerning loss of prime  
9 grazing allotment so that they can have their gravel  
10 pits, issues even pertaining to tradition in heritage.]

11 [The reality is the bottom line of this  
12 railroad is about money. You know, I read in a Tonopah  
13 newspaper article that DOE may have the potential to  
14 spend \$109 million allocated for legal fees alone? I  
15 mean, \$109 million.

16 We have for our operation a couple thousand at  
17 best to spend on legal fees fighting this. What do you  
18 think is going to happen? It's about the money, and the  
19 poor small business owner is going to be the one who  
20 pays. Unfortunately, there's not enough small business

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21 owners out here that we can make a big enough noise that  
22 will be heard like Vegas or some of the more heavily  
23 populated areas.]

24 [Again, what we're going to do today as far as 4  
25 what we are going to submit is we're going to go ahead  
1 and resubmit the EIS that was put together by our  
2 attorneys ourselves and our range consultants. This EIS  
3 relates primarily to DOE's initial EIS.] [We'll be 5  
4 including comments for the new EIS before the  
5 January 10th deadline. Within this there is going to be  
6 a proposal for mitigation.

7 I want everybody here to understand that this  
8 proposal for mitigation is not in any way saying that  
9 this ranch accepts this rail route in any way. We are  
10 adamantly opposed in every way to the rail route coming  
11 through our allotment or through anybody else's  
12 allotment that may be adversely affected in any way  
13 similar to the way we are.] That's all the comments I  
14 have.