



Nye County
Nuclear Waste Repository Project Office
1210 E. Basin Rd. Ste. #6 · Pahrump, Nevada 89060
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RRR000658

08-007-DL (L)

January 10, 2008

Dr. Jane Summerson
Environmental Impact Statement (EIS) Office
Office of Civilian Radioactive Waste Management (OCRWM)
U.S. Department of Energy (DOE)
1551 Hillshire Drive
Las Vegas, NV 89134

Nye County, Situs Jurisdiction, Forwarded Comments from Residents on the Draft Supplemental Environmental Impact Statement (SEIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada - Nevada Rail Transportation Corridor and Rail Alignment for Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain (Draft Rail EIS)

Dear Dr. Summerson:

Nye County has forwarded its official comments on the Draft Repository and Rail EIS's under separate cover. However, during the course of the hearings and other consultations with residents of Nye County we have received comments that we need to pass on to the DOE. I have attached these comments for your consideration.

[Nye County is the site county for the repository and much of the rail corridor. Although much of the corridor will be built through public lands, there will be impacts on some private landowners as well as grazing allotments, mineral claims, and other vested interests in the public lands used for the corridor. Consistent with Nye County's position on the Repository and Rail Corridor, we request that all impacts on these landowners, leaseholders, and other stakeholder's (stakeholder's) be identified and mitigated to the maximum extent possible. In other words these individuals should be kept whole. To achieve this goal we request that:

1. DOE meet and negotiate in good faith with each stakeholder to identify any impacts and develop an appropriate mitigation plan.
2. Nye County would like to be involved in this process to help protect each stakeholder's interest if they desire.
3. This process needs to occur as early in the design process as practical so as to allow changes to the alignment, location of auxiliary facilities and design of the railroad to minimize any adverse impacts.]

We look forward to the opportunity to help in any way that we can in this process.

Respectfully,
NYE COUNTY, NEVADA

Darrell Lacy
Darrell Lacy, Director
Nye County Nuclear Waste Repository Project Office

DL/zc

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January 10, 2008
Dr. Summerson

Attachments: 1.) Letter to D. Lacy from Joe Clifford, of Stone Cabin Ranch
2.) Generic Comments

cc: Nye County Board of County Commissioners
Ron Williams, Nye County Manager
Cathie Clifford
Ty Berg
Larry Schuette

Darrell Lacy
Director
Nye County Nuclear Waste Repository Project Office
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Email: llacy@nyecounty.net.

Mr. Lacey,

[In answer to the request made at the meeting held Thursday, December 13th regarding the Yucca Mountain Railroad and concerns that this project will have affecting the Stone Cabin Allotment.]

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I have attached a letter which was sent to Resource Concepts concerning the Stone Cabin Allotment.

In addition to the points mentioned in the attached letter, we would also like to make known additional concerns..

1. All existing roads on the Stone Cabin Allotment that will be used by the Department of Energy or contractors will need to be maintained adequately and remain open at all times for our operational use.

2. Quarry site locations should not be permitted in existing locations of high forage on the Stone Cabin Allotment that are needed for grazing.

3. There should be no construction site camps in the Stone Cabin allotment. All construction personnel could stay in Tonopah or, if possible, the man camp located on the Nevada Test Site.]

[4. Water rights appropriated during construction should revert back to the two permittees in the Stone Cabin Allotment when construction ends since this is shared allotment.]

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Thank you,

Joe H. Clifford, III
for Stone Cabin, LLC

STONE CABIN ALLOTMENT

Permittee: Stone Cabin Partnership

Contact: Roy Clifford

Address: P.O. Box 648

Tonopah, NV. 89049

Existing Situation

Base Property:

Land

Allotment Size:

The allotment has 922 ac. private lands, and 389,499 ac. public lands, for a total of 390,421 acres.

Class of Stock:

Cattle

No. & Season of Use:

The permit authorizes Continuous Yearlong grazing.

Stone Cabin Partnership and Colvin & Son LLC run in common in winter.

Stock waters:

Stock water is provided by springs and wells to all of the allotment by ditches, ponds, and troughs.

Water Rights:

The stock waters are all vested, certified, or permitted under Nevada State Water Law. As such, they constitute private property rights. All the watering troughs constitute authorized "points of diversion" under State Law.

History Base:

The Stone Cabin Partnership came into being in 1870 and is still family owned and operated to-date. Since the Taylor Grazing Act, the operation has had numerous reductions in their Stone Cabin allotment cattle permit. In the 1960's the Stone Cabin allotment suffered a substantial reduction in their cattle permit. Stone Cabin Ranch then purchased sheep A.U.M.s from Bertrand Arambel & Pete Echeverry and converted to cattle A.U.M.s. The Caliente Rail Route would split this area. In the 1970's their horse A.U.M.s were adjudicated to wild horse A.U.M.s by the B.L.M. and not to cattle. Later the test site fenced the site further reducing their traditional range without compensation. In the 1990's Stone Cabin Ranch took another 37% reduction far more than our neighbor..

[Roads:

All roads are vital to the operation to the ranch and should remain open and accessible by the permittee to manage their livestock.]

7 cont.

Fencing Preference:

Stone Cabin Partnership opposes fencing, and should not be held liable for any accidents involving their cattle. D.O.E. should be responsible for any loss of Stone Cabin livestock at current market value.

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Impacts to Cattle from Cow-Train Collisions

The train will pose a risk of death loss from collisions in which Stone Cabin Partnership will not be responsible for any liabilities.

Mitigation:

Fence the right of way. Stone Cabin Ranch opposes fencing as stated above. If fences are to be constructed, the DOE will be responsible for maintenance and upkeep including the liability for any loss of Stone Cabin Cattle.

2
Cont

Impacts to Forage Base:

There will be a loss of forage in the right of way caused by the railroad, service road, road crossings, and cattle crossings being imposed on the ground, as well as construction activities that deplete the nearby right of way vegetation. In addition there will be forage depletion from rail and road construction, staging areas, material borrow areas, worker camps, and other constructions related activities throughout the allotment.

Mitigation:

Develop Irrigation pivot(s) (See Impacts to Overall Livestock Operation and related mitigation).

Impacts to Grazing and Cattle Movement:

Even without fencing, the rail will present a barrier and interfere with cattle movements and grazing habits. The deeper the cuts and fills, the more interference.

Mitigation:

Construct adequate cattle crossings at approximately ½ mile intervals along rail route.

Impacts to Stock water:

The rail route impacts stock waters that are within 4 miles of the rail route on both sides, which will interfere with forage utilization. The stock waters includes ponds, ditches, springs, troughs

Mitigation

Keep all stock waters functional in all cases

2
cont

Impacts to existing fences

The proposed rail route will pass through two fences where it enters and exits the allotment.

Mitigation

Construct a railroad cattle guard and service road cattle guard at the two fence intersections.

Impacts to overall Livestock Operation:

The proposed rail route will create disruption to the operation. It will add extra effort, time and expense to accommodate the railroad.

Mitigation

The Partnership request that 1 section of BLM land of their choice be devoted to mitigate this disruption and operational expense. Develop 4 irrigation pivots [160 acres each] on the section including sufficient wells to service the four pivots. The section of land would be deeded to the partnership along with title to the wells at no expense to the partnership. The Partnership also request that all wells developed in the Stone Cabin Allotment for construction water other than the pivot wells be deeded to the Partnership at the end of the construction otherwise the wells shall be permanently capped off.

Impacts and Mitigation with fencing

Impacts to cattle from cattle-train collisions:

Fencing will eliminate most of this impact with the exception of a few cattle that get trapped inside the fenced right of way

Mitigation:

Develop Irrigation Pivots and land

Impacts to forage base

Forage inside the fenced rail route would be unavailable to livestock
Forage will also be impacted outside of the fence do to cattle hanging on the fence.

2
Cont.

Mitigation

Develop Irrigation Pivots and land

Impacts to Grazing and cattle movement

With fencing, the rail route becomes an absolute barrier to cattle movement and creates new pasture boundaries. Fencing will also increase loss of forage outside the fence do to the disruption of cattle movement. It will disrupt the grazing practices and will require time, thought, planning, and expenses to revise the allotment management plan.

Mitigation

Provide cattle crossings or underpasses and gates every half-mile along rail route.

Develop Irrigation Pivots and land.

Impacts to stock waters

With fencing there becomes a barrier for livestock watering.

Mitigation

Water shall be supplied on both sides of the fence from existing stock waters by D.O.E.

Impacts to Overall Livestock Operation

Same as without fencing]

Other comments

1] [The Stone Cabin Partnership opposes building the Caliente Rail Route . There is several other routes that would have less impacts and cost the tax payers less, particularly a route that would cross the Nevada Test site which would have better security.]

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2] [The Stone Cabin Partnership request that they be given the opportunity to review the construction plans in the draft stage to give them the opportunity to actively negotiate or have input into the details that are difficult to foresee in advance.]

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3] [The Stone Cabin Partnership requests that there be a nuclear emergency medical response team and facility located within the allotment to take care of any accidents.]

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4] [The Clifford family also owns the Historic Clifford gold and silver mine, which is in close proximity of the rail route. This mine has been a real asset to the ranch through the years and possibly a future asset to the Clifford family and Nye Co. The lessee has an ongoing exploration program that looks promising. This mine over the years has produced close to a million dollars in ore. The rail route would surely stop any mining activities and certainly would hurt the Clifford family. D.O.E. should compensate the Clifford family for their loss of a real asset.] 6

Summary:

[The Stone Cabin Partnership opposes the Proposed Caliente Rail Route and any proposals in the "Scoping Comments, Impacts, and Mitigation Requirements specific to the Stone Cabin Allotment", by D.O.E., Colvin and son L.L.C or any other outside interest group making any changes in allotment practices without active participation from the Stone Cabin Partnership. 3
Cont.]

This Partnership has taken tremendous reductions in the past and any additional disruptions caused by the Proposed Caliente Rail Route would devastate the two oldest original family operations in the state of Nevada.]

Generic comments received verbally during the hearing process that apply to all affected stakeholders.

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Cont.

1. Grazing Allotment holders have vested interests in the land that need to be protected just as a private landowner's rights.
2. Improve and maintain all roads and crossings to handle increased construction traffic.
3. All new rail crossings need to be designed and built to handle foreseeable trucks, equipment and trailer traffic.
4. Provide new roads as needed for access to rail facilities without travel across grazing and other sensitive lands.
5. Avoid, where possible, all springs, wells and irrigated pastures.
6. Location of gravel pits and man camps should be sited with consultation of stakeholders and county so as to avoid sensitive areas and optimize potential post construction uses. Where possible use existing facilities or previously disturbed areas.
7. All wells should be capped as required by NRS or state regulations. Any other use should be agreed to by affected stakeholders and Nye County.
8. DOE should intercede on behalf of stakeholders with other federal agencies to ensure that the construction process does not cause any adverse changes in a stakeholder's interests.
9. If temporary or permanent impacts cannot be mitigated then adequate compensation should be provided to cover all adverse effects on land, water, livestock and stakeholders.