

UNITED STATES GOVERNMENT

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT*Memorandum*

DATE: February 11, 1970

TO : Ross Ferris

FROM : Martin W. Buzan

SUBJECT: Staff Study - Las Vegas Bombing and Gunnery Range - AEC Withdrawals

The attached staff study was reviewed with the State Director and it was his determination that a comprehensive study be made of the entire situation, and a complete staff report, together with recommendations be submitted for his review and transmission to Director and possibly the Secretary.

Following is a suggested format for the required staff study:

1. Purpose of Study.
2. Background or History of the Situation.
  - a. Purpose and date of withdrawals
  - b. Agency authorities or jurisdiction spelled out in withdrawal orders.
  - c. Livestock grazing (lease and suspension agreements, purchase of base properties and grazing rights, by whom and where records are filed.)
  - d. Sources of information for material in report.
3. The Problems.
  - a. Livestock grazing in connection with adjoining BLM Districts - what District, what problems are involved, where problems exist (describe or show on map).
  - b. Livestock problems inside withdrawals -  
Estimated use of withdrawn area by livestock - by operator, number of livestock, AUM's. (Identify portion or extent of deliberate yearlong use of area vs. drift on and off area).  
AEC problems.  
Air Force problems.  
Wildhorse Range Problems.  
Wildlife Problems.

4. Alternative Solutions to Identified Problems.
  - a. Adjoining BLM administered lands.
  - b. Inside withdrawal area.
  - c. Etc.
5. Recommendations.
  - a. Actions which should be taken by BLM (include units and cost estimates if applicable).
    - (1)
    - (2)
  - b. Actions which should be taken by other agencies.
    - (1)
    - (2)
6. Appendix or Attachments.

Prepared by: \_\_\_\_\_  
 Signatures

Concurrences  
 (or Non-concurrences)

Approval (or Non-approval)

I previously furnished you information received from the Corps of Engineers Office in Los Angeles relative to payment to ranchers for loss of grazing privileges on withdrawn areas, the location of records pertaining thereto and whom to contact in Los Angeles Office for further information.

On January 27, at meeting in State Office, Mr. Carl Shaw of AEC Office, Las Vegas, advised that they have had problems with livestock on the Test Station area. Some livestock have been killed. Several times prior to tests they have had to fly the immediate vicinity to drive cattle away. Ranchers (Fallini, Lamb, Calvin) are frequently in the area with pickups and horse trailers. Locked gates are continually being knocked down.

Cattle are either driven or drift 20 miles or move into the withdrawn area. Shaw advised that the following be contacted for information:

<sup>Bill</sup>  
W. W. Allaire, Assistant Test Manager, AEC. He has been there a long time and can give you facts as to cattle problems. Roy Marks, AEC Coordinator and liaison man with Air Force. Telephone 734-3307 to arrange for meeting. You can also arrange date for helicopter inspection of Test Range Area. Perhaps joint meeting with Air Force personnel can be arranged through Marks also. Shaw indicated that Air Force were pretty fed up with livestock on the withdrawal also. Stepanek is apparently acquainted with Allaire, Marks and others with AEC and should be included in any visits or inspections of area. AEC will be glad to work with BLM on the livestock problem. Shaw said that boundary of AEC withdrawal is poorly marked and that they have given some thought to re-marking of boundary.

*W. W. Allaire*

Enclosure: 1  
Staff Study

JAN 6 1970

Nevada State Office  
1959-3

1255  
4100  
(N-131)

STAFF STUDY

1. Subject: Grazing use of the Las Vegas Bombing and Gunnery Range and Atomic Energy Commission withdrawn areas.

This report was made at the request of the State Director as a result of a memorandum from the Battle Mountain District Manager dated October 17, 1969. (Copy attached).

2. Assumptions: The major portion of the area was withdrawn for military purposes by EO 8578 dated 10/29/40. An overlapping withdrawal with some additional area added, was accomplished by PLO 712 dated 4/6/51.

The military and AEC entered into "Lease in Suspension" agreements with the livestock operators, whereby they were paid for not grazing the withdrawn area. Purchase agreements were negotiated at a later date and the grazing privileges were terminated. It is assumed that the grazing privileges were either purchased or suspension agreements in effect since the withdrawals; therefore, any grazing use either past or present is in trespass.

3. Discussion: The boundary of the withdrawn area is not fenced. BLM administers the adjacent public land for grazing under Section 3 or 15 of the Taylor Grazing Act and the Grazing Regulations for the Public Lands. Due to the proximity to lands currently grazed yearlong by established livestock operations, the north, northeast and northwest boundaries (approximately 150 miles in length) of the withdrawn area are where the major portion of the grazing overlap occurs. These are also the better grazing lands within the withdrawn area. The grazing use appears to be tolerated by the military and AEC authorities, and apparently no fees are paid.

The extent of grazing use on the withdrawn area cannot be accurately determined. Estimated use reported by the Battle Mountain and Las Vegas Districts is as follows:

<u>District</u>	<u>Operator</u>	<u>Number</u>	<u>Class</u>	<u>Season</u>
Las Vegas	Burns	8 - 20	Cattle	Yearlong
Las Vegas	Moser	0 - 30	Cattle	Yearlong
Las Vegas	Ben Colvin	3500	Cattle	Yearlong
Las Vegas	Lida Livestock	10 - 100	Cattle	Yearlong
Las Vegas	Owens	Unknown	Horses	Yearlong
Las Vegas	Floyd Lamb	700 - 1500	Cattle	Yearlong

<u>District</u>	<u>Operator</u>	<u>Number</u>	<u>Class</u>	<u>Season</u>
Battle Mtn.	Arcularius	1000 - 1400	Cattle	Nov. - June
Battle Mtn.	Colvin & Clifford	1550	Cattle	Nov. - June
Battle Mtn.	Fallini	600	Cattle	Yearlong

Management of the public lands and resources is severely affected by the grazing use made on the withdrawn area, since adequate management plans for adjacent allotments cannot be developed or implemented until such use is eliminated or the boundary of the withdrawn area fenced. Use of the withdrawn area is so extensive that the operators are not interested in any plan on their allotments that does not include, or would exclude, use of the withdrawal. This position is readily understood when you consider that there may be 89,000 AUM's of forage obtained annually. At a market value of \$2/AUM, the \$158,000 would pay for the 150 miles of fence needed in one year.


Since management of the adjacent public land cannot be obtained within the present situation, there are only two alternatives:

1. Manage and control the grazing use within the withdrawn area. This may not be practical, since access is very limited due to military and AEC activities.
2. Fence the boundary and manage the areas outside the withdrawal in accordance with resource needs.

4. Conclusions: The adjacent public lands cannot be managed unless the boundary is fenced or the grazing managed within the withdrawn area.

5. Recommendations: Management of grazing within the withdrawal is not practical without unlimited access. This does not appear to be feasible; therefore, it is recommended that the boundary of the withdrawal be fenced by the holding agency and that grazing within the area be terminated and strictly enforced.

It is further recommended that initial effort toward solution of this problem be initiated at the Director's level.

Signed: 

R. E. Ferris  
Range Specialist

Enclosures: 2

- Encl. 1 - Battle Mtn. DM's memo dtd 10/17/69
- Encl. 2 - Plat of withdrawn area

1/14/70

Tennis

Reference attached note by State Director. Following is the information obtained from the Realty Branch, Corps of Engineers, Los Angeles, Calif.

Source of Information

Robert Rowe, Chief of Appraisal, Realty Branch, Corps of Engineers, Los Angeles Calif. Phone 213 688-5595.

For specific information phone Mr. Kakalou, Appraiser, same office as above, Phone 213-688-5598. Mr. Kakalou personally handled many of the lease & suspension agreements and/or purchases in connection with the Nellis (Las Vegas Blanding & Hummer Range) Air Force Withdrawal.

According to Mr. Kakalou all range rights involving the Hummer Range & the AFE withdrawal have been eliminated through purchase. Some of the purchases were not completed until the 1960's. A complete review of the records would be required to determine the actual status of lease & suspension

Agreements & Purchases. Most of records are available in Los Angeles Office of Corps. Some of the early records may have been sent to their St. Louis Records Center.

In response to the question as to what agency had authority to permit or deny livestock grazing on the withdrawal Mr. Kakalou stated that it would be the Air Force & AEC. However since the areas were unpatrolled & impossible to patrol completely livestock use could not be prevented. He suggested that ~~some~~ any complaints relative to livestock use of the withdrawals be directed to the following office

Chief of Management & Disposal Branch  
Corps of Engineers  
300 N. Los Angeles St.  
Los Angeles Calif. 90053.

MB.

Martin:

Encl # 1 Not enclosed.

Can we show any effort to clarify  
or get the facts rather than "assume"  
what the Military and AFEC did regarding  
the grazing privileges on lands withdrawn  
to verify that any we is in trespass?

Can we identify who has this information  
even though we may not as yet obtained it if  
the Directors shop is to take the action  
Ross recommends? If so we should  
furnish the name & address or addresses that  
should be contacted.

WRH

Bob Rowe

Chief of Appraisal

Realty Branch

Corps of Engineers

Los Angeles Calif.

Phone 213 688-5595