



Antelope, Spruce Allot. *Wms* 1/5/07  
United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office  
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In Reply Refer To:  
4130 (NV-012)

JAN 05 2007

FINAL DECISION  
ON AN  
APPLICATION FOR TEMPORARY CHANGE IN PERIOD OF USE  
IN THE  
CHASE SPRING ALLOTMENT

Dear Reader:

On 31 October 2006 F. Scott & Laurel S. Egbert submitted a grazing application for a Temporary Change in Period of Use within the Chase Springs and Spruce Allotments. The application included livestock use from 15 December 2006 through 31 March 2007. On 1 December 2006 this office issued a Proposed Decision to authorize part of the grazing use. Western Watersheds Project filed the only protest to this decision on 16 December 2006.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public. The protest points, along with BLM's response, are attached in a separate document. F. Scott & Laurel S. Egbert withdrew the part of the application covering the Spruce Allotment on 22 December 2006.

Based on my reconsideration of the Proposed Decision in light of the protest received, it my **final decision is to approve the Temporary Change of Period of Use within the Chase Spring Allotment, as described in environmental assessment (EA) BLM/EK/PL - 2007/009. The portion of the grazing application containing use in the Spruce Allotment has been withdrawn and is no longer under consideration.** This office mailed the EA with the Proposed Decision; it is available again upon request. The EA analyzed use in both the Chase Spring and Spruce Allotments, and as the planned use in the Chase Spring Allotment has not changed that part of the analysis remains valid.

**Rationale**

Grazing in the manner described in the proposed action will not prevent the attainment of multiple use objectives or standards for rangeland health.

## PROVISIONS FOR APPEAL

In accordance with 43 CFR 4.470, 4160.3(c), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.471 and 4160.3(c), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, Shane DeForest, Assistant Field Manager for Renewable Resources at 3900 East Idaho Street, Elko, Nevada 89801. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Sincerely yours,



SHANE DEFOREST  
Assistant Field Manager  
Renewable Resources

Enclosures: Protest Points and Responses

cc:

F. Scott & Laurel S. Egbert  
Von L. & Marian Sorensen  
Martha P. Hoots  
Nevada Cattleman's Association  
Committee for the High Desert  
Western Watersheds Project  
Resource Concepts, Inc.  
Elko County Commissioners  
Nevada Department of Wildlife  
U.S. Fish & Wildlife Service  
Karen Sussman  
Craig Downer  
Wild Horse Sanctuary

April McNeal  
Fund for Animals  
Wild Horse Organized Assistance  
Comm. for the Preservation of Wild Horses  
Colorado Wild Horse & Burro Coalition  
National Mustang Assn., Inc.  
American Horse Protection Association  
Animal Rights Law Center  
Animal Protection Institute of America  
National Wild Horse Association  
Kathryn Cushman  
Barbara Warner

**CHASE SPRING ALLOTMENT  
TEMPORARY CHANGE IN SEASON OF USE  
RESPONSE TO POINTS OF PROTEST  
FOLLOWING ISSUANCE OF PROPOSED DECISION**

**A. INTRODUCTION**

On 31 October 2006 F. Scott & Laurel S. Egbert submitted a grazing application for use in the Chase Spring Allotment that falls outside the permitted use dates for that allotment. The application also included proposed livestock use in the D-3 Use Area of the Spruce Allotment, which lies adjacent to the Chase Spring Allotment. On 9 November 2006 the Elko BLM Office mailed a Consultation, Coordination, and Cooperation letter to all agencies and members of the public interested in livestock grazing management on the two allotments. The letter provided for a 15 day public comment period. The BLM received three public comment letters, two from Western Watersheds Project and one from Nevada Department of Wildlife. On 1 December 2006 the BLM issued a proposed decision and Environmental Assessment (EA) authorizing the use. Western Watersheds Project filed the only protest to the proposed decision on 16 December 2006. On 22 December 2006 F. Scott & Laurel S. Egbert withdrew the part of the grazing application covering use in the Spruce Allotment.

This report responds to the protest points raised in response to the Proposed Decision issued on 1 December 2006.

**B. RESPONSES TO PROTEST POINTS**

*Point #1: "We Protest the failure of BLM to provide us with all the FOIA documents that we have requested on Spruce and other allotments in a timely manner- those documents would enable better understanding of allotment conditions, and BLM oversight of our public lands and activities on them"*

**Response:** The BLM has communicated to you the reasons for any delays associated with providing documents requested under the Freedom of Information Act.

*Point #2: "We Protest BLM hiding this from the public in the past- in violation of its own grazing regulations. It appears that BLM has issued TNR here in the past, without consultation. How is this connected to, or affected by, actions related to grazing in Big Springs? EA at 17 states that BLM has "approved similar application...in the past". How many of those applications have related to the Spruce, Chase Springs, Tobar or Big Springs allotments? How many AUMs were authorized? When? Where?"*

**Response:** The BLM has not authorized any use above specified permitted use in any of these allotments in recent times. What has been authorized is grazing use that falls outside the permitted use dates. The revised grazing regulations implemented on 11 August 2006 require that any applications for use outside of a 14 day period before or after specified grazing use dates be processed in the same manner as Temporary, Non-Renewable use. As stated in the response to the comment letters, this action is unrelated to any actions on the Big Springs Allotment.



**Point #3:** *"We Protest the failure of BLM to provide detailed background information on all of the Egbert ranching operations- both allotments where Egbert currently holds permits, or sub-leases or otherwise grazes on public lands- as well as the "regular" Spruce permittee ranching operations. Please also provide all project cost-sharing, contracts, or other involvement with BLM in the past 10 years so that the public can disentangle the economic situation here. How much has the public spent on seedings, fences, sagebrush or pinyon-juniper killing and all other BLM action on Spruce and Chase Springs in the past 10 years? How much would all the projects linked to the Spruce Vegetation Treatment EA (currently enjoined by a federal court), or the 90 mile proposed Sorenson water pipeline cost if conducted?"*

**Response:** F. Scott & Laurel S. Egbert currently hold grazing permits on two allotments, the Chase Springs and Tobar Allotments. Authorized season of use on both allotments is 1 April through 30 November annually. Active preference is 1,298 on the Tobar Allotment and 2,586 AUMs on the Chase Spring Allotment. The cost information for the listed projects is information that is beyond the scope of this action.

**Point #4:** *"We Protest the failure to clearly explain just what has been going on here. Has Egbert been grazing cattle in Spruce- or any other allotments in the Elko District where he is not the current permittee, and/or where Egbert does not hold base property? If so, where, when, how many, what are the current ecological conditions? Please provide all monitoring records (utilization, ecological site inventory, ecological/rangeland health- for the past 10 years- as well as Actual Use- for all allotments or BLM lands where Egbert has grazed cattle. Please also provide this information for Spruce, as it is essential to understand the current late 2006 health across all lands that may be affected either directly or indirectly by this outrageous proposal. Where is this information?"*

**Response:** The D-3 Use Area of the Spruce Allotment is the only place where the Egberts have grazed their cattle on allotments held by others. Actual use for the two allotments have not exceeded 63% of active preference for the Chase Spring Allotment or 69% of active preference for the Tobar Allotment. F. Scott & Laurel S. Egbert have not exceeded the 119 AUMs in the D-3 Use Area of the Spruce Allotment in the years they have used it.

The BLM plans to complete the grazing permit renewal process on all of these allotments during Fiscal Year 2007.

**Point #5:** *"We Protest the failure to explain the difference here. How does this action differ from what Elko BLM has done in the past under TNR?"*

**Response:** Previous TNR authorizations have involved only those situations where a permittee applied to graze more AUMs than their active preference. This request will result in grazing use far less than permitted use- approximately 1,064 AUMs in the Chase Spring Allotment (41% of Active Preference) and approximately 262 AUMs in the Tobar Allotment (20% of Active Preference). Previous requests of this nature had been handled as Within the Intent of the Grazing Permit; the recent grazing regulation changes specifically defined within the intent of the permit as no more than 14 days before or after the specified on or off dates.

Thus, this request is being handled in the same manner as a TNR use, even though the permittee is planning to remove only a portion of the total active preference.

**Point #6:** *"We Protest failing to provide detailed analyses (such as use monitoring records, compliance checks, etc.) necessary to understand past use patterns here. BLM refers to grazing use in the Spruce allotment being governed by the 1998 Spruce FMUD, and that Von L. and Maria Sorenson are sole permittees in Spruce, and that no fences separate Chase Springs from Spruce. Is BLM attempting in the "Temporary" action seeking to legitimize use- likely in trespass- that may have been occurring over the years? Now that WWP or others may be scrutinizing action in the spruce allotment- is such use now being legitimized? Is this an effort to accommodate changes in livestock grazing use (numbers, times) that may be stemming from the decisions being made in other allotments, such as the Big Springs allotment? WHY is this being proposed, and why is BLM going forward with such a proposition? Where are the Actual Use records by Pasture or use Area that would illuminate understanding of what is occurring here? Where are monitoring records for the past 20 years for all pastures and use areas on Big Springs, Spruce, and Chase springs allotments?"*

**Response:** The unfenced boundary between the Chase Spring Allotment and the D-3 Use Area of the Spruce Allotment likely did result in some drift between the two allotments. However, such drift use was likely minor for a couple reasons. The nearest dependable water sources in the Chase Spring Allotment are located at the springs on private land around the northern tip of Spruce Mountain, which would tend to concentrate livestock use in that part of the allotment. Von and Marian Sorensen used the D-3 Use Area of the Spruce Allotment primarily as a sheep grazing area, with their use restricted to just the cattle trailing use after they discontinued sheep grazing.

The BLM is not seeking to legitimize any past unauthorized use that may have occurred. This action is also unrelated to any other issues currently involving other parts of the Spruce Allotment. This action is also unrelated to actions on any other allotments. This action is in response to a grazing application made by a permittee.

**Point #7:** *"We Protest the failure of BLM to provide information recent unauthorized goat use in the spruce allotment. Where were the goats grazed, trailed, etc.? What, and how much forage did they consume? This is particularly alarming as many of the private lands where these goats may have originated or traversed may be seriously infested with white top and other weeds. What other unauthorized, or non-compliance activities have occurred on Spruce, Big Springs, Chase Springs over the past 20 years? Please provide details so we can understand the likelihood of compliance, or the impacts of such activities as other goat trailing, cattle trespass, etc. events."*

**Response:** The BLM currently has unauthorized use cases open for goat use on the Spruce Allotment. Any information about those cases is unavailable until they are resolved.

**Point #8:** *"We Protest the failure to provide current 2006 weed survey information on both of the affected allotments, as well as any lands where Egbert cattle may cross or graze here. This is essential to understand if Integrated Weed Management is being followed, and what the risks are*

*to the affected lands of Egbert cattle use here. There are extensive areas of the Spruce, Big Springs and other neighboring allotments that have converted to halogeton and other weedlands – as a result of livestock grazing – it appears that this effort - to INCREASE stocking rates in this area on the lands of the Spruce and Chase Springs allotment – will be a significant new step towards degradation of remaining native communities – especially under Elko BLM's typical greatly excessive utilization, failure to address measurements of trampling damage to microbiotic crust, inappropriate use periods, etc. and other harmful Elko management inadequacies. We are astonished that Elko BLM continues to ignore the scientific literature demonstrating the deleterious impacts of livestock grazing and trampling activity to public lands. Please see Belsky and Gelbard 2000, United Nations Report [http://www.virtualcentre.org/en/library/key\\_pub/longshad/A0701E00.pdf](http://www.virtualcentre.org/en/library/key_pub/longshad/A0701E00.pdf).”*

**Response:** Livestock grazing is far from being the only disturbance that has allowed weeds such as halogeton to become established on these landscapes. Other vectors include wind, birds, wildlife, wild horses, railroad tracks, and human presence. As noted above, approval of this application would not lead to any increases in stocking rates on any of these allotments.

A cursory review of the referenced United Nations report reveals few if any references to livestock impacts to public lands in Nevada. The report looks at livestock grazing from a global perspective, with a heavy emphasis on grazing practices in developing nations. In many cases these developing nations are currently at roughly the same place the western United States was at a century ago. There is no doubt that livestock impacts to public lands in Nevada are occurring at a rate far below historical levels; substantial reductions in livestock numbers in recent decades coupled with grazing systems have led much of the western ranges to be in much better shape than they were. Problem areas and improper grazing systems still exist, and the BLM is dealing with those as time allows.

**Point #9:** *“We Protest the failure of BLM to develop a full range of alternative actions – including actions that may lead to the restoration of lands within the Big Springs, Chase, and Spruce allotment or any other grazed by Egbert or Sorenson, or that would put in place current science-based use standards for all grazing across the allotment, or that reviewed this application as part of a CURRENT rangeland-health assessment for all affected lands including Chase Spring, Spruce, Big Springs, etc. Alternative actions to be assessed include providing for significant periods of long-term rest in lands where natives have been depleted, conversion of exotic crested wheatgrass seedings to native sagebrush and bunchgrasses, and a broad range of other actions to facilitate improvement of woefully depleted or disturbed habitats for many important native and special status species – ranging from mule deer to elk to loggerhead shrike to sage grouse to pygmy rabbit, to raptors and special status bat species.”*

**Response:** This action is in response to a submitted grazing application. The current decision is either to approve or deny the application as it is written. None of the other actions are within the scope of the current matter under consideration.

The BLM plans to complete the grazing permit renewal process on these allotments in Fiscal Year 2007.

**Point #10:** *“We Protest the failure of BLM to fully explain the links between this action and the Spruce Vegetation EA, and any shifts, displacements or alteration in livestock use linked to that document, or its predecessors where large-scale seedings were conducted.”*

**Response:** There are no links between this action and the Spruce Mountain Restoration Project EA. The Spruce Mountain Restoration Project EA does not include any proposed projects in the D-3 Use Area of the Spruce Allotment, and Von L. & Marian Sorensen are not proposing to shift any of their use into the D-3 Use Area due to any vegetation manipulation activities.

**Point #11:** *“We Protest the failure to provide information on any Oil and gas, mineral or other leasing or exploration that may be occurring in any of these allotments, the location, the effects on big game, or important and special status species.”*

**Response:** The BLM currently does not have any authorized exploration activities on these lands.

**Point #12:** *“We Protest the failure to fully assess impacts to antelope, mule deer, elk, and other important wildlife – these impacts include competition for food, cover and space. Where would big game be displaced to?”*

**Response:** This point supposes that livestock and wildlife cannot simultaneously occupy or use the same habitats. Livestock and wildlife are often observed in close proximities to each other. Livestock grazing can be managed in ways that wildlife use cannot, and the changes in management proposed here will benefit wildlife habitat and land resources.

**Point #13:** *“We Protest the failure of BLM to conduct current systematic on-the-ground inventories for a full range of special status species must be conducted over all lands of the allotments affected by this proposal. This is especially critical as BLM has systematically altered, fragmented and destroyed large areas of important pygmy rabbit, sage sparrow, loggerhead shrike and other species that rely on mature or old growth sagebrush habitats in Spruce and Valley allotments and surrounding lands.”*

**Response:** The BLM is not required to conduct the described inventories. The BLM, in concert with the Nevada Department of Wildlife and the U.S. Fish & Wildlife Service, maintains lists of special status species that could occur in these allotments, based on the habitat types that are in the area. Any actions are evaluated in the NEPA process for potential impacts to these habitats.

**Point #14:** *“We Protest the failure to provide full details of impacts of expanded water use or other activities in the affected allotments – Spruce, Chase Springs, Big Springs - where water facilities may be surrounded by junk, suck every drop of water from any springs or natural water sources, have been causing the death of bats, small mammals and migratory birds, etc. Plus, BL is acting to increase watershed-level desertification by proposing and conducting a series of deforestation projects across the Spruce allotment, and may be contemplating additional projects in other allotments, too. Before any new, altered or extended us on any water system*



*occurs in these allotments – BLM must fix the mess that exists. Restore water to spring sources, find ways to stop troughs from being deathtraps, significantly reduce livestock numbers so that water sources are not surrounded by seas of exotic species, etc. It appears to us that this is step towards piecemealing the 90-mile Sorenson pipeline or other pipelines without conducting full and comprehensive EIS analysis that requires. Please provide a map of the Sorenson pipeline layout, for comparison. ”*

**Response:** Presently, the only dependable water source on public lands in the project area is Jasper Well, which is within the D-3 use area of the Spruce Allotment. This well will not be pumped due to the withdrawal of the part of the application covering use in the Spruce Allotment. The three spring complexes that provide most of the water in the Chase Springs Allotment all lie on private lands. No pipelines or any other new water facilities are contemplated or analyzed as part of this proposed action.

**Point #15:** *“Please provide full details of the characteristics, conditions and depletion rate of the affected aquifer into which this well would tap, and how it might deplete water sources on BLM lands. When was the well drilled? Who holds the water right? Please provide a map that shows all existing, proposed or foreseeable trough sites (both emanating from the well or other pipelines or other sources – as well as any water haul sites. How deep is the well, what are the characteristics of the aquifer it taps into, what volume of water is allowed to be removed, etc.”*

**Response:** The date of construction for the Jasper Well is not documented. Griswold-Henderson Livestock Company first filed on the water rights for this well in November 1930, and the well first came into BLM records as an application to maintain an existing project approved in 1941. The State Division of Water Resources granted the current water rights to Loyd Sorensen in 1981; the permit is for 0.03 c.f.s., or enough to water 2,000 sheep and 600 head of cattle from 1 January to 31 December annually. The well is approximately 200 feet deep. The only existing troughs are in the area immediately adjacent to the well. The pipeline project proposed by the Von and Marian Sorensen does include a pipeline along the southern boundary of the D-3 use area, along with a spur that would run north into the use area west of Jasper Well. However, this project is still in the preliminary project development phase, and no decisions about the project have been made. As noted, the portion of the application covering grazing use in the Spruce Allotment has been withdrawn.

**Point #16:** *“Please provide a copy of any existing Cooperative Agreement for all livestock facilities in these lands, and any proposed changes or alterations, and a record of who holds the water rights, and what water rights have been applied for, and by whom. All matters related to water are of increasing concern due to aquifer-de-watering planned for the South, past plans to export Big Springs ranch water under Vidler, and all manner of land and water speculation in eastern Nevada. It is also of concern because increasing coal-fired or other power plant development is likely in the nearby Butte Valley, and tapping into waters here could aid such an effort. Will BLM be doing a segmented EA for pipeline extension as a foreseeable action here?”*

**Response:** The only project that lies in the D-3 use area of the Spruce Allotment is the above named Jasper Well. It exists under a Section 4 Range Improvement Permit. The only projects on the Chase Springs Allotment is the various fences that surround parts of the southern

boundary of the allotment and a few cattleguards in those fences. The only proposed change or alteration to any of these projects is a storage tank at Jasper Well that is included in Von and Marian Sorensen's pipeline proposal, the status of which is discussed in the response to Point #15.

**Point #17:** *"We Protest the failure to fully address how livestock grazing Use Areas are actually controlled here when puddles or rainfall exists? What are all the "project" water sources in all the lands of the allotments. Has water hauling occurred in any of the affected allotments – Spruce/ chase? Big Springs? If so, where? Where has it been authorized?"*

**Response:** Puddles and the like would tend to increase the amount of area that the livestock would be able to use. However, the soil types found in most of the areas where puddles would form on these allotments would make most water unfit to drink. Water hauling or placement on public lands has not occurred on the Chase Spring Allotment.

**Point #18:** *"We Protest the failure to provide Actual Use, monitoring, compliance and other information, including by "Use Area" so the public can understand if the amount of use that is being authorized here is in excess of average actual use over the past 10 or 20 years. Is this the case? If so, this action will result in an INCREASE in cattle numbers (Sorenson) across the other lands of the allotment, including the WSA in the Spruce allotment –where is this analysis of direct, indirect, cumulative and especially adverse impacts of this action to important values of the public lands? "*

**Response:** As noted above, this project will not result in any increased stocking rates across any of these lands, and it will also not increase Von and Marian Sorensen livestock use on any other parts of their allotment. The Wilderness Study Area is adjacent to but outside the boundaries of the D-3 Use Area of the Spruce Allotment, and as such is not affected by this action. However, as noted the Spruce Allotment is no longer included in the proposed action.

**Point #19:** *"We Protest BLM's claim that "the amount of use around wet areas will be reduced". BLM has failed to provide any current monitoring data or lentic or upland ecological site data that tracks use of riparian areas or the surrounding uplands in an adequate manner. BLM will be allowing MORE livestock to graze here than have been grazed herein the past (at least the recent past), so there will be MORE impacts. What is the "baseline" for BLM's analysis here? Please provide all monitoring data as required to be conducted under the Nevada and BLM Rangeland monitoring manuals."*

**Response:** The BLM once again stresses that this application will result in grazing use far less than permitted use- approximately 1,064 AUMs in the Chase Spring Allotment (41% of Active Preference) and approximately 262 AUMs in the Tobar Allotment (20% of Active Preference). Actual use for the two allotments have not exceeded 63% of active preference for the Chase Spring Allotment or 69% of active preference for the Tobar Allotment in recent years. The reference to the reduced level of use around wet areas stems from the proposed season of use, as livestock are less likely to concentrate around water sources during the winter and spring months than during the season long livestock use normally authorized in these two allotments.

**Point #20:** *"Please also provide monitoring information that tracks and assesses the impacts of any and all livestock water haul, pipeline troughs, or an other water facilities on soils, vegetation, habitat for important and special status species, recreation, and other important values and uses of the public lands. We Protest the failure to do this."*

**Response:** As noted, the only water facility on public lands is the Jasper Well, and it has been in existence for at least 65 years and possibly longer than that. In that time the well has watered livestock and wild horses in much greater numbers than found today.

**Point #21:** *"We Protest that BLM has provided no data on current species composition, productivity, extent of exotic species, invasion, etc. in all the lands of these allotments. What lands could be rested, instead of being grazed?"*

**Response:** The only documented noxious weed infestations found in the project area are two patches of hoary cress in the D-3 use area of the Spruce Allotment. Other invasive plants such as halogeton and cheatgrass exist in the project area. The current permitted seasons of use do not call for any of these lands to be rested from grazing.

**Point #22:** *"It is unclear just when all lands of all allotments affected here are regularly scheduled to be grazed. "The applic'n contains additional planned grazing use that falls within the authorized period of use ... Chase Spgs. and Tobar allotment [don't know were this Tobar allotment suddenly came from???]... this action is similar to changes previously approved as within the intent of the grazing permit ... due to the time frames involved BLM is proposing to authorize the grazing use in spruce and Chase Springs no earlier than Jan. 14 ...". Please explain in great detail what this all means."*

**Response:** The authorized seasons of use for the allotments involved in this action are all laid out in the public consultation letter and Proposed Decision that this comment quotes, but will be repeated here. Authorized season of use for the Chase Spring Allotment is 1 April to 30 November annually, and authorized season of use for the D-3 Use Area of the Spruce Allotment is trailing use, one week in the spring and one week in the fall. The Tobar Allotment lies adjacent to the Chase Springs Allotment and has the same annual season of use; it is only mentioned in the consultation letter because the application that caused this action to be considered contained planned use in the Tobar Allotment, all of which falls within the authorized use dates and is therefore not part of this proposed action.

This application proposed to start grazing use on 15 December. However, in order to accommodate the time frames involved with public consultation, preparing NEPA documents, and then issuing a grazing decision, the earliest that the BLM could approve the application would be in mid-January 2007. The use applied for before that could not be made.

**Point #23:** *"BLM will require F. Scott Egbert and the Sorensens to provide an agreement covering the maintenance of the Jasper Well before any use in the Spruce allotment occurs". Who is responsible now, and what are the current conditions? Please provide photos. We Protest the failure of BLM to provide a map or any information that shows the location of the Jasper Well."*

**Response:** Jasper Well is currently the responsibility of the Von and Marian Sorensen. The grazing regulations require that when the BLM allows temporary use in an allotment that a permittee does not have a permit to graze in (such as this case) an agreement covering operations and maintenance of any range improvements must be filed. However, since the part of the application covering use in the Spruce Allotment has been withdrawn, this agreement will no longer be required.

The BLM directs the reader to review the two maps included in the Environmental Assessment, one of which shows the location of Jasper Well.

**Point #24:** *“We Protest the reliance on adjudication maps, that have no relevance o the ecological conditions and sustainable forage production, or understanding of grazing effects in 2006. BLM must prepare a current capability, suitability, carrying capacity, and ecological site inventory on the affected lands, as well as a current FRH assessment across the affected allotments.”*

**Response:** The BLM is not relying on any adjudication maps in this action. The Spruce Allotment does have a current carrying capacity analysis, which grouped the D-3 use area in with two adjacent use areas. The BLM plans to completed Standards and Guidelines for Rangeland Health assessments as part of the grazing permit renewals scheduled for these allotments in Fiscal Year 2007.

**Point #25:** *“We Protest BLM failing to provide payment/billing records or analysis. Has this been occurring all along, and BLM now seeks to legitimize it? If so, who has paid for “extra” AUMs here?”*

**Response:** The BLM approved similar applications to this one as “within the intent of the grazing permit” since 2002. The change in definition of what constitutes “within the intent of the permit” made by the revised grazing regulations issued earlier this year caused the change in how the BLM is processing these applications.

**Point #26:** *“We Protest the failure to assess how this may related to actions on Big Springs or other allotments where Egbert may have cattle. Is it a way of accommodating cattle that may be temporarily displaced from the Big Springs allotment under the new MUD FD”*

**Response:** As already stated, this action is completely unrelated to any actions occurring on any other allotments.

**Point #27:** *“We Protest the failure to adequately address how this may lay the groundwork for a permanent increase in AUMs in the Spruce allotment where taxpayers have recently funded the large-scale destruction of sagebrush habitats (to plant new cwg seedings that destroyed pygmy rabbit habitats, and also the huge sums of taxpayer dollars that would be sunk into the hoped-for forage boon resulting from the chaining, burning, chopping and other disturbance of woody vegetation to generate livestock forage that would occur under Spruce EA. This seems a significant first step in a permanent increase in AUMs grazed here –albeit being done through*



*another party with whom Sorenson's may or may not have some Agreement. Is sub-leasing occurring? Who all runs cows right now on any allotments grazed by either Sorenson or Egbert? How will this action affect intermingled private lands?"*

**Response:** Sub-leasing is not occurring in this case; the BLM was proposing to permit one permittee to use a portion of an adjacent allotment that cannot be effectively used otherwise. This is no longer being considered due to the withdrawal of the part of the grazing application covering use in the Spruce Allotment. Von and Marian Sorensen are the sole livestock permittee on the Spruce Allotment, and the Egberts are the sole livestock permittee on the Chase Spring Allotment. The Egberts share the Tobar Allotment with one other permittee, the Peltier family.

Any intermingled private lands that are unfenced will be grazed in the same manner and at the same time as the permitted use on the public land.

**Point #28:** *"BLM must issue an EIS, as the EA has failed to alleviate significant concerns related to the environmental impacts and explain the machinations involved in this deal."*

**Response:** The EA concluded that preparation of an EIS is not necessary in this case.

**Point #29:** *"We Protest the failure to assess impacts to the wild horse her area, and the horses requirements for food, space and cover"*

**Response:** During the NEPA process, the BLM determined that the wild horses were present but not affected by the proposed action.

**Point #30:** *"We Protest the failure to conduct necessary cultural analyses to understand the current and new impacts of the actions to historical and cultural resources here. Impacts range from breakage of artifacts due to grazing large numbers of livestock in watersheds to cattle trailing altering historical trails. With the new OHV trail, the disturbance related to the various vegetation treatments and other actions here, these resources are significant jeopardy. BLM thus can not conclude that the action will not significantly or adversely impact these or any other resources."*

**Response:** The BLM believes that the analysis contained in the EA is valid and complete. The BLM as standard procedure will not let any new ground disturbing activities on public land proceed until all cultural resource concerns have been identified and mitigated. The analysis presented in the EA discloses possible impacts to archaeological resources by this action and states why normal livestock grazing authorizations are not considered to pose significant threats to those resources.