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12/1/06



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611
<http://www.nv.blm.gov>

DEC -1 2006

In Reply Refer To:
4130 (NV-012)

PROPOSED DECISION ON AN APPLICATION FOR TEMPORARY CHANGE IN PERIOD OF USE IN THE CHASE SPRING AND SPRUCE ALLOTMENTS

Dear Reader:

On 31 October 2006 F. Scott & Laurel S. Egbert submitted a grazing application for a Temporary Change in Period Use within the Chase Springs and Spruce Allotments. The application covers livestock used from 15 December 2006 through 31 March 2007.

Based on our analysis, BLM prefers Alternative 1 Change in Period of Use, for which we find, would have no significant impact (also enclosed). **As a result of our analysis, my proposed decision is to:**

Approve the Temporary Change of Period of Use within the Chase Spring and Spruce Allotments, as described in environmental assessment BLM/EK/PL – 2007/009.

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 PROTEST AND APPEAL

Protest

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under 4160.1 of this title, in person or in writing to the authorized officer Shane DeForest, Assistant Field Manager for Renewable Resources at 3900 East Idaho Street, Elko, Nevada 89801 within 15 days after receipts of such decision. The protest, if filed, must state clearly and concisely the reason(s) why the protestant thinks the decision is in error.

In accordance with 43 CFR 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

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: Finding of No Significant Impact for BLM/EK/PL – 2007/009
Environmental Assessment BLM/EK/PL – 2007/009

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

**United States Department of the Interior
Bureau of Land Management
Elko Field Office**

**FINDING OF NO SIGNIFICANT IMPACT
Chase Spring and Spruce Allotments- Change in Period of Use
BLM/EK/PL-2007/009**

Based on the environmental assessment (EA) for the Chase Spring and Spruce Allotments Application for Temporary Change in Period of Use (BLM/EK/PL-2007/009), I have determined that Alternative 1 of the proposed action, as described in the EA, will not significantly affect the quality of the human environment. Monitoring of livestock use will be conducted during the use period to ensure utilization objectives are not exceeded. Therefore, preparation of an Environmental Impact Statement (EIS) is not required prior to approval of this alternative to the application.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and the intensity of impacts, as discussed in the EA.

Context:

The proposed action is to authorize approximately 1,181 Animal Unit Months (AUMs) of livestock use within the Chase Spring and Spruce Allotments between approximately 16 January 2007 and 31 March 2007. The Chase Spring Allotment contains approximately 47,426 acres of land, of which 1715 are private and 45,711 are public administered by the Bureau of Land Management. The allotment is located approximately 25 miles south-southeast of Wells, Nevada. F. Scott & Laurel S. Egbert's authorized preference in the Chase Spring Allotment is 2,586 AUMs, and the authorized season of use is 1 April to 30 November annually.

The use in the Spruce Allotment would occur in the D-3 Use Area of that allotment, which includes approximately 12,120 acres of public land administered by the Bureau of Land Management. This represents approximately 2% of the total land surface area of the Spruce Allotment. The Final Multiple Use Decision in the Spruce Allotment issued in 1998 calls for the D-3 Use Area to be grazed two weeks each year, one week in the spring and one week in the fall while trailing between Summer and Winter ranges. This use area was formerly used primarily as a sheep pasture. Von & Marian Sorensen are the current permittees on the Spruce Allotment, and any use that F. Scott & Laurel S. Egbert make in the Spruce Allotment would be under temporary authorizations.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The analysis identifies both beneficial and adverse impacts that result from the proposed grazing on vegetation, water quality, and wildlife including migratory birds and special status species. The Temporary Change in Period of Use is expected to have minor to no impacts and be compatible with making significant progress towards the Standards for Rangeland Health and multiple-use objectives within the two allotments.

2) *The degree to which the proposed action affects public health or safety.*

The proposed action will have no effect on public health or safety.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

No park lands, prime farmlands or wild and scenic rivers are present in either the Chase Spring Allotment or the D-3 Use Area of the Spruce Allotment. Grazing of these areas, as analyzed for the Application and the proposed action, is not expected to affect cultural resources in the area.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The BLM received three comment letters in response to public consultation efforts on this proposal. The bulk of the comments raise issues relating to controversial activities in other parts of the Spruce Allotment, none of which are related to the proposed action and impacts.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The analysis in the environmental assessment has not identified effects that would be considered highly uncertain or involve unique or unknown risks. All livestock grazing authorizations are subject to applicable procedures to prevent undue environmental harm and risk. Following receipt of the application, BLM determined that forage is available. As a routine procedure, effects of grazing use an allotment, including Temporary Change in Period of Use, is monitored and periodically evaluated to determine if changes are needed to meet allotment specific management objectives.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

By definition, approval of 'Temporary Changes in Seasons of Use' use of available forage is not precedent setting and does not represent a decision about future authorizations.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

Other actions related to the current proposal include past, current and reasonably foreseeable grazing in the allotment area. The cumulative effects of all actions on wildlife habitat, including habitat important to special status species, are of concern. As discussed in the EA, the proposed use is expected to have minor impacts and, when considered in combination with other actions, be compatible with making significant progress towards the Standards for Rangeland Health and multiple-use objectives within the Native Pasture.

As a standard procedure, cumulative impacts throughout the affected area would be subject to future review as grazing and other management actions are proposed, and on an area-specific and case-by-case basis.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historic resources.*

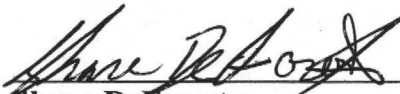
Grazing has historically occurred throughout the allotment. As noted for factor 3 above, no adverse effects to significant scientific, cultural and historic resources are expected to result.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

There are no known endangered or threatened species or critical habitat affected by the proposed action.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

As discussed for other factors, this action would not threaten progress that is being made towards meeting rangeland health standards.



Shane DeForest
Assistant Field Manager
Renewable Resources

12-1-06

Date

**CHASE SPRINGS AND SPRUCE ALLOTMENTS
APPLICATION FOR CHANGE IN PERIOD OF USE
ENVIRONMENTAL ASSESSMENT
BLM/EK/PL-2007/009
December 2006**

I. INTRODUCTION/PURPOSE AND NEED

1.1 Introduction

On 31 October 2006 F. Scott & Laurel S. Egbert submitted an application to graze 150 cattle in use area D-3 of the Spruce Allotment from 15 December 2006 to 31 March 2007 and 350 cattle in the Chase Springs Allotment from 15 January 2007 to 31 May 2007. The permitted season of use on the Chase Springs Allotment is 1 April to 30 November annually, and the Spruce Final Multiple Use Decision allows two weeks of livestock use each year in the D-3 use area, one week in the spring and one week in the fall. Due to recent changes in the grazing regulations the parts of this application falling outside of the permitted use date range can only be approved as "Temporary, Non-Renewable Use." The entire grazing use applied for cannot be considered due to the time frames needed to process this application; the potential use that will be considered in this analysis will be described in the proposed action.

The Chase Springs Allotment lies approximately 25 miles south-southeast of Wells, NV. The application for use in the Spruce Allotment would occur in the D-3 use area, which lies at the northern tip of this allotment adjacent to the Chase Springs Allotment. No fences or barriers separate the Chase Springs Allotment from the D-3 use area in the Spruce Allotment. See attached maps.

This environmental assessment (EA) has been prepared for compliance with the National Environmental Policy Act. It tiers to the environmental impact statement (EIS) for the Wells Resource Management Plan. The EIS is available for review upon request at the Elko Field Office.

1.2 Purpose and Need

The purpose of this action is to act on an application for grazing that includes use outside of the date range considered by the grazing regulations to be "within the intent of the grazing permit". Grazing regulations at 43 CFR § 4130.6-2 allow for non-renewable permits and applications may be issued on an annual basis when forage is temporarily available, provided this use is consistent with multiple use objectives and does not interfere with existing livestock operations on the public lands. In this case the total number of authorized AUMs will not be exceeded.

1.3 Land Use Plan Conformance

The proposed action, as described below, is in conformance with the Wells Resource Management as approved on July 16, 1986, Issue 6 (4). This decision is to "Monitor and adjust grazing management systems and livestock numbers as required." It is also consistent with other laws, regulations and policies to the maximum extent possible, including the Standards and

Guidelines for Rangeland Health for the Northeastern Great Basin Area of Nevada (43 CFR 4180.2).

II. PROPOSED ACTION AND ALTERNATIVES

2.1. Authorize Use in the Chase Springs and Spruce Allotments

The proposed action is to authorize approximately 1,181 AUMs of livestock use in the Chase Springs and Spruce Allotments outside of the permitted use dates. The proposed action is to authorize 500 cattle in the Chase Springs and D-3 Use Area of the Spruce Allotment from approximately 16 January 2007 to 31 March 2007. Total grazing use will not exceed active preference in either allotment. F. Scott & Laurel S. Egbert is the sole livestock permittee on the Chase Springs Allotment, and Von L. & Marian Sorensen is the sole livestock permittee on the Spruce Allotment; Egbert's use of the Spruce Allotment would be approved as "Temporary, Non-Renewable" use, with those AUMs in the D-3 use area unavailable to Von and Marian Sorensen. Maximum utilization will remain at 50%, and monitoring will be conducted around 1 March 2007 to ensure this objective is not exceeded.

2.2 No Action

The No Action Alternative is to deny the part of the application containing use outside the permitted use dates. Livestock use would still occur within the permitted use range on the Chase Springs Allotment, and the D-3 use area would be available to Von and Marian Sorensen and would be used in accordance with the Spruce FMUD.

III. AFFECTED ENVIRONMENT/ENVIRONMENTAL EFFECTS

General Setting: The Chase Springs Allotment is located approximately 25 miles south-southeast of Wells, NV. The allotment contains approximately 47,426 acres of land, of which 1,715 are private and 45,711 are public administered by the Bureau of Land Management. Elevations in the allotment range from approximately 5,500 feet at the floor of Independence Valley to approximately 6,700 feet at the top of the northern tip of Spruce Mountain.

The Spruce Allotment is centered approximately 60 miles southeast of Wells, NV. The allotment contains approximately 547,107 acres of land, of which approximately 17,713 are private and approximately 530,554 are public administered by the Bureau of Land Management. The Spruce Allotment is divided by fences and natural boundaries into a large number of pastures; this application covers only one of them, Use Area D-3, which includes approximately 12,120 acres of public land on the northern tip of the allotment adjacent to the Chase Springs Allotment. Elevation in this use area ranges from approximately 5,590 feet in the Independence Valley to approximately 6,680 feet on the western slope of the Pequop Mountains.

3.1 Critical Elements Not Affected

The following critical elements of the human environment are not present or not affected:

- Air Quality
- Areas of Critical Environmental Concerns
- Environmental Justice
- Floodplains
- Prime or Unique Farm Lands
- Wastes (hazardous or solid)
- Wild and Scenic River
- Wilderness
- Recreation

3.2 Elements and Resources Brought Forth for Further Analysis

The following resources are brought forward for analysis:

3.2.1 Cultural Resources

Description of the Affected Environment

Twelve cultural resource inventories have been completed partially or totally within the grazing allotments. All but two were linear surveys associated with seismic exploration, a fence line and a fiber optic cable. The other two were for a geothermal test well and a 20 acre gravel pit. Four sites (three small prehistoric sites and a small historic site) and half a dozen isolated artifacts were recorded.

The topography of the project area is located primarily on lands that were once inundated by Pleistocene Lake Clover. The northern end of Spruce Ridge runs through the middle of the Chase Allotment. The results of the previous inventories probably are not a fully accurate reflection of the potential of the area. While much of the old lake bed is estimated to have low cultural resource sensitivity, some locations within the allotments are thought to have fairly high potential for containing significant prehistoric cultural resources. An unrecorded/unevaluated resource within the allotments is the Hastings Cutoff of the California Emigrant Trail. Historic resources associated with the trail, the Western Pacific Railroad, homesteading and ranching may also be present. No known historic towns or districts are located within the allotment boundary.

None of the known cultural sites have been evaluated for their eligibility for listing on the National Register of Historic Places (NRHP) because they were recorded before the BLM and State Historic Preservation Officer (SHPO) formally evaluated sites. But based on the site descriptions, at best only one or maybe two would qualify for the NRHP.

The known and most of the expected prehistoric cultural resources sites, are small to medium artifact scatters that are sometimes eligible for their potential to inform on hunter-gatherer lifeways, including subsistence and settlement patterns, trade, and chronological development of

prehistoric technology. The significance of most historic sites, if eligible for listing on the NRHP, would also be for the information they could provide regarding history of the area. A few of the resources, particularly the Hastings Cutoff, could be eligible for their association with events or people important to history, or due to the presence of significant architecture.

Effects of the Alternatives

Proposed Action

Most cultural resources are relatively fragile be they historic buildings, wagon roads or clusters of stone artifacts, and all can be affected by grazing to some degree. Grazing and management activities associated with grazing can be damaging to archaeological sites. The primary value of most archaeological resources is the information they can provide about past people and their cultures. Among the most critical factors for interpretation of archaeological remains is the integrity of their location and association. The more closely artifacts remain to the place they were abandoned, the more accurate the interpretation of activity at that location. Any action that displaces or damages artifacts, associated debris or the soils within which these lay may adversely affect this resource. Grazing impacts archaeological resources in a number of ways. Trampling can directly damage or move artifacts, and if conditions are muddy, mix artifacts from more recent occupations with older items buried beneath them. Vegetation removal and formation of trails by livestock can lead to erosion that exposes and destroys archaeological deposits.

In general, BLM determines impacts to cultural resources on a case-by-case basis when earth-disturbing activities are proposed at specific locations. The need for new inventories and assessments of potential effects to archaeological sites determined eligible for the National Register are based on a number of factors, including, but not limited to, the amount of previous inventories conducted in the general vicinity of proposed projects, the results of prior inventories, and the probability that significant cultural resources will be present based on pre-field archival research and locations of proposed projects on the landscape. Inventories are generally not conducted prior to the issuance of general grazing permits; rather, they are completed during site specific project proposals. The main reason that inventories are generally not completed at the grazing permit level is because it is usually not practicable to determine the precise agent(s) of impacts to cultural resources that may occur on a general scale on a day-to-day basis. On any given day, impacts to cultural resources may occur as a result of off-road vehicle use, illegal artifact collecting, grazing (by pronghorn, deer, cattle, domestic sheep, and wild horses), and natural erosive forces such as sheetwash rain, wind, snowmelt etc. These impacts generally cannot be separated and singled out as a primary impact to cultural resources on a site specific basis. Additionally, regarding domestic cattle and sheep grazing, it is well known that the number and intensity of grazing animals was far greater in the late nineteenth and early twentieth centuries (generally before passage of the Taylor Grazing Act in the 1930's) than the intensity of grazing which occurs today. As a result, impacts to cultural resources generally have lessened over the course of the past 50+ years compared to earlier impacts. It is not feasible to quantify and compare current impacts in order to make judgments regarding the degree of impacts that may go beyond those already inflicted during days of unregulated grazing.

Thus, the focus of inventory efforts is placed on site specific project designs in which both the agent of impact and the location of impact are knowable.

The exception to the above discussion is the Hastings Cutoff of the California Trail. Although this section of the trail has not been formally recorded or evaluated, it consists primarily of Class 2 (unbladed two-track roads used by modern vehicles) and Class 4 (trail obliterated by blading or other modern activity) segments. Grazing related impacts are assumed to consist primarily of livestock trailing along the road. Effects from trailing along an existing trail or road segment is estimated to be of little consequence to the existing trail/road surface.

Based on the above factors, and considering that (1) there are currently no known significant sites within the allotment that are being negatively impacted by general cattle grazing, and (2) significant sites recorded in the future that lie in the path of proposed earth-disturbing projects related to cattle grazing will be either avoided or mitigated as per the Programmatic Agreement between the Nevada BLM and SHPO, the BLM has determined that authorizing the grazing use outside the permitted use dates under the terms of the proposed action would have "no adverse effect" to historic properties.

No Action Alternative

Grazing use would occur in these allotments under the current permitted seasons of use, and therefore impacts would be the same as those described for the proposed action.

3.2.2 Native American Religious Concerns

The Chase Springs and Spruce Allotments lie within the traditional territory of the Western Shoshone and Goshute Tribes. Various tribes and bands have stated that federal projects and land actions can have widespread effects to their culture and religion as they consider the landscape as sacred and as a provider. Sites and resources considered sacred or detrimental to the continuation of tribal traditions include, but are not limited to: prehistoric and historic village sites, sources of water (hot and cold springs), pine nut gathering locations, sites of ceremony and prayer, archaeological sites, burial locations, "rock art" sites, medicinal/edible plant gathering locations, areas associated with creation stories, or any other tribally designated Traditional Cultural Property.

The analysis area for potential impacts to sites and resources of concern to tribes is the vicinity of the grazing use areas included in the proposed action. Considering the description and purpose of the project itself (temporary change in season of use), it is unlikely that this activity will adversely affect any Native American religious site, religious practice or ceremony, or any other traditional/spiritual/cultural use site or resource. For the following reasons, this has been determined: The proposed action does not appear to have the ability (no authorized land disturbing activities) to compromise the physical integrity of any traditional/spiritual/cultural or ceremonial use area. This action will not limit or prevent access to any unknown (to BLM) or known traditional use or ceremonial sites currently in use. The grazing system within the allotment appears to be non-intensive and dispersed in terms of numbers of cattle allowed to graze and the amount of time they graze the allotments. All ground disturbing activities related

to livestock grazing within this allotment, such as the construction of fences, pipelines, installation of watering troughs etc., may be subject to site specific Native American consultation.

3.2.3 Wetlands/Riparian Zones

Description of the Affected Environment

There are three springs located within the project area, all contained in the Chase Spring Allotment (Point, Chase and Mound Springs). All of these springs are on private land. Other waters or riparian habitats associated with the proposed action are: numerous intermittent drainages, some marsh/wetlands in the north and west sections of the Chase Spring Allotment, a large meadow complex between Point and Chase springs, a number of inundation areas and an alkali flat of a dry lake bed that straddles the border between Chase Springs and a D-3 use area of the Spruce Allotment.

Effects of the Alternatives

Proposed Action

The proposed use would be during the winter period, which typically reduces pressure on riparian areas. Livestock use would tend to be more dispersed throughout the allotments, and the tendency for loitering near water sources will be reduced. As a result, there would be less direct impacts to spring sources, wetlands and drainages from livestock disturbance under the proposed action.

No Action Alternative

Under the No Action Alternative, livestock use would be authorized in accordance with existing use periods or management plans. The Chase Springs Allotment, which contains most of the springs and the meadow complex, would be subject to season long grazing (April through November). Livestock use would likely remain disbursed during the spring months, with livestock grazing intensifying around the water sources in the summer months.

3.2.4 Water Quality

Description of the Affected Environment

The area proposed for the use is drained by ephemeral drainages which are tributary to terminal basins in Independence Valley and Clover Valley. Water collects on the bottom of these terminal basins to form temporary lakes in the springtime which can persist until June in wet years. Water quality standards outlined in NAC445A apply to these resources.

Effects of the Alternatives

Proposed Action

Impacts to water quality would not violate water quality standards. Even though livestock use tends to be less focused on riparian areas during the winter and spring seasons, the saturated soils would be more susceptible to damage by trampling, which could result in an increased erosion and sedimentation especially during a wet year. However, the amount of grazing around such springs and wet areas would be reduced, which would limit the potential damage. This and other impacts by cattle could impact water quality but would not result in violation of state water quality standards outlined in NAC 445A.

No Action Alternative

The No Action Alternative would see livestock grazing occur within the authorized seasons of use, which run from April through November for the Chase Springs Allotment and two weeks each year in the D-3 Use Area of the Spruce Allotment. The trailing use in the D-3 Use Area of the Spruce Allotment could see intense but brief use during the trailing moves, which would not likely impact water quality. Grazing during the entire authorized season of use on the Chase Springs Allotment could see livestock use intensify around water sources during the summer months, which could impact water quality.

3.2.5 Invasive, Non-Native Species

Description of the Affected Environment

The Elko Field Office noxious weeds database shows two infestations of hoary cress (*Cardaria draba*) on public land located in the D-3 region of the Spruce allotment. The first hoary cress infestation measures approximately 1800 square feet. The second hoary cress infestation measures approximately 150 square feet. No other documented infestations of Nevada designated noxious weed species are present within these grazing areas. Other invasive species such as Cheatgrass (*Bromus tectorum*) and halogeton (*Halogeton glomeratus*) are also found within the project area. These species are not Nevada designated noxious weed species but are considered an invasive species.

Effects of the Alternatives

Proposed Action

The proposed grazing use would be occurring prior to germination and resprouting of most invasive non-native species. Proposed use is not expected to cause additional spread or establishment of these weed species. Other external factors such as wind, birds, wildlife, railroad tracks, and human presence may bring new noxious or invasive weed species to areas currently not inhabited by invasive plant species. The spread or invasion of these species would be expected to occur at some level under any conditions.

No Action Alternative

There are no additional expected effects of the No Action Alternative as compared to the proposed action on noxious or invasive weed species.

3.2.6 Wildlife/Migratory Birds, Special Status Species and Threatened or Endangered Species

Description of the Affected Environment

Wildlife

The predominant vegetation types within the project area consist of Wyoming sagebrush, salt desert shrub (black greasewood) and pinyon juniper. A variety of small mammals (jackrabbit, cottontail rabbits, chipmunks and ground squirrels); large mammals (pronghorn antelope and mule deer); passerine birds and raptors are known to inhabit the project area. The project area lies within antelope yearlong habitat and intermediate mule deer range. Numerous species of raptors, including red-tailed hawks, rough legged hawks, golden eagles, prairie falcons, northern harriers and ferruginous hawks are likely to be found within the project area.

Migratory Birds

A list of the migratory birds affected by the President's executive order is contained in 43 CFR 10.13. References to "species of concern" pertain to those species listed in the periodic report "Migratory Nongame Birds of Management Concern in the United States", priority migratory bird species as documents by established plans (such as Bird Conservation Regions in the North American Bird Conservation Initiative or Partners in Flight physiographic areas), and those species listed in 50 CFR 17.11.

The proposed action is located primarily in sagebrush, salt desert shrub, and pinyon juniper habitat types. The Nevada Partners in Flight Bird Conservation Plan identifies the following bird species associated with these ecotypes:

Sagebrush	Pinyon-Juniper	Salt Desert Shrub	Playas/Lakes
<p>*Obligates: Sage Grouse</p> <p>** Other: Black Rosy Finch Ferruginous Hawk Gray Flycatcher Loggerhead Shrike Vesper Sparrow Prairie Falcon Sage Sparrow Sage Thrasher Swainson's Hawk Burrowing Owl Calliope Hummingbird</p> <p>Other associated species: Brewer's Sparrow Western Meadowlark Black-throated Sparrow Lark Sparrow Green-tailed Towhee Brewer's Blackbird Horned Lark Lark Sparrow</p>	<p>Obligates: Pinyon Jay Gray Vio</p> <p>Other: Ferruginous Hawk Gray Flycatcher Juniper Titmouse Mountain Bluebird Western Bluebird Virginia's Warbler Black-throated Gray Warbler Scott's Oriole</p> <p>Other Associated Species: Mountain Quail Scrub Jay Black-billed Magpie Clark's Nutcracker Mountain Chickadee</p>	<p>Obligates: None</p> <p>Other: Loggerhead shrike Burrowing owl Sage thrasher Sage sparrow</p> <p>Other Associated Species: Horned lark Brewer's sparrow Black-throated sparrow Lark sparrow Rock wren</p>	<p>Obligates (PIF-listed as Wetlands/Lakes): White-faced Ibis Snowy Plover American Avocet Black Tern</p> <p>Other (PIF-listed as Wetlands/Lakes): Sandhill Crane Long-billed Curlew Short-eared Owl</p> <p>Other Associated Species (Wetlands/Lakes) American bittern Great Egret Snowy Egret Cattle Egret Black-crowned Night Heron Marsh Wren Common Yellowthroat Yellow-headed Blackbird</p>

* "Obligates" are species that are found only in the habitat type described in the section. [Habitat needed during life cycle even though a significant portion of their life cycle is supported by other habitat types]

** "Other" are species that can be found in the habitat type described the Nevada Partners in Flight Bird Conservation Plan.

Special Status Species

Federally Threatened or Endangered Species: Any species that the U.S. Fish and Wildlife Service has listed as an endangered or threatened species under the Endangered Species Act throughout all or a significant portion of its range.

Proposed Threatened or Endangered Species: Any species that the Fish and Wildlife Service has proposed for listing as a Federally endangered or threatened species under the Endangered Species Act.

Candidate Species: Plant and animal taxa that are under consideration for possible listing as threatened or endangered under the Endangered Species Act.

BLM Sensitive Species: Species 1) that are currently under status review by the U.S. Fish and Wildlife Service, 2) whose numbers are declining so rapidly that Federal listing may become necessary; 3) with typically small and widely dispersed populations; or 4) that inhabit ecological refugia or other specialized or unique habitats.

State of Nevada Listed Species: State-protected animals that have been determined to meet BLM's Manual 6840 policy definition.

Nevada BLM policy is to provide State of Nevada Listed Species and Nevada BLM Sensitive Species with the same level of protection as is provided for candidate species in BLM Manual 6840.06C. Per wording for BLM Informational Bulletin No. NV-2003-097, Nevada protected animals that meet BLM's 6840 policy definition are those species of animals occurring on BLM-managed lands in Nevada that are: (1) 'protected' under authority of Nevada Administrative Codes 501.100 - 503.104; (2) have been determined to meet BLM's policy definition of "listing by a State in a category implying potential endangerment or extinction," and (3) are not already included as a federally listed, proposed, or candidate species.

BLM sensitive species that are likely or known to occur within the project area are listed in Table 2.

Table 2: Special Status Species known or likely to occur within the Project Area

COMMON NAME	SCIENTIFIC NAME	Habitat Types			
		Sagebrush ¹ /grass	² Pinyon/Juniper ²	³ Salt Desert Shrub ³	⁴ Playas/Lakes ⁴
(USFWS) Federally Listed Threatened Species					
bald eagle (winter resident)	<i>Haliaeetus leucocephalus</i>	X			
BLM Sensitive Species					
golden eagle	<i>Aquila chrysaetos</i>	X			
Western burrowing owl	<i>Athene cunicularia</i>	X		X	
ferruginous hawk	<i>Buteo regalis</i>	X	X		
Swainson's hawk	<i>Buteo swainsonii</i>	X			
peregrine falcon	<i>Falco peregrinus</i>	X			
prairie falcon	<i>Falco mexicanus</i>	X			
loggerhead shrike	<i>Lanius ludovicianus</i>	X		X	
vesper sparrow	<i>Poocetes gramineus</i>	X			
juniper titmouse	<i>Baeolophus griseus</i>		X		
pinyon jay	<i>Gymnorhinus cyanocephalus</i>		X,O		
gray vireo	<i>Vireo vicinor</i>		X,O		
short-eared owl	<i>Asio flammeus</i>	X			X
Northern long-eared owl	<i>Asio otus</i>	X			
sage grouse	<i>Centrocercus urophasianus</i>	X,O			
black rosy finch	<i>Leucosticte atrata</i>	X			
long-billed curlew	<i>Numenius americanus</i>				X
snowy plover	<i>Charadrius alexandrinus</i>				X,O
sandhill crane	<i>Grus canadensis</i>				X
black tern	<i>Chlidonias niger</i>				X,O
western pipetrelle	<i>Pipistrellus hesperus</i>				X
long-eared myotis	<i>Myotis evotis</i>		X		
long-legged myotis	<i>Myotis volans</i>		X		
little brown bat	<i>Myotis Lucifugus</i>		X		
small-footed myotis	<i>Myotis ciliolabrum</i>		X		
fringed myotis	<i>Myotis thysanodes</i>		X		
Pacific Townsend's big-eared bat	<i>Corynorhinus townsendii pallescens</i>		X		

O Obligate Species – Obligate species are species which are dependent on a specific habitat type to complete their life cycles. They may, however, use other habitats as well.

¹ The Sagebrush/grass habitat type is dominated by big sagebrush, low sagebrush, shadscale, bud sage, and rabbit brush, respectively. Associated grass species include: bluebunch wheatgrass, Idaho fescue, Sandberg bluegrass, needlegrass, and bottlebrush squirreltail. Forbs include arrowleaf balsamroot, lupine, phlox, and aster

²Pinyon/Juniper habitat is dominated by stands of either singleleaf pinyon (*Pinus monopylla*) or any of four species of juniper including Utah (*Juniperus osteosperma*), Western (*J. occidentalis*), Rocky Mountain (*J. scopulorum*) or California (*J. californica*).

³Salt desert scrub habitat is characterized by the presence of a variety of salt-tolerant shrubs of the family Chenopodiaceae, predominantly shadscale and greasewood.

⁴Playa and wetland habitat within the complex is primarily characterized by seasonal wetlands and sloughs of varying character, quality and periodic longevity.

No sage grouse leks have been identified in either the Chase Springs Allotment or the D-3 use area of the Spruce Allotment. The majority of the D-3 use area is identified as late summer use area for sage grouse. No nesting or winter habitat has been identified for sage grouse in this area. The Chase Springs Allotment contains late summer, nesting and winter habitat for sage grouse.

Eighteen species of migratory birds (including raptors) are thought or known to occur within the project area on a seasonal basis. These species use a variety of habitats. Healthy upland and riparian habitats are essential to provide suitable nesting habitat, foraging areas and cover. Raptor species are dependent on these habitats to provide habitat (cover and forage) for their prey base. There is one known ferruginous hawk nesting territory located on the east side of the D-3 use area of the Spruce Allotment.

“Burrowing owls are associated with areas of short grasses or shrubs, open sites and the availability of below-ground burrows for nesting. Primary prey for burrowing owls consists of vertebrates (mainly rodents) and invertebrates (mainly beetles).” (Belthoff, et. al. 1995) No burrowing owls have been documented within the project area; however, they have been documented in surrounding areas within vegetative types which are present in the project area.

In general, bats use water between night-time foraging bouts. They utilize all of the habitat types for foraging and feed on a variety of nocturnal insects.

Effects of the Alternatives

Proposed Action

Changing the period of use would result in the reduction of livestock use on native herbaceous vegetation during the critical growing season for both allotments which when combined with existing use objectives should promote the health and vigor of native vegetation and enhance the habitat values for wildlife species within this area. There should be sufficient forage available for big game species which use these areas year round as well as for transitioning range.

There would be less direct impacts to nesting birds from livestock disturbance under the proposed action. The 50% utilization objective should provide adequate residual cover to enhance nest success and promote a viable prey base for raptors using the areas. The majority of the livestock use would occur prior to the nesting period for raptor species.

Under the proposed action late summer sage grouse habitat (majority of the habitat type present) and foraging habitat for bats in both allotments should be enhanced by eliminating hot season use on the riparian areas.

There is no critical habitat designated for the bald eagle within northeast Nevada, and there are no known specific habitat areas such as roosting or nesting sites for the bald eagle within the project area. No adverse impacts to bald eagles would occur as a result of the Proposed Action.

No Action Alternative

Under the current season of use the majority of the project area would continue to be grazed yearly during the critical growing season, which could have negative effects on the upland vegetative communities. In addition hot season use would continue to negatively affect lentic riparian areas, including meadows, within the Chase Springs Allotment. Yearly grazing during the critical growing season and consistent hot season use in the Chase Springs Allotment could result in reduced habitat condition for a variety of wildlife species as identified above.

3.2.7 Rangelands/Livestock Grazing

Description of the Affected Environment

F. Scott & Laurel S. Egbert is the sole livestock permittee in the Chase Springs Allotment. Active preference in the allotment amounts to 2,586 AUMs, and the permitted season of use runs from 1 April to 30 November annually. No management plan exists to govern livestock use on this allotment.

Von L. & Marian Sorensen is the sole livestock permittee in the Spruce Allotment. Livestock use is governed by the Final Multiple Use Decision (FMUD) issued on 30 January 1998. The FMUD prescribes livestock use in the D-3 use area as one week in the spring and one week in the fall while trailing between Summer and Winter use areas. The FMUD set the active use level of this use area combined with two other adjacent use areas (D-1 and D-2) at 1,273 AUMs, but did not break this down by the three areas; adjudication maps rated the D-3 Use Area at approximately 477 AUMs. Actual use records show that approximately 119 AUMs of use have been made in this use area after Von L. & Marian Sorensen stopped grazing sheep on the allotment.

This low level of use and short period of use is due to the fact that no fences or natural barriers separate the Chase Springs Allotment from the D-3 use area of the Spruce Allotment and is not the result of limited carrying capacity. The two areas are bound on the north by a fence along the Union Pacific Railroad right-of-way and on the south by a drift fence that separates them from the remainder of the Spruce Allotment.

Parts of the Chase Spring and the D-3 Use Area of the Spruce Allotment fall within the Goshute wild horse herd management area (HMA).

A BLM Rangeland Management Specialist visited the D-3 Use Area of the Spruce Allotment on 17 November 2006. The specialist observed a large amount of available forage in this area.

Effects of the Alternatives

Proposed Action

Approval of the applications would result in removal of approximately 1,181 AUMS of forage in the Chase Springs and Spruce Allotments in the winter and early spring. The use covered in this action, along with use applied for that falls within the specified period of use, will not exceed the

active preference on either allotment. The AUMs approved for use by Egbert in the Spruce Allotment would not be available for use by Von and Marian Sorensen during their authorized season of use. The proposed action would not affect the wild horse populations.

No Action Alternative

If the application is denied livestock use on the Chase Springs Allotment would be made entirely within the permitted use period. The AUMs associated with the D-3 use area in the Spruce Allotment would be available for Von and Marian Sorensen and would be used in accordance with the grazing schedule outlined in the Spruce FMUD.

3.2.8 Vegetation

Description of the Affected Environment

Vegetation in the project area falls into three plant communities. The lowest elevations on the valley floors are vegetated with a salt desert shrub community dominated by greasewood. The benches and fan areas are dominated by Wyoming big sagebrush and native grasses. The higher elevations of the project area is dominated by pinyon-juniper.

Effects of the Alternatives

Proposed Action

The proposed action would see livestock grazing start during the plant dormancy season in both the Chase Springs Allotment and the D-3 use area of the Spruce Allotment. Grazing in the D-3 Use Area of the Spruce Allotment would end before the normal start of the growing season, while grazing in the Chase Springs Allotment would continue through the early part of the growing season. Livestock would be removed before the normal end of the growing season, which would allow plants an opportunity to re-grow after grazing. Plants in the D-3 Use Area of the Spruce Allotment would be subject to an increased level of grazing above the two weeks each year currently authorized; however, the timing of use would limit the impacts.

No Action Alternative

Under the No Action Alternative, livestock use would be made within the authorized seasons of use. Plants in the Chase Springs Allotment would be subject to season-long grazing use (April through November). Plants in the D-3 use area would be subject to the two weeks each year of trailing use authorized in the Spruce FMUD.

3.2.9 Soils

Description of the Affected Environment

Soils within the area proposed for TNR use vary in depth, composition, parent materials, and other characteristics depending on differences in soil forming factors. Soils on the valley floor

are very deep and have a silty loam or other fine surface texture. Soils nearest to the valley floor bottoms exhibit hydric characteristics. Soils on alluvial fans and hillslopes are shallow and exhibit various gravelly loam textures. Hazard of erosion by wind is high in 5% of the total area - mainly in valley bottoms in chase springs allotment, moderate in 15% of the total area - mainly along mountain piedmonts, and slight in the remainder of the area proposed for TNR use. Hazard of erosion by water is moderate in the hills and slight on the piedmont and valley bottom. About 80% of soils have a severe rutting hazard when wet. It is not known where or to what extent soil biological crusts exist in the area.

Effects of the Alternatives

Proposed Action

The proposed action would likely result in increased soil erosion due to use during the wet season. Grazing during winter and spring would likely take place on saturated or partially saturated soils which are more susceptible to compaction and physical damage from hoof action. This could lead to decreased vegetation production as a result of compaction; and higher susceptibility to erosion from wind and water as a result of reduced cover and physical damage. Excessive erosion would occur when soil removal results in lack of vegetative cover, gully formation, or other type of transition which is not easily reversed. These processes would not occur when soils are frozen; however, climate data suggest that ambient air temperatures in the area are usually not low enough to cause sustained soil freezing.

No Action Alternative

The No Action Alternative could also result in soil loss. The D-3 Use Area of the Spruce Allotment would likely see a lower level of soil loss potential due to the limited grazing season, although the intensity of use would likely be higher than the proposed action. The Chase Springs Allotment could see livestock use lasting from April through November, which could include part of the wet season as well. Overall, impacts are likely to be similar to those outlined in the Proposed Action, but could be at a lower intensity level in some areas.

3.3 Cumulative Impacts

NEPA regulations define cumulative impacts as the impacts on the environment that result from the incremental impact of the Proposed action when added to other past, present and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions (40 CFR 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Past and present actions that have affected resources include: historic and continued grazing of the allotments by livestock and wild horses, fencing of pastures to control livestock use, drilling wells to provide livestock water, construction and operation of the railroad and roads, fires and associated rehabilitation actions, dispersed recreational use, organized permitted recreational events, and past gathers of wild horses. Reasonable foreseeable future action in the area include continued livestock grazing of the allotment, continued operations of the railroad, continued recreational use, and wild horse gathers.

The identified past present and reasonably foreseeable future actions will have cumulative effects on the following resources and uses of the human environment: Wildlife including migratory birds and sensitive species, vegetation, and livestock grazing.

For wildlife, past actions, in combination with wildfire and drought have reduced habitat quality, and distribution. Future actions combined with the current proposal will produce annual to intermittent short term negative and positive impacts to wildlife as cover is reduced or restored.

For vegetation, various management activities, such as fencing projects, have altered the composition and continuity of the plant community and provided openings for noxious and invasive plants to become or potentially become established. Current and future actions will create isolated areas of disturbance where these species could be established. The existing Elko District noxious weed program would be expected to address issues of noxious weeds as they are detected, and the current program of rangeland monitoring would be expected to provide an environment where these occurrences were detected early.

Present and future actions related to livestock management and future gathers of wild horses are not expected to result in cumulative impacts, as livestock use will not be expected to change in pattern or intensity.

For soils and water quality, past events that have altered the composition and continuity of the plant community and reduced vegetative cover, would continue to have minimal cumulative impacts on soils and water quality in combination with the impact of the proposed action. Reduced vegetative cover resulting from the proposed action would be during a period when soils are wet, and therefore less susceptible to wind erosion. Some water erosion could be expected but probably less than under permitted use due to the colder temperatures and the reduced overland flow which typically occurs during the proposed period of use.

Cumulative impacts to cultural resources are expected to be similar to those potential impacts discussed earlier. Unlike renewable resources such as wildlife and vegetation, the condition of cultural resources cannot be improved. No new sites dating to the Middle Archaic period can ever be created, nor can the artifacts or deposits that have been lost be restored or replaced. The best that can be achieved is stabilization at the current level or minimizing the level of deterioration. Cultural resources within the allotment will continue to deteriorate from both human activity and the actions of nature such as erosion, wildfire, decay, etc. Grazing will contribute to this overall deterioration but because surface manifestations at most archaeological sites have been significantly compromised in the past when grazing was much more intense and other activities unregulated, the current proposal is likely to have few if any consequences.

IV. CONSULTATION & COORDINATION

4.1 Scoping

On 9 November 2006 the BLM mailed a consultation, coordination, and cooperation letter in accordance with 43 CFR § 4130.6-2 to Federal and state agencies and members of the public

interested in livestock grazing management on these allotments. The letter provides for a 15-day public comment period. The list of letter recipients includes:

F. Scott & Laurel S. Egbert	April McNeal
Von L. & Marian Sorensen	Fund for Animals
Martha P. Hoots	Wild Horse Organized Assistance
Nevada Cattleman's Association	Comm. for the Preservation of Wild Horses
Committee for the High Desert	Colorado Wild Horse & Burro Coalition
Western Watersheds Project	National Mustang Assn., Inc.
Resource Concepts, Inc.	American Horse Protection Association
Elko County Commissioners	Animal Rights Law Center
Nevada Department of Wildlife	Animal Protection Institute of America
U.S. Fish & Wildlife Service	National Wild Horse Association
Karen Sussman	Kathryn Cushman
Craig Downer	Barbara Warner
Wild Horse Sanctuary	

The BLM received three comment letters, two from Western Watersheds Project and one from the Nevada Department of Wildlife. The comments contained in the letters, along with BLM responses, are displayed below.

Western Watersheds Project- Received 21 November 2006

Comment #1: *A Google search shows that Scott Egbert from Wells is married to a Laurel Sorenson. This raises serious questions about:*

- (1.) Has this been going on along, and trespass has been occurring?*
- (2.) Is this a pre-planned first step within a group of related people to set a precedent for an increase in AUMs on the public lands of the Spruce allotment, where taxpayers have just spent nearly a million dollars destroying native vegetation to accommodate privately owned Sorenson livestock, and where millions more are planned to be spent to chain, burn, chop, and otherwise destroy native woody vegetation- in large part to increase cattle forage opportunities?*

Response: The BLM has approved similar applications to this one as within the intent of the grazing permit in the past several years. No trespass cases have been observed or documented in this area. The BLM disagrees with the characterization of the vegetation projects either completed on or proposed for the Spruce Allotment; however, none of those projects lie within the D-3 use area, which is the only part of the Spruce Allotment included in this application. The grazing application at issue here is not related to any of the projects on the rest of the Spruce Allotment; it is an application to let another operator use a portion of the Spruce Allotment that fits in better with the Chase Springs Allotment than with any part of the rest of the Spruce Allotment.

Comment #2: *We ask that BLM issue a Decision denying this request and at the same time explain the full history and circumstances surrounding this request, and all elements of livestock grazing across these allotments.*

Response: The BLM will issue a decision on this request after appropriate NEPA analysis has been completed. The history and circumstances surrounding this request are included in the public consultation letter dated 8 November 2006.

Western Watersheds Project- Received 21 November 2006

Comment #3: *We are very concerned that BLM is moving forward with a proposal by a rancher, F. Scott Egbert, who has applied for extra cattle grazing use in these allotments- including an allotment (Spruce) where he does not even hold a permit.*

Response: This application is not for extra cattle grazing on any of these allotments. As stated in the consultation letter, livestock use will not exceed the active preference of any of these allotments.

Comment #4: *Please provide detailed background information on all of the Egbert ranching operations- both allotments where Egbert currently holds permits, as well as those where he does not. 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.*

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 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.

Comment #4: *How does this action differ from what Elko BLM has done in the past under TNR? Is this significant increase in cattle numbers and concentrated use in the Spruce and Chase Springs (and maybe Tobar- it is hard to tell quite where Tobar comes in here) allotments related in any way to somehow to skirting the Grazing Regulation injunction, as we understand Elko BLM may have already done to accommodate Ellison Ranches?*

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 117 AUMs in the Spruce Allotment, 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.

The use applied for on the Tobar Allotment falls entirely within Egbert's authorized season of use. Grazing use on that allotment is therefore not part of this proposed action, and this allotment is referenced in the public consultation letter only because the application contained that use in addition to the use falling outside permitted use dates.

Comment #5: *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" letter seeking to legitimize use- likely in trespass- that may have been occurring over the years? Now that WWP or others may be scrutinizing actions in the spruce allotment- is such use now being legitimized? Is this an effort to accomodate changes in livestock grazing use (numbers, times) that may be stemming from decisions being made in other alltoents, such at the big Springs allotment? WHY is this being rposed, and why is BLM going forward with such a proposition?*

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.

Comment #6: *There are extensive areas of the Spruce 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 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.*

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.

Comment #7: *We ask that BLM develop a full range of alternative actions- including actions that may lead to the restoration of lands within the Spruce allotment- such as 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, 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 within the scope of the current matter under consideration.

Comment #8: *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.*

Response: The BLM does not need to conduct the described inventories. The BLM maintains lists of special status species that could occur in these allotments, based on the habitat types that are in the area.

Comment #9: *We are alarmed at what sounds like some expanded water use or other activities in these lands where water facilities are typically surrounded by all manner of junk, such as ever drop of water from any springs or natural water sources, have been causing the death of bats, small mammals and migratory birds, etc. Before any new, altered or extended use 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.*

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. The three spring complexes that provide most of the water in the Chase Springs Allotment all lie on private lands. Jasper Well would be pumped for a longer period of time if the application is approved, but it would likely be pumped for a shorter period of time than it historically has.

Comment #10: *Please provide full details of the characteristics, conditions and depletion rate of the affected aquifer into which this well would tap. 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.

Comment #11: *Please provide a copy of any existing Cooperative Agreement for facilities in these lands, and any proposed changes or alterations.*

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 Comment #10.

Comment #12: *How is livestock grazing controlled here when puddles or rainfall exists? What are all the "project" water sources in all the lands of the allotments.*

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. The only project water source in the project area is the Jasper Well, as the other water sources all lie on private land.

Comment #13: *This action will result in an INCREASE in cattle numbers (Sorenson) across the other lands of the allotment, including the WSA- where is this analysis of harmful impact to all other 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. Full analysis of all impacts, both beneficial and adverse, will be meshed out in the Environmental Assessment documents to be prepared for this action.

Comment #14: *Please also provide monitoring information that tracks and assesses the impacts of any and all livestock water haul, pipeline troughs, or any other water facilities on soils, vegetation, habitat for important of special status species, recreation, and other important values and uses of public lands.*

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.

Comment #15: *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.

Comment #16: *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 where 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 the 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 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.

Comment #17: *"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.*

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.

Comment #18: *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.

Comment #19: *Is it a way of accommodating cattle that may be temporarily displaced from the Big Springs allotment under the new MUD FD*

Response: See response to Comment #5.

Comment #20: *It definitely seems a way of laying 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 disturbances of woody vegetation to generate livestock forage that would occur under Spruce EA.*

Response: See response to Comment #1.

Comment #21: *This seems a significant first step in a permanent increase in AUMs here- albeit being done through another party with whom Sorensen's may or may not have some Agreement. Is sub-leasing occurring? Who all runs cows right now on any allotments grazed by either Sorensen or Egbert?*

Response: Sub-leasing is not occurring in this case; the BLM is proposing to permit one permittee to use a portion of an adjacent allotment that cannot be effectively used otherwise. 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.

Comment #22: *How will this action affect intermingled private lands?*

Response: 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.

Comment #23: *BLM must issue an EA (or EIS), and proposed decision for full public review, comment and protest here- and fully explain will the machinations involved in this deal.*

Response: The BLM will be issuing an EA to analyze impacts and to determine if preparation of an EIS is necessary. Approval or denial of all or parts of this application will be through a grazing decision.

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Comment #24: *We received the request for input on this TNR request on November 13, 2006. We are opposed to the TNR request that would authorize Egbert to utilize portions of the Spruce Allotment. We are uncomfortable with the precedence that this TNR request sets. While Egbert's cattle may drift onto the Spruce Allotment while he uses the Chase Springs Allotment, the Spruce AMP only authorizes AUM's to Sorensen and at that only 119 AUMs of use are*

authorized in D-3. If Egbert's and Sorensen's want to change this pattern of use on the two allotments, why not go through the normal channels? Our recommendation would be to wait until the Spruce Allotment is reevaluated and weave this request into the reevaluation process and a new decision. Additionally, is there data to show that more than 119 AUMs should be removed from D-3?

Response: Both of the allotments included in this action are scheduled for the grazing permit renewal process this year. The BLM may consider formal changes to these allotments at that time. The Spruce FMUD did not assign any specific use levels to the D-3 Use Area by itself; the 119 AUM figure comes from actual use records. Actual use in this area is a result of the inability of the Spruce permittee to effectively use this area and is not an indicator of the area's carrying capacity; the range survey adjudication maps indicate a total of approximately 477 AUMs in the D-3 Use Area of the Spruce Allotment. A BLM Rangeland Management Specialist visited the D-3 Use Area of the Spruce Allotment observed sufficient forage in the area to support the request. Von and Marian Sorensen used the D-3 Use Area predominately for sheep grazing before they converted entirely to cattle.

Comment #25: *We do not have a concern with the request for a change in season of use for Chase Springs Allotment to dormant season use. If these requests from Egbert are going to become a yearly event, why not work through the reevaluation/decision process to make permanent changes?*

Response: As stated, both of these allotment are scheduled for the grazing permit renewal process this year. The BLM may consider making changes to the seasons of use during this process.

4.2 List of Preparers

Jeff Moore	Lead; Rangeland Management; Vegetation
Nycole Burton	Riparian/Wetlands
Wendy Fuell	Wildlife; Migratory Birds; Threatened, Endangered, or Special Status Species
Bruce Thompson	Wild Horse & Burros
Gerald Dixon	Native American Coordinator
Tim Murphy	Archaeologist
Tamara Hawthorne	Recreation
Lorrie West	NEPA Coordinator
Mark Dean	Soils; Water Quality
Christin Foster	Invasive, Non-Native Species

4.3 Literature Cited

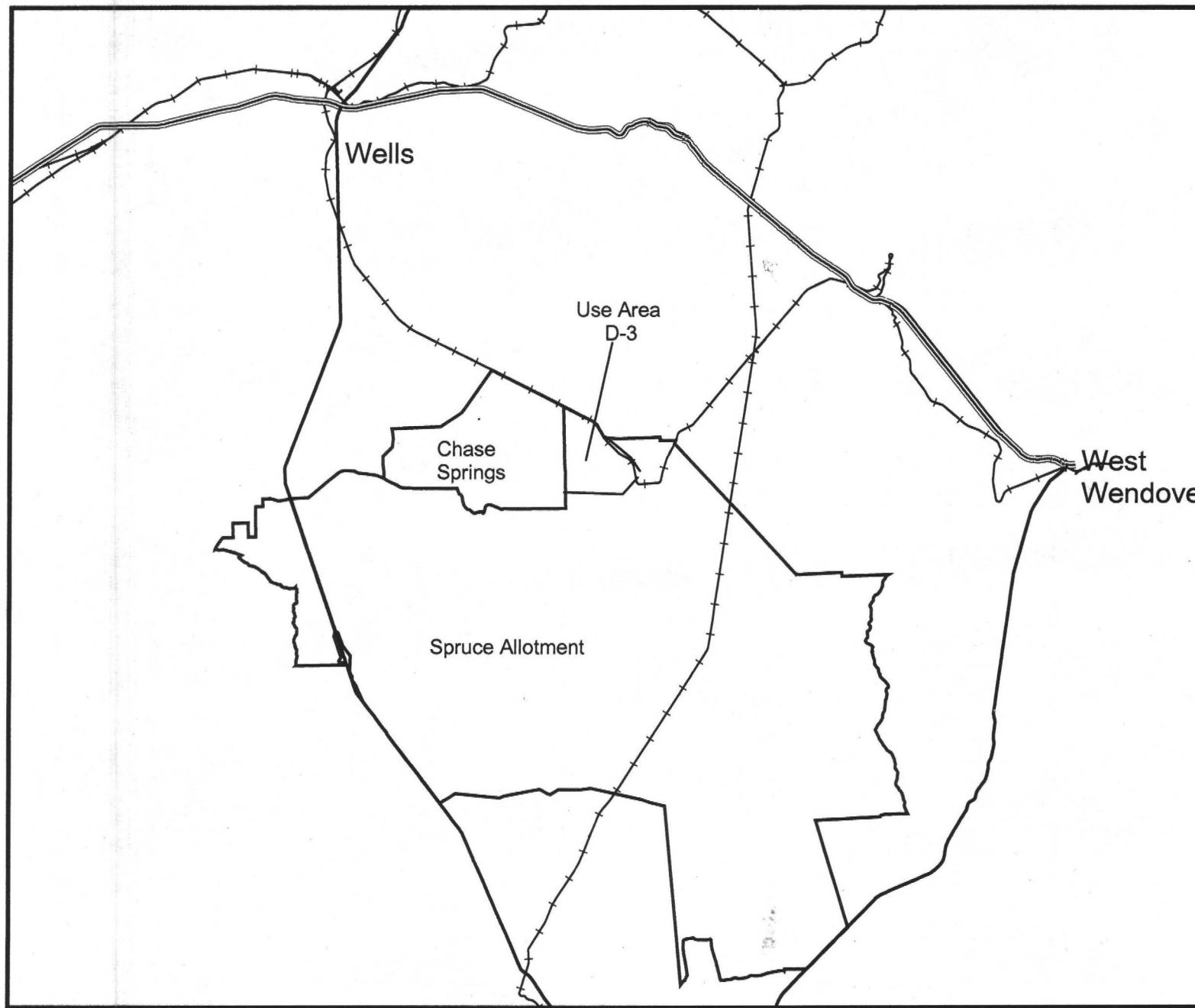
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U.S.D.I. Bureau of Land Management and U.S. Geological Survey, 2001. "Biological Soil Crusts: Ecology and Management". Technical Reference 1730-2.

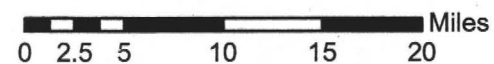


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Chase Springs And Spruce D-3 Allotments Location Map



- Legend**
- Allotments
 - railroads
 - Major Roads**
 - I-80
 - U.S. 93

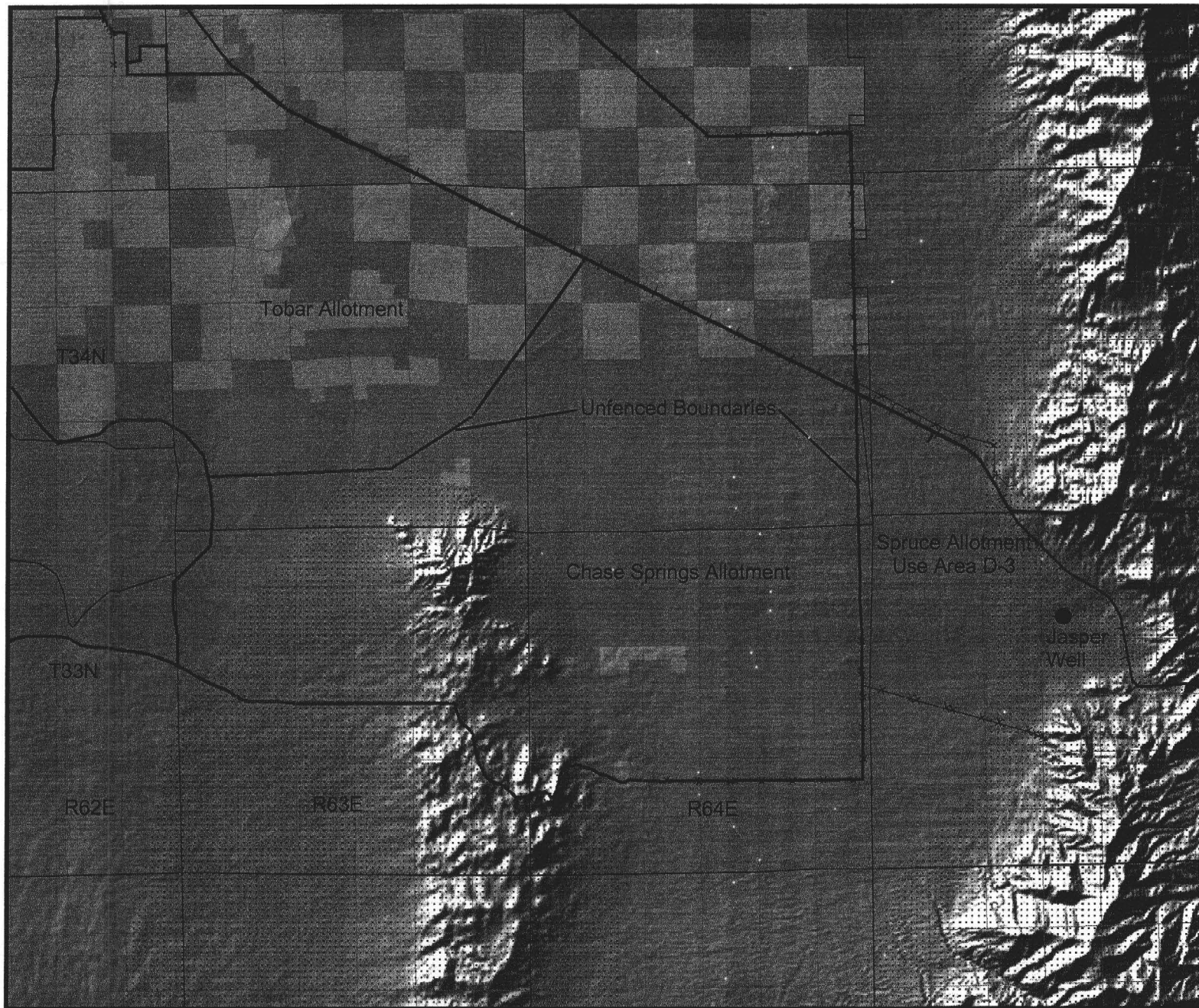


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Chase Springs And Spruce D-3 Allotments Detail Map



Legend

- Township-Range
- twprmg_dist region.tr5
- Allotments
- railroads
- Public (Administered by BLM)
- Bureau of Reclamation
- Department of Defense
- Native American Reservation
- Private
- U.S. Forest Service
- U.S. Fish & Wildlife Service
- USFS Wilderness Area
- US Fish and Wildlife
- Other Federal
- Fences
- Spruce-Pequop HMA

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