

Appendix D

Conservation Easement for *City* Public Comments and Responses

No.	Commenter	Comment	BLM Response
1	Conservation Lands Foundation	<p>The Presidential Proclamation signed on July 10, 2015 specifically mentions the need to prevent harm to the artwork in conjunction with consistent care and management of all the objects in the Monuments. The Proclamation states “Nothing in this proclamation shall be deemed to limit the authority of the Secretary, under applicable law other than this proclamation, to undertake or authorize activities on public land in the vicinity of the sculpture City for the purpose of preventing harm to the artwork, including activities to improve drainage and to prevent erosion, consistent with the care and management of the objects identified above.”</p>	<p>Language has been added to section 2.5.2. Relationship to Statutes, Regulations, or other Plans to address this comment.</p>
2	Conservation Lands Foundation	<p>BLM must incorporate into the management of the Easement the conservation standards outlined in the following authorities:</p> <ul style="list-style-type: none"> -The 2009 Omnibus Public Land Management Act. Congress established the National Conservation Lands, “...to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” -Secretarial Order 3308 further explained that, “BLM shall ensure that the components of the [National Conservation Lands] are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values.” - Policy Manuals 6100 and 6220. Both manuals set minimum standards for how BLM should managing the National Conservation Lands and National Monuments more specifically. These polices were established to ensure BLM is meeting their obligation as stewards of a 	<p>Language has been added to section 2.5.2. Relationship to Statutes, Regulations, or other Plans to address this comment.</p>

		conservation system.	
3	Jim Boone	The presidential proclamation described a set of "objects" or ideas that in and of themselves were of sufficient value to deserve protection and inclusion in the National Lands Conservation System. One of these objects is Michael Heizer's land art <i>City</i> , an amazing sculpture that will attract visitors from around the world when it opens. However, the essence of <i>City</i> depends on being situated in the wide open spaces of Garden Valley, and so the surrounding landscape must remain as it is.	This comment is beyond the scope of this EA as the Proposed Action will not result in the land art <i>City</i> becoming part of the national monument. Management of the public lands within the monument will be addressed in the land use plan for the Basin and Range National Monument. The BLM encourages interested parties to participate in the Resource Management Plan (RMP) process.
4	Jim Boone	It makes sense that the BLM would accept the conservation easement, which will help ensure that the entirety of the landscape is managed as a single, integrated unit.	Comment supporting proposal as written is noted.
5	Gracian Uhalde	We request that Alternative B--the no action alternative be implemented until the final EIS for the BRNM is complete. To start an EA prior to the completion of the full EIS of the BRNM would seem to be greatly counterproductive, as you do not know what rules you are even going to move forward with.	The Proposed Action (for BLM to accept a donation of the existing conservation easement) does not affect the private land status of the conservation easement lands. However, the RMP will take into consideration the conservation easement that has been in place since May 7, 2015 to the extent relevant to BLM's management of the public lands within the national monument.
6	Gracian Uhalde	All the arguments for this easements seem to already be covered by the proclamation language. This adds an unnecessary layer of bureaucracy.	The conservation easement is consistent with the intent of the Proclamation.
7	Gracian Uhalde	There currently are conflicts with other management plans (ACEC, EYDO RMP, FS wilderness, BLM wilderness) that fall within the boundaries of the BRNM. Until existing conflicts have been completely resolved, don't add another item to take existing limited personnel away from the EIS process or add another person to manage a very small area.	This comment is beyond the scope of the EA. The private land subject to the conservation easement is not within a wilderness area, nor does it have an ACEC or other public land management designation. The status of the private land is not in conflict with the Ely District RMP.
8	Gracian Uhalde	How, exactly, would the acquisition of the easement have a "beneficial cumulative effect on the monument management"? Please spell out this beneficial effect in great detail.	Section 4.3.1 of the EA addresses cumulative effects on monument management (i.e. authorizations, effect on resource values).

9	Gracian Uhalde	The stated goal & objective " <u>LR-27: ACQUIRE LEGAL PUBLIC OR ADMINISTRATIVE ACCESS FROM WILLING LANDOWNERS, WHERE A PUBLIC DEMAND OR ADMINISTRATIVE NEED EXISTS.</u> " Please explain fully what the demand or need is in the case of this easement.	See section 3.4.3.1. The Proclamation determines the need. BLM's acquisition of the conservation easement would allow BLM access to the private lands and would give it the ability to ensure that uses of the private lands are consistent with or do not detract from the values for which the Monument was designated.
10	Gracian Uhalde	Given the language in the monument proclamation what uses on the private land in the easement areas, exactly, is the BLM going to prohibit?	See section 3.4.3.2. The easement would grant BLM the ability to prevent activities inconsistent with the purposes of the conservation easement within the easement area.
11	Gracian Uhalde	Please explain, fully, exactly what the BLM will be doing to take a more active role to preserve the easement area?	The easement would give BLM certain rights. These rights would be primarily the right to protect the conservation values of the property, and as necessary for such protection: to access the private land, to require certain upkeep of the property, to prevent inconsistent activities, and to install signs. See page 8, section 6 of the easement (EA, Appendix A).
12	Gracian Uhalde	How will BLM deal with the inherent conflict of administering this easement, while ownership of the city itself does not change.	The land will remain private. The easement would give BLM certain rights. See page 8, section 6 of the easement (Appendix A) for these rights.
13	Gracian Uhalde	Considering that ourselves and a few others are a living, breathing part of the BRNM every single day, we find it interesting that there was no coordination and/or consultation with any one of us that live here regarding this issue. This has the appearance of being a mere formality for an action that has already been accepted.	The public comment period on the Preliminary EA is part of BLM's decision-making and public consultation process, and provides members of the interested public an opportunity to provide input on the Proposed Action. The Proposed Action is the result of an offer by Los Angeles County Museum to donate an existing easement already in place between Triple Aught Foundation and Los Angeles County Museum of Art to the BLM.
14	Delaine Spilsbury	City easement in Basin & Range National Monument should be granted.	Comment supporting proposal as written is noted.
15	Henry E Linsowe	My family was introduced to this area in	Areas subject to the conservation

	jr.	2001, before that it has been the race sites for the Southern Nevada Desert Racers a motorcycle club of MRAN. Our club has been using this land in a very responsible manner. My sons and I enjoy this area. Now we are told we can no longer use the trails that my kids grew up on. My children were devastated when we heard we can no longer ride in that area.	easement have been and will remain as private land. The Proposed Action does not affect existing public land. Roads or access on public lands will not change as a result of the Proposed Action and will be addressed at a later date as part of the travel management plan for the monument. See Transportation/Access in Table 3.1.
16	Henry E Linsowe jr.	I do not support any easement for the City and or Mr. Michael Heizer. If we or you are protecting the basin range national monument then The city should be removed. It seems like special interest and a lot of money is being used here.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing conservation easement.
17	Henry E Linsowe jr.	One more thing to consider, "DUST". Could you imagine the amount of dust that will be created from people traveling through the desert to get to this City! I'm sure this is not healthy for the wildlife in this area they would be forced to breath dust on a daily basis.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing conservation easement.
18	Barbara McKinnon	The EA states that the BLM, an agency that is perpetually crying it is too poor to keep the lands it currently manages in Nevada, HEALTHY, now wants to take on management of even more land, as well as the City land sculpture itself.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing conservation easement. A conservation easement limits certain activities on private lands. BLM is not assuming management responsibilities or any non-discretionary fiscal obligations under the Proposed Action.
19	Barbara McKinnon	The EA states the BLM wants to "take a more active role to preserve the cultural, scenic ... character of the easement area, including the land artwork City". There are NO such cultural or scenic attributes to the City.	BLM recognizes that different opinions exist regarding the artwork. However, the Proclamation describes the artwork in the context of the surrounding area and preventing harm to the artwork. See Section 3.4.2.1 of the EA.
20	Barbara McKinnon	Looking at a copy of the existing Easement, it prohibits HUNTING, and use of MOTORIZED vehicles, both of which are incompatible with public land managed by the BLM, and with allowed	Areas subject to the easement have been and will remain as private land. The Proposed Action – transfer of an existing conservation easement from its

		uses inside the NEW monument.	current holder (LACMA) to the United States – will not affect motorized vehicle use or hunting on existing public lands. Roads, access, or hunting on the public lands will not change as a result of this action and will be addressed in the travel management plan for the monument. See Transportation/Access in Table 3.1.
21	Barbara McKinnon	With \$1.91M in income, Triple Aught Foundation, whose principal is Michael Heizer (IRS 990 forms show he pays himself \$15-20 thousand annually), the "artist" of the City, should be giving BLM funding to manage this property. However, the EA makes no mention of this happening.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing conservation easement. BLM is not assuming management responsibilities or any non-discretionary fiscal obligations under this easement.
22	Barbara McKinnon	In summary, my comment is NO do not take this on, take the “no action” alternative. Do not waste any money on this, and Better manage the land and resources you already have responsibility for.	Comment opposing Proposed Action is noted.
23	Pam Stuckey, Renewable Envoy	The U.S. Department of the Interior and the BLM “are working with local communities, state regulators, industry, and other federal agencies in building a clean energy future by providing sites for environmentally sound development of renewable energy on public lands. Renewable energy projects on BLM managed lands include wind, solar, geothermal, and biomass projects and the siting of transmission facilities needed to deliver this power to the consumer.” “For the years 2016 and 2017, the BLM will process 7 renewable energy projects (5 solar and 2 geothermal) representing 1337 MW, or enough electricity to power over 400,000 homes.”	This comment is beyond the scope of the EA.
24	Pam Stuckey, Renewable Envoy	The Desert Renewable Energy Conservation Plan has identified that, “in addition to energy conservation, efficiency and distributed generation, there will continue to be a need for utility scale solar, wind and geothermal projects	This comment is beyond the scope of the EA.

		in the Nevada desert to achieve greenhouse gas reduction goals.”	
25	Pam Stuckey, Renewable Envoy	NREL (National Renewable Energy Laboratory) has a program called the Connected Traveler project, it is designed “to boost the energy efficiency of personal trips and the overall transportation system by maximizing the accuracy of predicted traveler behavior in response to realtime feedback and incentives. By pairing transportation modeling with behavior theory, vehicle connectivity, and mobile technology, the system will steer individuals toward energy efficient travel choices.”	This comment is beyond the scope of the EA.
26	Pam Stuckey, Renewable Envoy	According to Scott Tennant writing at LACMA Unframed, “Michael Heizer’s <i>City</i> [located in Nevada’s Basin and Range National Monument] is one of the most significant works of art in the United States...the sculpture is incomplete without the protected surrounding landscape. The solitude of <i>City</i> is part of its power.”	Comment noted.
27	Pam Stuckey, Renewable Envoy	What if the public access to CITY were powered completely by renewable energy from one of the BLM renewable energy installations? The first rest stop would be an eco resort with an artist residency, the next rest stop has a renewable powered sculptured gallery and the last rest stop is where you rent your electric scooter or car to tour CITY.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing conservation easement.
28	Pam Stuckey, Renewable Envoy	The visual impact of renewable energy infrastructures, such as wind farms and solar arrays, is becoming more hotly debated. By implementing a 1% for the arts for energy, solar and wind installations on cherished and beautiful BLM lands can serve to increase tourism and bring artists into the process of sustainable land and resource management.	This comment is beyond the scope of the EA.
29	Pam Stuckey, Renewable Envoy	The Land Art Generator Initiative is working to provide custom solutions for cherished places that can inspire people about the beauty of our post- carbon future.	This comment is beyond the scope of the EA.
30	Pam Stuckey, Renewable	By including primary stakeholders and community representatives in the design	This comment is beyond the scope of the EA.

	Envoy	process from the start, these energy projects avoid the pitfalls of NIMBY and become places where people are proud to live, work, and recreate.	
31	Michael Josephson	Please keep the Basin and Range National Monument areas open to all people and all forms of recreation, including hiking, biking and 4 wheel drive vehicles. There are so few places we can responsibly enjoy all 3 activities, and areas like this are able to support all 3 without damage.	The Proposed Action – transfer of an existing conservation easement, which already contemplates public access, from its current holder (LACMA) to the United States – will not affect hiking, biking, or motorized vehicle use on existing public lands. Access or hiking on public lands will not change as a result of this action and will be addressed in the travel management plan for the monument. See Transportation/Access in Table 3.1.
32	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	We recognize that the Bureau of Land Management (BLM) has few precedents, if any, in managing a privately owned art work surrounded by a National Monument.	The conservation easement prohibits certain activities that are inconsistent with the values to be protected by the conservation easement. The Proposed Action (to donate an existing conservation easement to BLM) does not transfer management responsibility for “a privately owned art work,” to the BLM, although under certain circumstances, the BLM may have the ability to take certain discretionary actions to protect the easement lands and the artwork.
33	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	While we support the intent to use a conservation easement in order to sort out public and private responsibilities and obligations in the management of the art work in the EA, we don't believe that this EA, as written, meets NEPA requirements in its use of this document.	The BLM will not be assuming responsibility for “the management of the art work.” The EA appropriately analyzes the Proposed Action, i.e., donation of an existing conservation easement to the BLM, and complies with NEPA.
34	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	<u>The purpose and need as written in the EA is unclear.</u> The proposed conservation easement attached to the EA is between the Grantor, Triple Aught Foundation (TLF) and the Los Angeles County Museum of Art (LACMA), the	Language has been added in section 2.2 to clarify that BLM would be the successor-in-interest to LACMA (Grantee) under the Proposed Action. Triple Aught Foundation will remain the

		Grantee. The EA does not describe who the Grantor would be if BLM accepted the donation and became the Grantee - TAF or LACMA. It is also unclear what role, if any, LACMA would have in the future for the protection and management of the art work.	Grantor.
35	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	The federal role is also unclear since the language in the EA states that the "...easement would grant BLM explicit and limited rights - but not an obligation..." to protect the art work and surrounding open areas... What does this mean? Is BLM's responsibility as Grantee of the conservation easement simply discretionary? Who decides if and what actions BLM would take? Would these decisions be made in an open and public process?	BLM would have certain rights under the conservation easement (see page 8, section 6 of the conservation easement (EA, Appendix A)), but BLM would not be required or mandated to take any specific actions, the process for which would depend on the particular nature of the action taken.
36	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	The EA states that the "interest in land," presumably the conservation easement and BLM's discretionary obligations, would become part of the National Monument, but the actual art work would not be part of the BARNM. There is no explanation for these apparently contradictory statements.	The statements are not contradictory. The land and the artwork will remain private. The conservation easement would give BLM certain rights, as described at page 8, section 6 of the conservation easement (EA, Appendix A).
37	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	Also, we do not believe that this EA can assist the BLM in determining whether "significant" impacts could result from the proposed action, especially in Section 6 (Rights to the Grantee) on page 8 of the Conservation Easement in Appendix A due to the open-ended federal fiscal obligations if the Grantor fails for any reason to carry out its obligations for upkeep, maintenance, restoration, rehabilitation, or improvement of the art work. There is no information in the EA on the amount of this possible federal government fiscal liability over the term of the conservation easement. In addition, there is no surety that the BLM could recover its costs from the Grantor, including no requirement for a bond.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. BLM is not assuming management or fiscal obligations under this easement.
38	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	<u>The range of alternatives is deficient.</u> The only two alternatives are to accept the donation and the conservation easement as written or reject the donation. The conservation easement was written by	The range of alternatives is appropriate to the purpose and need. Section 2.4 Alternatives Considered, but Eliminated from Detailed Analysis, has also been

		private parties. Neither the public nor the BLM had any role in its development. While appropriate for private parties, we do not believe that it is as appropriate for the federal government.	added to the EA in response to this comment.
39	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	The EA does not include a copy of the baseline documentation report, so the public cannot review this critical information which could determine future responsibilities or decisions on necessary restoration, rehabilitation or management activities of the art work by the Grantor and/or Grantee.	The Baseline Documentation Report is not BLM's document to release for public review. BLM would not be assuming management responsibility for the private land encumbered by the conservation easement or for the art work on the easement land.
40	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	Some provisions of the conservation easement (p. 9) do not seem appropriate for the federal government as Grantee, including: 1. insurance (Sec. 8.3) 2. transfers of easement (Sec. 13) 3. two year right of refusal by the BLM to purchase the private lands and/or art work (Sec. 14) 4. Grantor (hold harmless) defense of the Grantee (Sec. 16)	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement, and a review of the conservation easement does not reveal any provisions that would preclude the BLM from accepting such donation under federal law.
41	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	In addition, certain provisions such as public access and visitor management should be determined in a more public process, building on the Artist's Draft Notes on Visitor Management.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. Any actions that might be proposed in the future would be analyzed at a later date through the appropriate public decision-making process.
42	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	We strongly recommend that another alternative be added to the EA so that the public can participate in decisions being made on the future federal responsibilities for the protection of the art work.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. Any actions that might be proposed in the future would be analyzed at a later date through the appropriate public decision-making process.
43	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	Please clarify statements on p. 15 in the EA that Proclamation language requires BLM "...management of overland flow events for flooding and erosion control..." even if the No Action alternative is chosen. The Proclamation language cited in Sec. 3.4.1.2 , "Nothing in this proclamation shall be deemed to limit the	Language has been added to section 3.4.1 to clarify.

		authority..." seems to permit these possible BLM activities, not mandate them.	
44	Toiyabe Chapter of the Sierra Club in Nevada and Eastern California	In conclusion, we strongly recommend that BLM correct the inadequacies of this EA by providing a clearer description of the proposed action, a larger range of alternatives, a much more detailed assessment of potential impacts, especially fiscal impacts, of accepting the proposed conservation easement as well as a better public process for participation in these important decisions on how the federal government should best manage the new BARNM, including the protection of the privately owned art work.	See Sections 1.1 Background and 2.4 Alternatives Considered, but Eliminated from Detailed Analysis. BLM is not assuming management or fiscal obligations under this easement.
45	Nevada Department of Wildlife	The Nevada Department of Wildlife (NDOW) does not anticipate significant effects to wildlife or habitats consequential to BLM accepting donation of the subject conservation easement.	Comment noted.
46	Connie Simkins	Who will be involved in the Visitor Management Plan, schedule?	Under the terms of the easement, the Grantor will prepare a Visitor Management Plan in consultation with the Grantee. The BLM is committed to an open and transparent process for its review of the Visitor Management Plan consistent with all relevant legal obligations.
47	Connie Simkins	Who will be involved in the Travel Management Plan, schedule?	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement, which does not implicate any Travel Management Plan.
48	Connie Simkins	Who will be involved in the Watershed Management Plan, schedule?	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement, which does not implicate any Watershed Management Plan.
49	Connie Simkins	Purpose of accepting to prevent certain development(s), help manage in accord with Proclamation?	See sections 1.1 and 1.2.
50	Connie Simkins	Do currently used roads cross CE deeded property?	Language has been added to section 3.3 to clarify.

51	Connie Simkins	Is all of Heizer property fenced on the property lines?	Language has been added to section 3.3 to clarify.
52	Connie Simkins	Is all of the CE property fenced?	Language has been added to section 3.3 to clarify.
53	Connie Simkins	How do you define “facilitate public access”?	Language has been added to section 3.3 to clarify.
54	Connie Simkins	Page 7, section 2.4.1 Acquisitions. LR-26, coordinate with counties and interested parties.	The opportunity to provide public comments on this document was available to interested parties as well as the general public for 30 days. The request made to BLM is to accept the donation of an existing easement already in place between Triple Aught Foundation and Los Angeles County Museum of Art.
55	Connie Simkins	Page 8, section 2.4.1. LR-29 prior to acquisition a weed assessment should be done. Explain how this goes with or conflicts with page 14 Table 3.1 “invasive and noxious” No effect, no ground disturbance. Was a weed assessment done? Results?	No weed assessment was done because the BLM would not receive title to the private land. LR-29 is not applicable to a conservation easement donation where fee title remains with the private landowner, and this management decision in the RMP therefore does not apply and was deleted from the final EA.
56	Connie Simkins	Page 12 Table 3.1 re water statements. Does all of this refer to water granted to Heizer by State of Nevada?	BLM does not have jurisdiction over water rights granted by the State of Nevada. The easement does not include any water rights.
57	Connie Simkins	Soils and Watershed are mentioned in Table 3.1. Proclamation mentions flooding, erosion, drainage, BLM can fix, also in section 3.4.1.1. We know City is lower, subject to flooding, how can we say not affected because no ground disturbance, mother nature impacts.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing conservation easement.
58	Connie Simkins	Table 3.1 no ground disturbances in this CE, what about changes/improvements to allow tour buses, how can this say there will be no ground disturbance proposed?	The Proposed Action – transfer of an existing conservation easement from its current holder (LACMA) to the United States – does not cause ground disturbance or other impacts from public access since that access is already provided for in the current easement. However, in the interest of full disclosure to the public, we have added language in Chapter 4, Cumulative Impacts to state the possible qualitative impacts of

			future public access. Any actions that may be proposed in the future would be analyzed through the appropriate process at a later date.
59	Connie Simkins	Page 12 Table 3.1 wild horses, is the CE fenced, is the adjacent contiguous public land a herd area?	Language has been added to section 3.3 to clarify. See Wild Horses in Table 3.1.
60	Connie Simkins	How will BLM deal with changes to this CE and the coming new BRNM management plan? Adaptive, differences in today conditions and what may be recommended in the management plan?	The conservation easement has been in place since May 7, 2015 and the existing easement – without changes – would be donated to the BLM. The RMP will take into consideration existing rights and uses.
61	Connie Simkins	Does “project area” and “conservation easement area” mean the same thing?	The easement area is described in section 1.1.
62	Connie Simkins	Why wasn’t Nye County and Lincoln County and ranchers and N-4 State Grazing Board sent a letter on April 21, 2016?	The opportunity to provide public comments on this document was available to interested parties as well as the general public for 30 days. The request made to BLM is to accept the donation of an existing easement already in place between Triple Aught Foundation and Los Angeles County Museum of Art.
63	Connie Simkins	Page 2 under 1.1 background. Last sentence add “continued in future.”	Language was added to section 1.1 to address this comment.
64	Connie Simkins	Page 12, Table 3.1 inconsistent between “forest health” line and “vegetation” line. If there is no trees how can there be fuel wood?	Language changed in Table 3.1 to provide clarification.
65	Connie Simkins	Are wild horses present today in Garden Valley and around City?	No. See Table 3.1.
66	Connie Simkins	Do you have a map that shows current wilderness areas and ACECs in and next to BRNM and to the proposed CE area?	A map was provided to the commentor.
67	Connie Simkins	Visual resources, proposed action no effect, what about the future, dealt with in the management plan?	This comment falls outside the scope of the EA. Any actions that may be proposed in the future would be analyzed at a later date. There are no concrete proposals that can be analyzed at this time.
68	Connie Simkins	Page 14 “Fuels” what about future fires, cheat grass, halogeton, what would BLM do post fire?	Language in the easement maintains current fuel loads; therefore, no further analysis is needed. Restoration work after any fires on private lands would be the responsibility of the private

			land owner.
69	Connie Simkins	Page 14 section 3.3 General Setting: first sentence... North western Lincoln County, add hunting and mining, oil and gas already permitted.	Language was changed in section 3.3 to address this comment.
70	Connie Simkins	Page 16 first paragraph last sentence... experience and interact with GV, once open for tours.	Language was added in Section 3.4.2.1 to address this comment.
71	Connie Simkins	Page 16 section 3.4.3.1 affected environment. Middle of first paragraph "land administered by BLM, how many acres in these sections?"	The legal description was provided as reference for the immediate vicinity of the conservation easement as a courtesy to those that have rights or uses in the area immediately surrounding the conservation easement. The BLM manages all the 704,000 acres of public land within the BARNM. The immediate vicinity described in the EA is approximately 6,158 acres.
72	Connie Simkins	Page 17 first line on page, what does "boundary risk" mean?	The private and public land boundaries do not pose a risk of inadequate legal boundary descriptions, given the proposal for BLM to accept an existing easement.
73	Connie Simkins	Are these access roads BLM roads, Lincoln County roads, Nye County roads?	Language has been added to section 3.3 to clarify.
74	Connie Simkins	Page 18 mineral rights. Can Heizer use gravel from the CE property, for his sculpture or own roads?	Yes. The conservation easement allows this if the use is "in conjunction with the City Uses in the Cultural Area."
75	Connie Simkins	BLM gets rights but no mandated responsibilities, what is the purpose?	See section 1.2 for the purpose of the action.
76	Connie Simkins	Can BLM do flood repair or erosion control on CE if Heizer objects?	Flood repair or erosion control on the easement would be subject to the terms of the conservation easement.
77	Drew Coombs	BLM should not accept this easement. Such acceptance will cause taxpayers to fund items on private property, and could eventually lead to wasting money on private lands where it should be spent more appropriately managing lands already in the public domain.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. BLM is not assuming management or any non-discretionary fiscal obligations under this easement.
78	Drew Coombs	Your EA attempts to cover up this notion of taxpayer expense by stating the BLM will have rights but not	The EA analyzes potential impacts if BLM accepts the donation of an existing easement.

		responsibilities. Since BLM assumes no responsibility will come with accepting this easement, another EA will need to be completed if any responsibilities or actions do come in the future. BLM has deferred and disregarded their NEPA responsibility by dismissing impacts that are sure to come with this easement.	If there are future proposals for specific actions, those would be analyzed at that time.
79	Drew Coombs	For example, any input by BLM regarding management of private property will expend taxpayer funds by paying salaries of those BLM staff members providing input. If BLM must approve of certain actions by the landowner, that is an expense that is not covered or addressed anywhere in the EA. The EA is totally deficient on an economic analysis or impacts to the taxpayer regarding the acceptance of the easement.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. BLM is not assuming management or any non-discretionary fiscal obligations under this easement.
80	Drew Coombs	In addition, BLM understands how political monument designations are, and that Washington delegations will be pressuring BLM to maintain areas of the City similar to a National Park, because the Grantor is not actually responsible for maintaining the land. See Section 3.13 <u>Upkeep</u> of the easement where the "...Grantor shall maintain, repair and restore City at Grantor's expense..", but then goes on to state "Should Grantor be unable or unwilling to maintain City in a manner that protects the Conservation Values of the Property and allow public visitation, Grantee may perform any maintenance, repair or restoration..." This alone gives latitude to the Grantor to evade their responsibility for maintenance, and then pressure (along with politicians including the BLM Director's pressure) BLM to complete the maintenance at taxpayer expense.	This comment is beyond the scope of the EA. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. BLM is not assuming management or any non-discretionary fiscal obligations under this easement.
81	Drew Coombs	Table 3.1 states that there are no impacts to air quality, water quality, soils, wildlife, migratory birds, recreation, transportation, or mineral resources. All these resources would be impacted, as BLM would be assisting with the	Areas subject to the easement have been and will remain as private land. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. Any changes in

		management decisions of the property, which could change the way this area is currently being managed.	current management of the easement area are speculative at this time, and proposed future projects would be subject to the appropriate level of analysis.
82	Drew Coombs	In particular, transportation, recreation, air quality, and mineral resources shall be addressed. The easement addresses paving of roads for public access, and grantee must approve travel planning, so this should be an impact addressed in the EA.	Areas subject to the easement have been and will remain as private land. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. There are no concrete proposals for future landowner actions to provide public access that can be analyzed at this time.
83	Drew Coombs	Mineral resources are being used to build the artwork, so this should be addressed as an impact.	Areas subject to the easement have been and will remain as private land, including the landowner's right to use mineral resources for the artwork. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. No ground disturbance is proposed.
84	Drew Coombs	Recreation is a major use of the monument, and the easement states the grantee will be approving a visitor management plan (again another impact burden of the taxpayer).	Under the terms of the easement, the Grantor will prepare a Visitor Management Plan in consultation with the Grantee. The BLM is committed to an open and transparent process for its review of the Visitor Management Plan consistent with all relevant legal obligations.
85	Drew Coombs	Air quality is impacted as the dust and movement of soil to improve or maintain the gravel pits and artwork becomes airborne when equipment is working.	Areas subject to the easement have been and will remain as private land. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. No ground disturbance is proposed.
86	Drew Coombs	Table 3.1 states there are no special status animal species in the easement property. The easement at page 2 states "The Cultural Area is home to a number of species deemed "sensitive", "at-risk", or "protected" by state and/or federal agencies." Therefore, the analysis is severely deficient or the BLM and the Grantor do not agree on what a special status animal is. This should be corrected and the public informed of	The EA is correct, there are no known protected or special status species present on the private lands within the conservation easement area.

		what special status or sensitive animals are actually in the easement area, and how those would be managed under BLM guidance.	
87	Drew Coombs	The EA at Section 2.1 states that relevant issues were presented in the previous chapter, but there are no issues identified in Section 10. What are the relevant issues? Who came up with the issues?	Language has been modified in section 2.1 to clarify.
88	Drew Coombs	The No Action is devoid of any impact discussion, when in fact, the No Action impacts would be saving taxpayer funding, improving public trust, and managing the public domain for multiple use compared to singular restrictive use at the easement property.	Areas subject to the easement have been and will remain as private land. The EA analyzes potential impacts if BLM accepts the donation of an existing easement. BLM is not assuming any management or any non-discretionary fiscal obligations under this easement.
89	Drew Coombs	BLM should not accept this easement, and if they do shall revise the EA to show true impacts to taxpayers and other resources.	The EA analyzes potential impacts if BLM accepts the donation of an existing easement. BLM is not assuming management or any non-discretionary fiscal obligations under this easement.