United States Department of the Interior

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In Reply Refer To:
8300 (NVL02000)

DECISION

Administrative Access Authorization for Cold Spring Allotment	:	Decision Record DOI-BLM-NV-L020-2012-0002-DNA

BACKGROUND:

The Bureau of Land Management has completed a Determination of NEPA Adequacy (DNA) to document an interdisciplinary review of existing NEPA documents in relation to the current proposed action. The proposed action will change the designation of four routes within the South Steptoe Travel Management Plan (routes 2103, 2126, 2139, and 2157) from "closed" to "limited" for Administrative Access Only. Administrative Access is defined in Section 2.2.4 of the South Steptoe Travel Management Plan Environmental Assessment (EA), which states:

"Routes may be designated for Administrative Access Only where heavy usage by motorized vehicles could be potentially detrimental to the surrounding resources. This designation will still allow access for BLM staff and holders of existing permits to perform maintenance and other duties required for permit compliance, public safety, or other infrequent administrative functions."

Under this designation, the current permittee would be allowed to travel these specific routes with motorized vehicles necessary for maintenance of range improvements and compliance with the existing grazing permit, including water hauling and other activities supporting sheep movement. These routes were selected based on the spacing between access points on this portion of the allotment and connective loop opportunities that avoid potential damage caused by large vehicles turning around where other open routes terminate.

Flexible fiberglass composite sign posts indicating the limited designation of "Administrative Access Only" would be placed beside each entrance to the routes to notify the traveling public. If gates or other barriers are installed at some point in the future to prevent resource damage from unauthorized users, the current permittee would be provided with keys or other means to maintain access to these routes.

Additionally, as a correction to the original plan, Route #2126 would be shown on the map as intersecting with route #2116 as it already does on the ground.

On March 22, 2012 a Finding of No Significant Impact was signed for the Administrative Access Authorization for Cold Spring Allotment documenting that the proposed action was adequately covered in Alternatives A, C, and D in the existing NEPA documents as documented in the attached DNA (DOI-BLM-NV-L020-2012-0002-DNA). The FONSI demonstrates that an environmental impact statement pursuant to Section 102(C) of the National Environmental Policy Act is not required.

DECISION:

I have reviewed the Environmental Assessment, DOI-BLM-L020-2011-0015-EA and the Determination of NEPA Adequacy, DOI-BLM-NV-L020-2012-0002-DNA, and have made a Finding of No Significant Impact (FONSI) for the South Steptoe Travel Management Plan. Based on that review and the record as a whole, I approve the proposed action.

RATIONALE:

The decision to designate route #2103, 2126, 2139, and 2157 as "limited" to administrative access only as described in the attached DNA is based on the supporting analysis listed in section D of the DNA. Further, the proposed action meets the purpose and need for the travel management plan, which states:

"...Due to the proximity to the main population center for route users, the alternatives needed to promote the overall health of the landscape and protect the multitude of resources found in the area, but must also balance the recreation and access needs of the public, private landowners, and affected agencies."

Adequate alternatives have been analyzed within the supporting NEPA documents listed in section C of the attached DNA. The proposed action is within the range of analyzed alternatives and supports the purpose and need described.

PUBLIC INVOLVEMENT:

The BLM asked White Pine County to appoint a group of interested members of the public to help develop three alternatives that would be analyzed by the interdisciplinary team of BLM specialists as part of the NEPA process. The group's membership was representative of a variety of resource areas to ensure a broad spectrum of input. The BLM hosted committee meetings beginning in the Spring of 2009. There were approximately 30 bimonthly meetings until the final recommendations were made in June 2010. These recommendations were included as Alternatives B, C, and D in the EA.

The Preliminary EA was made available to the public on May 1, 2011 and comments were accepted through June 30, 2011. A display with maps of each of the alternatives and additional information was set up at the White Pine County Library to increase public awareness of the proposal. Four public meetings were held at the Ely District BLM Office throughout the comment period. Comments received during the comment period are addressed in Appendix C of the EA.

Additionally, following the issuance of the original decision, the BLM met with the permittee and conducted a field visit on March 16, 2012 on the Cold Spring Allotment to discuss the permittee's need for access on specific routes to haul water and perform other maintenance activities in support of its existing grazing permit. The BLM confirmed that the four routes included in the DNA are necessary to provide access for water hauling and other administrative functions in conjunction with the permittee's sheep grazing activities on the Cold Spring Allotment. The BLM subsequently coordinated with the Nevada Department of Wildlife.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management at the below address within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management
Ely District Office
HC 33 Box 33500
Ely, NV 89301

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to the U.S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

This Decision will remain in effect during the appeal unless a petition for Stay is granted. If the appellant wishes to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the

petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall 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.

Approved by:

Mary D'Aversa
Field Manager
Schell Field Office

3/22/2012
Date