

## **Decision Record - Memorandum DOI-BLM-NV-S020-2013-0012-EA**

### **Carpenter 1 Fire Temporary Closure in Red Rock Canyon National Conservation Area**

#### **Compliance**

The EA is in conformance with the Nevada - RRCNCA Resource Management Plan (RMP) approved May 20, 2005.

#### **Selected Action**

The BLM is enacting a temporary closure (5 years) to the public (vehicles, hiking, equestrian and all other uses) of about 4,656 acres on the RRCNCA due to the Carpenter 1 Fire, which occurred in July 2013. This temporary closure includes closing Harris Springs Road to the general public beginning at the intersection of State Route 157 proceeding northward to the USFS boundary.

The temporary restriction and closure of the described public use will be in effect for 5 years. Pursuant to 43 CFR 8364.1, the time frame for the 5 year temporary closure is needed due to the extensive burn area of the Carpenter 1 Fire and subsequent heavy flooding, soil erosion, and loss of habitat and vegetation. The duration of the closure is also consistent with the USFS' temporary closure, which is for 5 years.

A gate will be installed on Harris Springs Road where it intersects with Route 157. Additional gates may be installed on other existing roads within the closure area as needed. Some roads may simply have boulders placed across them to block access which will require the use of a bobcat or similar equipment. In addition to gates and boulders, appropriate signage will be installed to inform the public of the closure. Additionally t-post and wire strand fencing may be installed on both sides of gate(s) for short distances to discourage vehicles from simply driving around gates to access the area.

There are a number of existing illegally created roads within the closure area. To further discourage continued use of these roads portions in view from the point of access may be somewhat restored (de-compacted with hand tools, vertical mulch placed throughout and possible seeding).

All activities will be carried out within existing disturbed areas. Areas that will have a gate installed or boulders placed across roads to block access are identified on the map in Appendix A.

Primary users of the affected area include the property owners who have inholdings on USFS managed public land. They have been contacted and will be provided keys to open the gate so they may access their property via the southern end of Harris Springs Road. However, the owners normally use the north end of the road to access their properties, which is in better condition and located on USFS public land.

Off-road vehicle users may have concerns about the temporary closure on BLM land, however off-road vehicle use is prohibited on the RRCNCA (except for on Harris Spring Road) and the northern terminus of Harris Springs Road has already been closed by the USFS.

#### **Compliance with NEPA:**

The proposed action was analyzed in EA # DOI-BLM-NV-S020-2013-0012-EA.

## **Public Involvement:**

This proposal has been reviewed internally by BLM resource specialists to ensure that all natural and cultural resources are being responded to sensitively and appropriately. Their comments and evaluations are included in this EA # DOI-BLM-NV-S020-2013-0012-EA.

A summary of the proposed action was published to the BLM NEPA register on November 13, 2013 and was available for review by the public on the internet under NEPA # DOI-BLM-NV-S020-2013-0012-EA. No comments from the public were received.

## **Rationale:**

The proposed action conforms with the Nevada - RRCNCA RMP. Additionally, analysis from the EA shows that the proposed action will have positive impacts on the following resources: Invasive Species/Noxious Weeds, Floodplains, Threatened Animal Species, Wildlife Species, Water Resources, Soils and, Hydrologic Conditions.

The temporary closure is needed to prevent further surface damage, soil erosion, loss of habitat/vegetation, reduce the threat to public safety, and implement the stabilization/rehabilitation plan as soon as possible. Delaying the closure poses a significant public safety and resource protection issue of a NCA.

The proposed action will be carried out in compliance with all the minimization measures in the EA.

## **Appeal or Protest Opportunities:**

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days of the decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof in demonstrating that a stay should be granted.

### Standards for obtaining a stay

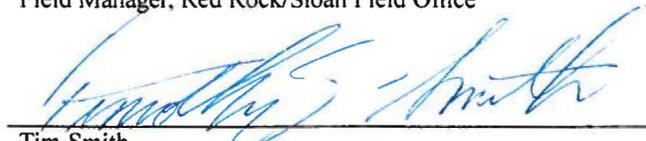
Except as otherwise provided for by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

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 a stay.

**Authorizing Official:**

 12-13-2013  
Date

Mark Spencer  
Field Manager, Red Rock/Sloan Field Office

 12/17/13  
Date

Tim Smith  
District Manager, Southern Nevada District Office

**Contact Person**

For additional information concerning this Finding, contact.

Lauren Brown, District Weeds Management Specialist and  
ESR Coordinator  
Southern Nevada District Office  
4701 North Torrey Pines Drive  
Las Vegas, NV 89130  
702-515-5295