



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Caliente Field Office

P.O. Box 237 (1400 South Front St.)

Caliente, Nevada 89008-0237

[http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html)

In Reply Refer To:  
8320(NVL0300)

JAN 29 2014

Ash Springs Closure

## DECISION

Bureau of Land Management  
Caliente Field Office  
P O Box 237  
Caliente, NV 89008-0237

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*Federal Action*  
DOI-BLM-NV-L030-2013-0032-EA

It is my decision to approve the *Closure of Ash Springs Recreation Site* and implement the Notice of Temporary Closure to Ash Springs Recreation Site as described in the *Environmental Assessment (EA)* associated with the proposal. *In accordance with 43 CFR 8364.1, this Decision is in full force and effective immediately.*

### **Background Information:**

The Ash Springs Recreation Site is located approximately 100 miles north of Las Vegas along U.S. Highway 93 in Pahranaagat Valley in Lincoln County Nevada. The recreation site is defined by an existing fence and the closed lands are limited to the fenced area. The affected public lands are described as follows: Mount Diablo Meridian T. 6 S., R. 61 E. Sec. 6, Lot 8. The lands described contain 1.18 acres, more or less, in Lincoln County. A temporary closure of the Ash Springs Recreation Site is necessary due to extensive modification of a man-made pool and a natural pool by public users that is causing a threat to human safety and degrading habitat for federally listed endangered species. During the temporary closure period the BLM will work collaboratively with stakeholders to develop a long-term management plan to determine the type and level of use suitable for the area while protecting the habitat for the federally listed endangered White River springfish. In addition to the endangered springfish, Ash Springs provides habitat for three BLM Nevada sensitive species: Pahranaagat naucorid bug, Grated tyronia, and Pahranaagat pebblesnail.

### **Compliance with Pertinent Acts, Executive Orders and Land Use Plans:**

The proposed action was evaluated for compliance with the following laws and Executive Orders and no violations were identified:

"Official File Copy"

- Clean Air Act, as amended (42 USC 7401 *et seq.*); Section 176(c) CAA - General Conformity
- Federal Land Policy and Management Act of 1976 (43 USC 1701 *et seq.*)
- National Historic Preservation Act, as amended (16 USC 470)
- Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority and Low-Income Populations" 2/11/94
- Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 *et seq.*)
- Farmland Protection Policy Act (7 USC 4202 *et seq.*)
- Executive Order 11988, as amended "Floodplain Management" 5/24/77
- Healthy Forests Restoration Act of 2003 (P.L. 108-148)
- Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks"
- Executive Order 13186 "Migratory Birds"; Migratory Bird Treaty Act (16 USC 703 - 711)
- American Indian Religious Freedom Act of 1978 (42 USC 1996)
- Executive Order 13112, Invasive Species, 2/3/99
- Endangered Species Act of 1973, as amended (16 USC 1531)
- Resource Conservation and Recovery Act of 1976 (42 USC 6901 *et seq.*)
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 USC 9615)
- Safe Drinking Water Act, as amended (42 USC 300f *et seq.*)
- Clean Water Act of 1977 (33 USC 1251 *et seq.*)
- Executive Order 11990 "Protection of Wetlands" 5/24/77
- Wild and Scenic Rivers Act, as amended (16 USC 1271)
- Wilderness Act of 1964 (16 USC 1131 *et seq.*)

The proposed action is in conformance with the Ely District Approved Resource Management Plan (August 20, 2008).

**Public Involvement:**

BLM sent notifications to the Nevada State Clearinghouse, potentially affected Native American Tribes, grazing permittees, right of way holders and other potentially interested parties informing them the EA was available for comments on the National Environmental Policy Act Register website from January 10, 2014 through January 27, 2014.

No comments on the Preliminary EA were received.

**Rationale For Decision:**

As determined in the associated EA, the proposed action is in conformance with the Ely District Approved Resource Management Plan (August 20, 2008). A Finding of No Significant Impact has been made.

**Appeal:**

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, Caliente Field Office, 1400 S Front St., Caliente, NV 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  
Caliente Field Office  
P O Box 237  
Caliente, NV 89008-0237

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 each party named in this decision and to the U. S. Department of Interior (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:

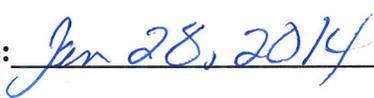
Interior Board of Land Appeals  
Office of Hearings and Appeals  
4015 Wilson Boulevard  
Arlington, VA 22203

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:  Date: 

Shirley Johnson  
Caliente Field Manager  
Caliente Field Office