

Ludwig Mine Access Right-of-Way Project

Decision Record

DOI-BLM-NV-C020-2014-0012-EA

November 2014



Introduction

The Art Wilson Company proposes to develop a mine for the extraction and sale of gypsum, anhydrite, and limestone at the site of former Ludwig copper and gypsum mine, located in Lyon County, Nevada. The Proposed Action would connect two privately held parcels to allow material to be transported for processing and sale. The Ludwig Mine Access Haul Road (Project) would connect to Delphi Road on the west (Figure 1 of the Final EA). In order to evaluate this Proposed Action, the Bureau of Land Management (BLM) has prepared this final environmental assessment (EA) to comply with the National Environmental Policy Act (NEPA) and National Historic Preservation Act.

Public Involvement

The *Ludwig Mine Access Right-of-Way Draft Environmental Assessment* (DOI-BLM-NV-C020-2014-0012-EA) had been made available for public review from October 22 until November 5, 2014. A letter was sent to individuals on the project mailing list and this project was posted in ePlanning (a "NEPA Register"). The BLM did not receive any public comments.

Land Use Conformance

The Project is in conformance with the Carson City Field Office Consolidated Resource Management Plan (CRMP) (2001). The applicable section of the CRMP includes LND 7 #6:

- "Exchanges and minor non-Bureau initiated realty proposals will be considered where analysis indicates that are beneficial to the public."

Authority

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976.

Rationale

The Proposed Action would meet the Project purpose and need. The road would cross approximately 400 feet of public land to connect privately-owned parcels to the west and east of the public land segment.

Decision

It is my Decision to authorize a right-of-way grant to the Art Wilson Company for an approximately 400 foot segment (1.6 acres) of public land.



Leon Thomas
Field Manager
Sierra Front Field Office

11-25-14

date

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Leon Thomas
Field Manager
BLM, Sierra Front Field Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this 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 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.