Decision Record

Recreation and Public Purposes Lease Change of Use and Conveyance of Public Lands in Nye County, Nevada

BLM NEPA Number: **DOI–BLM–NV–S030–2014–0012–EA**
BLM Serial Case Numbers: Nev-057750 and Nev-057750-01

Compliance:

The proposed action is authorized by the Federal Land Policy and Management Act of 1976, (43 U.S. C. 1701 et seq.), and conforms to the approved Bureau of Land Management (BLM) Las Vegas Resource Management Plan and Final Environmental Impact Statement, and Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement, October 5, 1998. The proposed action is in compliance with and conforms to the Recreation and Public Purpose Act (43 USC 869 et seq.), Clean Air Act (42 USC 740 et seq.), the Migratory Bird Treaty Act (16 USC 703-711), the Endangered Species Act of 1973, as amended (16 USC 1531), the National Historic Preservation Act (16 USC 470), and E.O 13112 Noxious Weed. The proposed action is consistent with the applicable plans and policies of county, state, tribal and federal agencies. A Phase 1 Environmental Site Assessment (ESA) for the 400-acre area was completed by the Resource Concepts, Inc. in April 2015 and approved by BLM in June 2015, and is included as Appendix A to the Environmental Assessment DOI-BLM-NV-S030-2014-0012-EA.

Selected Action:

It is my decision to authorize the Proposed Action, a Recreation and Public Purpose (R&PP) lease change of use from lease to disposal and conveyance by patent for a landfill and related facilities on public lands, to the State of Nevada, Division of State Lands, (NDSL) as described in environmental assessment DOI–BLM–NV–S030–2014–0012–EA, dated May 28, 2015. Located approximately 11 miles south of Beatty, Nevada adjacent to highway US-95 and 20 miles northwest of Amargosa Valley, the current 400 acres leased to NDSL as a buffer surrounding the existing landfill located on State of Nevada owned land will be converted from lease to disposal and conveyed by patent to allow future use of the land for expansion of State landfill operations. Existing use of the these lands include a U.S. Geological Survey (USGS) hydrological study site and access road right-of-way, the State facility administration center right-of-way, stockpiling of clean fill dirt, and other rights-of-way including the State highway and overhead and buried utilities.

Compliance with NEPA:

I have determined that the proposed action, known as the Selected Action, with the mitigation measures described in the attached Environmental Assessment DOI-BLM-

NV-S030-2014-0012-EA, dated May 28, 2015, incorporated herein by this reference and through a Finding of No Significant Impact (FONSI), will not have any significant impact on the human environment and that the action does not require the preparation of an Environmental Impact Statement.

An Environmental Assessment (EA) was prepared in compliance with the National Environmental Policy Act (NEPA) to identify and evaluate the potential impacts resulting from the Proposed Action. Resources that were determined to be "Present, may be affected" are those for Air Quality, Cultural/Historical, Fish and Wildlife including Threatened and Endangered or Candidate Animal Species, Floodplains, Geology/Mineral Resources/Energy Production, Hydrologic Conditions, Invasive Species/Noxious Weeds, Lands/Access, Migratory Birds, Soils, Wastes(hazardous or solid), Water Resources/Quality, Woodland/Forestry and Vegetation including Threatened, Endangered or Candidate Plant Species.

Public Involvement:

During scoping and throughout the NEPA process, BLM consulted and coordinated with Tribes, Organizations, and Agencies as described in the attached EA (DOI-BLM-NV-S030-2014-0012-EA).

BLM published the draft EA on the BLM NEPA Register website (https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do) on January 12, 2015 for a 45 day public review. Public comments received are included in Final EA DOI–BLM–NV–S030–2014–0012–EA.

Rationale:

The proposed action is in conformance with and meets Management Direction in the Las Vegas Resource Management Plan and Final Environmental Impact Statement, and Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement, October 1998:

- Objective LD-1-d.: "Recreation and Public Purpose leases identified for sale prior to approval of this plan, which were located inside a disposal area under the current management plan and are outside the proposed disposal areas, would remain available for sale to the current lessee or assignee".

Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the information provided in BLM Form 1842–1.

If an appeal is taken, your notice of appeal must be filed in the Pahrump Field Office, Bureau of Land Management, U.S. Department of the Interior, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130, within 30 days from receipt 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 (request) pursuant to regulations 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, 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 if appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are files with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for obtaining a Stay:

Except as otherwise provided 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 the stay.

Authorizing Official:

Deborah J. MacNeill 5/25/15

Deborah J. MacNeill
Field Manager
Pahrump Field Office

Date

Contact Person

For additional information concerning this Decision Record, contact:

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