

Yerington Land Conveyance

Decision Record

DOI-BLM-NV-C020-2015-0001-EA

July 2015



Introduction

On December 19, 2014 the National Defense Authorization Act for Fiscal Year 2015 (Act) was signed into law (Public Law [PL] 113-291). Included in this Act is Section 3009 (a), a provision affecting public lands managed by the Bureau of Land Management (BLM) Carson City District Office. The Conveyance Area is located east of Yerington, Nevada, in Lyon and Mineral counties (Figure 1 of the final EA).

Section 3009 (a) titled the “Northern Nevada Land Conveyances” requires the BLM to convey to the City of Yerington (City) approximately 10,150 acres¹ public lands (Figure 3 of the final EA). The Act requires to the BLM to convey the lands to the City within 180-days of enactment; the lands are to be sold at fair market value. The Act requires the BLM to convey all right, title and interest of the United States in and to the federal land. The conveyance lands are subject to valid existing rights.

Public Involvement

On May 11, 2015, the BLM made the draft EA and accompanying draft Finding of No Significant Impact available for 30-days public review and comment. The BLM issued a press release to the local media on May 7, 2015.

The BLM held a workshop at the Yerington High School multi-purpose room on May 14, 2015. Twenty members of the public attended this workshop. Notice of the workshop was included in an article on the conveyance in the *Reno Gazette-Journal* on May 8, 2015. An article also appeared in the *Reno-Gazette Journal*, Upcoming Events on May 15, 2015.

The BLM received four comment letters or emails on the draft documents. Of those, the BLM responded to 11 comments in Appendix A, Comments and Responses to Comments of the final EA.

Land Use Conformance

Section 3009 (a) (2) (A) of the Act specifically exempted this conveyance of public lands from Sections 202 and 203 of the Federal Land Policy Management Act.

Authority

Conveyance of lands to the City of Yerington is under the authority of Section 3009 (a) (2) (A) of the Act.

Rationale

It is my Decision to comply with the Act, which requires the BLM to convey approximately 10,150 acres to the City of Yerington in 180-days. This conveyance to the City is mandatory/non-discretionary per section 3009 (a) (2) (A) which states, “...the Secretary *shall* convey...”

¹ On March 13, 2015, the City agreed to less area than the entire Legislative Conveyance Area dated December 19, 2012 (Figure 2 of the final EA) consisting of approximately 10,400 acres. The area being conveyed based on the City’s request is approximately 10,150 acres.

Mitigation Measures

Under 36 CFR 800.5 (a) (2) (vii) the conveyance of public land out of federal ownership is a categorical (automatic) adverse impact to historic properties present in the Conveyance Area. To mitigate and resolve these potential adverse effects under Section 106 of the National Historic Preservation Act, the BLM and consulting parties have executed a Memorandum of Agreement (see Attachment C of the final EA).

Decision

It is my Decision to convey approximately 10,150 acres of public lands in accordance with Section 3009 (a) (2) (A) of the Act and as analyzed in the *Yerington Land Conveyance Final Environmental Assessment*.



Ralph Thomas
District Manager
Carson City District Office



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:

Ralph Thomas
District Manager
BLM, Carson City District 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.