



## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Schell Field Office  
HC33 Box 33500 (702 N. Industrial Way)  
Ely, Nevada 89301-9408  
[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:

1741-2 (NVL0200)

### **DECISION**

Nevada Department of Wildlife  
1218 N. Alpha St.  
Ely, Nevada 89301

DOI-BLM-NV-L020-2015-0020-CX

It is my decision to approve the DOI-BLM-NV-L020-2015-0020-CX and implement the Cherry Creek Guzzler Fence as described in the *Cherry Creek Guzzler Fence Categorical Exclusion* associated with the proposal. This decision will become effective at the end of the 30-day appeal period described below.

### **Background Information:**

An interdisciplinary team scoped the proposed action for extraordinary circumstances in the Schell Field Office on May 29, 2015. Team members determined that there would not be significant or otherwise unacceptable impacts to the resources and concerns identified in the attached *Cherry Creek Guzzler Fence Categorical Exclusion*.

### **Rational For Decision:**

As determined on the associated *Cherry Creek Guzzler Fence Categorical Exclusion*, the proposed action is in conformance with the Ely District Approved Resource Management Plan (August 20, 2008) and the qualifications of a categorical exclusion. No further environmental analysis is required based on review of the proposal and the 12 exceptions to categorical exclusions.

### **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, Ely District Office, 702 N. Industrial Way, Ely, 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

Ely District Office  
702 N. Industrial Way  
Ely, NV 89301-9408

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. 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 filed. 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** \_\_\_\_\_  
Paul E. Podborny  
Field Manager  
Schell Office Field

CC:  
Interested Public Mailing List

Attachments:  
*Cherry Creek Guzzler Fence Categorical Exclusion*