



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DECISION RECORD

DOI-BLM-NV-L000-2016-0002-EA

It is my decision to accept the donation of the easement for conservation from the Los Angeles County Museum of Art as identified in the Proposed Action described in the Environmental Assessment (EA) for the Conservation Easement for *City* in Lincoln County, Nevada (DOI-BLM-NV-L000-2016-0002-EA). The Bureau of Land Management (BLM) will assume the role of Grantee for the easement. The easement area is located on private lands surrounded by BLM-administered public lands within the Basin and Range National Monument. The easement covers 1,316.5 acres of private land containing and surrounding the land artwork *City*. This easement is acquired pursuant to Section 205 of the Federal Land Policy and Management Act and the Antiquities Act of 1906.

AUTHORITIES

- 1) The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (2008) as amended by the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (2015). The relevant area does not contain any habitat for Greater Sage-Grouse. Section 2.5.1 of the EA documents the conformance with the BLM land use plan.
- 2) The Proposed Action is in conformance with the Basin and Range National Monument Proclamation (2015).
- 3) The Proposed Action is consistent with all relevant federal, state, and local statutes, regulations, and plans as described in section 2.5.2 of the EA. The BLM meets the definition of a potential conservation easement holder under Nevada Revised Statute 111.410 as a “governmental body empowered to hold an interest in real property.”

RATIONALE FOR DECISION

The EA analyzed two alternatives: the Proposed Action as requested by the Los Angeles County Museum of Art and the No Action Alternative. The Proposed Action is that the BLM assume the role of Grantee in the current easement with Triple Aught Foundation remaining as the Grantor.

During preparation of the EA, the public was notified of the Proposed Action by posting on the BLM’s ePlanning website. On January 26, 2016, an interdisciplinary team conducted internal scoping and analyzed the potential consequences of the proposed action. The BLM accepted public comments on the EA for a 30-day period between July 8, 2016, and August 8, 2016. The

public comment period was announced on the Ely District website and the BLM ePlanning website, as well as through letters to interested parties and a press release.

Letters were sent to thirteen Indian tribes on April 22, 2016, notifying them of the Proposed Action and requesting consultation on any potential issues. No responses or concerns regarding this action have been received to date from the tribes.

The BLM received twelve external comments from individuals, organizations, and government agencies on the Proposed Action. Commenters include: Conservation Lands Foundation, Renewable Envoy, Toiyabe Chapter of the Sierra Club in Nevada and Eastern California, Nevada Department of Wildlife, a livestock grazing permittee, and private citizens in Nevada and Utah. Some of the comment letters offered suggestions for further analysis and/or consideration. The comment letters can be categorized into four general positions:

- supporting the No Action Alternative (4 commenters)
- supporting the Proposed Action (4 commenters)
- supporting more alternatives (1 commenter)
- neutral or no stated opinion on which action should be selected (3 commenters)

Letters supporting the No Action Alternative either recommend that the action be deferred until the Basin and Range National Monument Resource Management Plan and associated Environmental Impact Statement are complete and/or express concern that BLM funding should not be used on this type of easement.

Letters supporting the Proposed Action describe how the easement would ensure landscape scale management of the area, the importance of the artwork in the easement area, and potential ideas regarding visitation of the area in the future.

One letter supports a larger range of alternatives and requests adding an alternative which includes public participation in decisions made on future federal responsibilities for the protection of the artwork.

Some letters offer no direct opinion on which alternative should be chosen.

Sections of the EA were revised to address the public comments and concerns. A summary of BLM's responses to these comments is included in Appendix D of the EA. The EA is available on the BLM website at <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=63540&dctmId=0b0003e880aa99b9>.

The Proposed Action was selected over the No Action Alternative because it meets the purpose and need for the action and is consistent with the Basin and Range National Monument Proclamation. By accepting the donation of this easement, the BLM will be better able to ensure that use of the private lands covered by the easement is consistent with the management of the surrounding landscape in Garden Valley as part of the Basin and Range National Monument. As stated in the Proclamation: "The presence of *City* in this stark and silent landscape provides the

visitor a distinctive lens through which to experience and interact with Garden Valley.” The easement ensures the preservation of the scenic values within this area of the Monument. BLM is not assuming any management or any non-discretionary fiscal obligations under this easement.

The No Action Alternative would result in BLM declining to accept the offered donation of the easement. I did not select the No Action Alternative because it would not integrate the easement area into a landscape-scale contiguous management approach for the Basin and Range National Monument.

FINAL BLM DECISION

It is my decision to accept the donation of the easement for conservation from the Los Angeles County Museum of Art as identified in the Proposed Action described in the Environmental Assessment (EA) for the Conservation Easement for *City* in Lincoln County, Nevada (DOI-BLM-NV-L000-2016-0002-EA) and the associated Finding of No Significant Impact (FONSI).

Approved By:

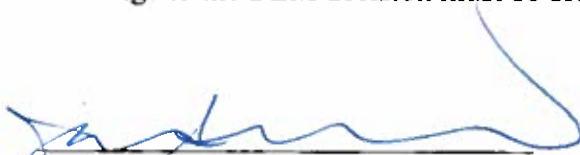


Neil Kornze
Director
Bureau of Land Management

12/6/16
Date

SECRETARIAL APPROVAL OF BLM DECISION

I hereby approve the decision of the BLM. My approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR § 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR 4. Any challenge to the BLM decision must be brought in federal district court.



Janice M. Schneider
Assistant Secretary
Land and Minerals Management
U.S. Department of the Interior

12-7-16
Date