

**Decision Record**  
**For**  
**Stuart Ranch Emergency Closure**  
EA Number NV-052-2008-353

**Conformance:**

I have determined that the proposed action to set an emergency closure on the area known as the Stuart Ranch property is in compliance with the Endangered Species Act and the National Historic Preservation Act. Additionally, I have determined that the proposed action is in conformance with the approved Las Vegas Resource Management Plan and is consistent with the applicable plans and policies of the county, state, tribal and federal agencies.

**Decision:**

The selected action is the proposed action analyzed in Environmental Assessment No. NV-052-2008-353 (EA). The closure will be subject to the terms and conditions of 43 CFR 8364.1 and mitigations set forth in the environmental assessment.

It is my decision to authorize the proposed action identified in EA No. NV-052-2008-353. This decision includes the emergency closure of the area known as the Stuart Ranch property with the exception of: 1. any Federal, State, or local officer or employee in the scope of their duties, 2. members of any organized rescue or fire-fighting force in performance of an official duty, 3. any person authorized in writing by the Bureau of Land Management. This closure would remain in effect until a final management plan for the property can be developed.

**Public Involvement:**

The EA was made available for public comment on July 10, 2008 and comments were accepted from July 12, 2008 to August 22, 2008. The release of the EA was done by posting on the BLM Las Vegas Field Office website and public scoping letters were sent out to 422 recipients including local residents, other federal and state agencies and congressionals.

Four comment letters were received within the scoping timeframe. These comments were considered, addressed in the environmental assessment (Appendix A) and applicable changes were made to the proposed action.

**Rationale for Decision:**

In the finding of no significant impact (FONSI) for the emergency closure of the area known as the Stuart Ranch property, a determination was made that the proposed action identified in the EA will not significantly affect the quality of the human environment and that the preparation of an environmental impact statement is not required.

The proposed action addresses the purpose and need described in the EA. The proposed action was selected over the no action alternative because the proposed action does not result in any undue or unnecessary environmental degradation, is in conformance with the Las Vegas Resource Management Plan, and will deter further degradation of the area.

**Appeal:**

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR 4.4000. If an appeal is taken, you must follow the procedure outlined in the enclosed Form 1842-1., Information on Taking Appeals to the Board of Land Appeals. Within 30 days after your appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's office listed in Item 3 on the form. The appellant has the burden of showing that the decision appealed is in error.

If you appeal this decision, please provide this office with a copy of your Statement of Reasons.

If you wish 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 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 of appeal and petition for a stay must also be submitted to each party by name 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 filed in the 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.

  
Mary Jo Rugwell  
District Manager



12/17/08  
Date