

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Pecos District
Carlsbad Field Office
620 E Greene Street
Carlsbad, NM 88220

DECISION RECORD
for the
**Ochoa Preference Right Lease Final Environmental
Assessment**
NEPA No. DOI-BLM-NM-P020-2015-1016-EA

I. Decision

I have decided to select the proposed action for implementation as described in the March 2016 Ochoa Preference Right Lease Final Environmental Assessment. Based on my review of the Environmental Assessment (EA) and project record, I have concluded that the proposed action was analyzed in sufficient detail to allow me to make an informed decision. The Proposed Action will meet the goals and objectives described in the purpose and need by providing access for the orderly and economic development of potash, an important industrial mineral, in addition to promoting the balanced management of public lands by.

II. Finding of No Significant Impact

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the EA for the Ochoa Preference Right Lease Final Environmental Assessment. I have also reviewed the project record for this analysis. The effects of the proposed action are disclosed in the Environmental Consequences sections of the EA. I have determined that the proposed action as described in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary.

III. Other Alternatives Considered

No reasonable action alternative was substantially different in design or effects from the proposed action for this project. Therefore no other alternative was considered or analyzed.

Other action alternatives were substantially similar in design and had sustainably similar effects to the proposed action alternative analyzed in the EA. Therefore no other alternative was considered or analyzed.

IV. Public Involvement

The Carlsbad Field Office (CFO) publishes a NEPA log for public inspection. This log contains a list of proposed and approved actions in the field office. The log is located in the lobby of the CFO as well as on the BLM New Mexico website (http://www.blm.gov/nm/st/en/prog/planning/nepa_logs.html).

V. Appeals

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with George MacDonell, Carlsbad Field Manager, at 620 E. Greene St., Carlsbad, NM 88220. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the IBLA, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300 Arlington, VA 22203 within 30 days after the notice of appeal is filed with George MacDonell, Carlsbad Field Manger.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition 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 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 1100 Old Santa Fe Trail, Santa Fe, NM 87505.


George MacDonell
Field Manager

3/30/16
Date