

**Decision Record - Memorandum
Gold Butte, Mormon Mesa, and Bunkerville Flats
Temporary Land Closure, Placement of
Temporary Corrals, and Impoundment of
Trespass Cattle
Environmental Assessment**

**Prepared by
U.S. Department of the Interior
Bureau of Land Management
Southern Nevada District Office
Las Vegas Field Office
Las Vegas, NV**

**March 7, 2014
DOI-BLM-NVS010-2014-0020-EA**

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Table of Contents

1. Decision Record	1
1.1. Compliance	1
1.2. Selected Action	1
1.3. Compliance with NEPA:	1
1.4. Rationale:	1
1.5. Appeal or Protest Opportunities:	2
1.6. Authorizing Official:	3
1.7. Contact Person	3

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Chapter 1. Decision Record

*Temporary Land Closure, Placement of Temporary Corrals, and Impoundment of
Trespass Cattle Environmental Assessment*

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1.1. Compliance

The Proposed Action alternative of Environmental Assessment (EA) DOI-BLM-NVS010-2014-0020-EA is in conformance with officially approved plans of other federal, state, local, and tribal governments to the extent those plans are consistent with federal laws and regulations applicable to public lands managed by the Bureau of Land Management (BLM). The Proposed Action and No Action are in conformance with the goals, objectives, and decisions analyzed within the scope of the BLM's Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement (Las Vegas RMP) (1998).

1.2. Selected Action

It is my decision to approve and implement the Proposed Action of EA DOI-BLM-NV-S010-2014-0020-EA. The EA evaluates the impact of implementing the Proposed Action on a variety of resources including Areas of Critical Environmental Concern (ACECs), fish and wildlife, invasive and non-native plant species, lands/access, livestock grazing, migratory birds, mineral resources, rangeland health, recreation, threatened and endangered animal species, and wild burros.

1.3. Compliance with NEPA:

The Proposed Action was analyzed in EA DOI-BLM-NV-S010-2014-0020-EA. I have determined, pursuant to 40 CFR 1508.2, that the Proposed Action, with design features and mitigation measures described in the Finding of No Significant Impact (incorporated herein), will not have any significant detrimental effects on the human environment, and thus does not require the preparation of an Environmental Impact Statement.

1.4. Rationale:

The Proposed Action conforms with the Las Vegas RMP (1998). Analysis from the EA shows that the Proposed Action will have an overall positive impact on the following resources due to the removal of trespass cattle: ACECs, fish and wildlife, invasive and non-native plant species, livestock grazing, migratory birds, rangeland health, recreation, threatened and endangered animal species, and wild burros.

The temporary closure would promote safety and welfare, and protect members of the public, as well as federal agency and contractor personnel conducting impoundment operations. Due to the sensitive nature of this trespass impoundment there may be an increased level of interest and involvement that can disrupt impoundment activities and poses potential safety hazards. The temporary closure is also necessary to protect members of the public from injury by the trespass cattle which are largely feral and could pose a threat to the public-at-large during the impound operation. Without this closure, the public could intentionally or inadvertently enter the lands in proximity to the capture and holding locations and endanger themselves, as well as federal agency and contractor personnel.

The Proposed Action will be carried out in compliance with all the minimization measures described in the EA and FONSI. The BLM will issue special authorizations to holders of commercial Special Recreation Permits and valid mineral right holders that may be impacted by

the temporary closure of public lands within the project area. The special authorization will allow valid permittees to operate on and access closed public lands where they are authorized to operate.

A No Action alternative was considered. Since no unresolved conflicts involving alternative uses of resources or options offering meaningful differences in environmental impacts were identified during the course of this analysis, the range of the two alternatives was considered to be sufficient.

1.5. Appeal or Protest Opportunities:

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 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days of the 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 2801.10 or 43 CFR 2881.10, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, 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 named in this decision and to the IBLA and the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof in demonstrating that a stay should be granted.

Standards for obtaining a stay

Except as otherwise provided for 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 a stay.

1.6. Authorizing Official:



Gayle Marrs-Smith
Field Manager, Las Vegas Field Office

3/10/2014

Date

1.7. Contact Person

For additional information concerning this Finding, contact.

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