

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

Twin Falls District  
Burley Field Office  
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**DECISION RECORD**  
For the  
**Yates Enterprises, LLC**  
**Yates Irrigation Pipeline and Well**  
**IDI-37480**

**Environmental Assessment DOI-BLM-ID-T020-2013-0019-EA**

## **I. Decision**

I have decided to select the Proposed Action for implementation as described in the EA for the Yates Enterprises, LLC, Yates Irrigation Pipeline and Well, IDI-37480, dated July XX, 2013. Based on my review of the EA and project record, I have concluded that the Proposed Action was analyzed in sufficient detail to allow me to make an informed decision. I have selected this alternative because the proposed treatments will allow the applicant to deliver water from an existing well on public land to private lands owned by him. This will allow him to replace his private wells which are failing and keep his farming operation viable.

My decision is in conformance with the Cassia Resource Management Plan of January 24, 1985, which states, in part: “Any valid use, occupancy, and development of the public lands, including but not limited to those requiring rights-of-way, leases and licenses will be considered, subject to applicable environmental review procedures, unless specifically excluded in the plan.” The public lands are managed under the principles of multiple use and sustained yield as required by the Federal Land Policy and Management Act of October 21, 1976, as amended (FLPMA). Further, application processing was guided by the regulations at 43 CFR 2800 and the BLM policies and guidance in the ROW Handbook, H-2800-1.

## **II. Finding of No Significant Impact**

I have determined that the Proposed Action, as described in the EA will not have any

significant impact, individually or cumulatively, on the quality of the human environment. Because there would not be any significant impact, an environmental impact statement is not required. I have reviewed the direct, indirect, and cumulative effects of the proposed activities documented in the EA for the Yates Enterprises, LLC, Yates Irrigation Pipeline and Well, IDI-37480. I have also reviewed the Finding of No Significant Impact (FONSI), which is attached to provide additional detail regarding my review, and the project record for this analysis. I have determined that the Proposed Action, to grant a right-of-way to Yates Enterprises, LLC that will allow them to utilize an existing well on public land and construct, operate, maintain and remove a buried irrigation water pipeline which will facilitate the Holder's delivering of water from said well to private lands owned by him and to replace failing private wells, 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**

Field examination revealed that the physical and environmental characteristics of possible alternative pipeline routes are similar to those of the Proposed Action. The proposed route is the shortest and most direct. Therefore, the only alternative analyzed in the EA is the No Action alternative. The No Action alternative is described on page 6 of the EA. The Proposed Action meets the purpose and need described in the EA and will result in minimal impacts to natural resource values. It represents an appropriate use of the public lands. Accordingly, the No Action alternative was not selected.

### **IV. Public Involvement**

The Proposed Action was presented to the public via the internet. It is listed on the Idaho Bureau of Land Management NEPA register.

### **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 Michael C. Courtney, Burley BLM 15 E 200 S Burley ID 83318.]. 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 Michael C. Courtney.

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. This decision is issued full force and effect, in accordance with the regulations at 43 CFR 2800, and may be

implemented immediately. 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, 960 Broadway Ave., Suite 400, Boise, ID 83706.

/s/ Michael C. Courtney  
Michael C. Courtney  
Burley Field Manager

8/01/2013  
Date