

**United States Department of the Interior  
Bureau of Land Management**

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**DOI-BLM-MT-C020-2016-0008-EA**  
(DOI-BLM-MT-C020-2015-0140-EA)

**May 17, 2016**

**DECISION RECORD**

**BICKERDYKE PIPELINE  
Range Improvement Project**

*Location:* Carter County Montana

T.5 S. R.61 E. Sec. 29  
T.5 S. R.60 E. Sec. 35

U.S. Department of the Interior  
Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301  
Phone: 406-233-2800  
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**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
RECORD OF DECISION  
DOI-BLM-MT- C020-2016-0008-EA**

**DECISION**

It is my decision to select the Proposed Action Alternative as described in the Bickerdyke Pipeline EA (DOI-BLM-MT-C020-2016-0008-EA). The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in the authorization and inspection of the Bickerdyke Pipeline. Complete construction of this pipeline will be completed by the permittee of the Bickerdyke Allotment. Construction will take place on public lands with tanks being located on private land. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Miles City Field Office ARMP, as amended.

**ALTERNATIVES**

In addition to the selected alternative, the EA considered the "No Action" alternative, and would carry out no management activities at this time.

**RATIONALE FOR SELECTION**

The purpose and need for this project is to authorize the installation and maintenance of a half mile of pipeline across BLM administered land on the Bickerdyke Allotment #10177 that will help to improve distribution of livestock use and enhance upland vegetation, while ensuring the habitat needs for the greater sage grouse are met. Additional water sources will allow livestock to access additional forage throughout the allotment and alleviate the concentration of livestock around a limited number of water developments.

The selected alternative meets the purpose of the proposed action by improving riparian health, vegetation, and wildlife habitat. The proposed pipeline will ensure habitat objectives are met and will assist in attaining a conservation gain for sage-grouse across habitats within the Bickerdyke allotment.

The No Action Alternative would result in detrimental actions to greater sage grouse habitat, thus not meeting the purpose and need of ensuring the habitat requirements for the greater sage grouse.

**CONSULTATION AND COORDINATION**

Denver Gilbert, representative for the Butte LLP, was consulted on the development of this project.

**IMPLEMENTATION**

Once the Bickerdyke Pipeline FONSI and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperator. Once this Cooperative Range Improvement Agreement is approved by the Authorized Officer, this gives the Cooperator authorization to proceed with the project.

**RIGHT OF PROTEST AND APPEAL**

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

**§4110.1 Mandatory qualifications**  
**§4110.2-1 Base property**  
**§4110.2-2 Specifying permitted use**  
**§4130.2 Grazing permits or leases**  
**§4120.2 Allotment management plans and resource activity plans**  
**§4120.3-2 Cooperative range improvement agreements**  
**§4130.3 Terms and conditions**  
**§4130.3-1 Mandatory terms and conditions**  
**§4130.3-2 Other terms and conditions**  
**§4130.3-3 Modification of permits and leases**  
**§4160.1 Proposed decisions**  
**§4160.2 Protests**  
**§4160.3 Final decisions**  
**§4160.4 Appeals**

## **RIGHT OF PROTEST AND APPEAL**

### **Protest:**

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager  
Bureau of Land Management, Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice (43 CFR 4160.3(a)). A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

In order to protest a proposed grazing decision, you must be an interested public as defined by the grazing regulations. An interested public is defined as an individual, group or organization that has submitted a written request to the authorized officer to be provided an opportunity to be involved in the decision making process for the management of livestock grazing on specific grazing allotments or has submitted written comments to the authorized officer regarding the management of livestock grazing on a specific allotment.

### **Appeal:**

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 and 43 CFR 4.471, pending final determination of an appeal. The BLM does not accept appeals by facsimile or email. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4). The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office. In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must 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.
- 4) Whether the public interest favors granting the stay.

If you have any questions on this document please contact J. Dean Dolatta, Rangeland Management Specialist, at (406) 233-2835 or Reyer Rens, Supervisory Rangeland Management Specialist, at (406) 233-2866.

Sincerely,

**/s/ Wendy M. Warren 5/18/2016**  
Wendy M. Warren  
Acting Field Manager