

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

DOI-BLM-MT-C020-2016-0087-CX

April 26, 2016

DECISION RECORD

TEMPORARY COURTNEY PIPELINE

Location: Carter County
T. 8 S. R. 62 E. Section 6
T. 7 S. R. 62 E. Section 31
T. 7 S. R. 61 E. Section 35 & 36

**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
FAX: 406-233-2921**



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION
DOI-BLM-MT-C020-2016-0087-CX**

DECISION

Therefore, it is my decision as the Authorized Officer to implement the proposed action of DOI-BLM-MT-C020-2016-0083-CX and authorize a temporary above ground pipeline that will cross approximately 2.5 miles of the Bureau of Land Management (BLM) administered public lands length and place one temporary tank on Bureau of Land Management (BLM) administered public lands. This project is located in Township 8S, Range 62 E., Section 6, Township 7S, Range 62 E., Section 31, and Township 7S, Range 61 E in Section 35 & 36 in the West North Pasture of the Courtney Allotment (10232). The pipeline would connect to an existing private pipeline in Township 7S, Range 62 E., Section 8 NW ¼, and extend across BLM administered lands (Figure 1). The temporary pipeline will be authorized for two grazing seasons for the BLM to complete the analysis of the installation of a permanent pipeline.

In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required under the National Environmental Policy Act (as documented in the attached CX, NEPA Compliance [Section C]).

CONSULTATION AND COORDINATION

The permittee was consulted on the development of this project.

IMPLEMENTATION

Once the Courtney Pipeline is approved, a Cooperative Range Improvement Agreement will 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

§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.

Sincerely,

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